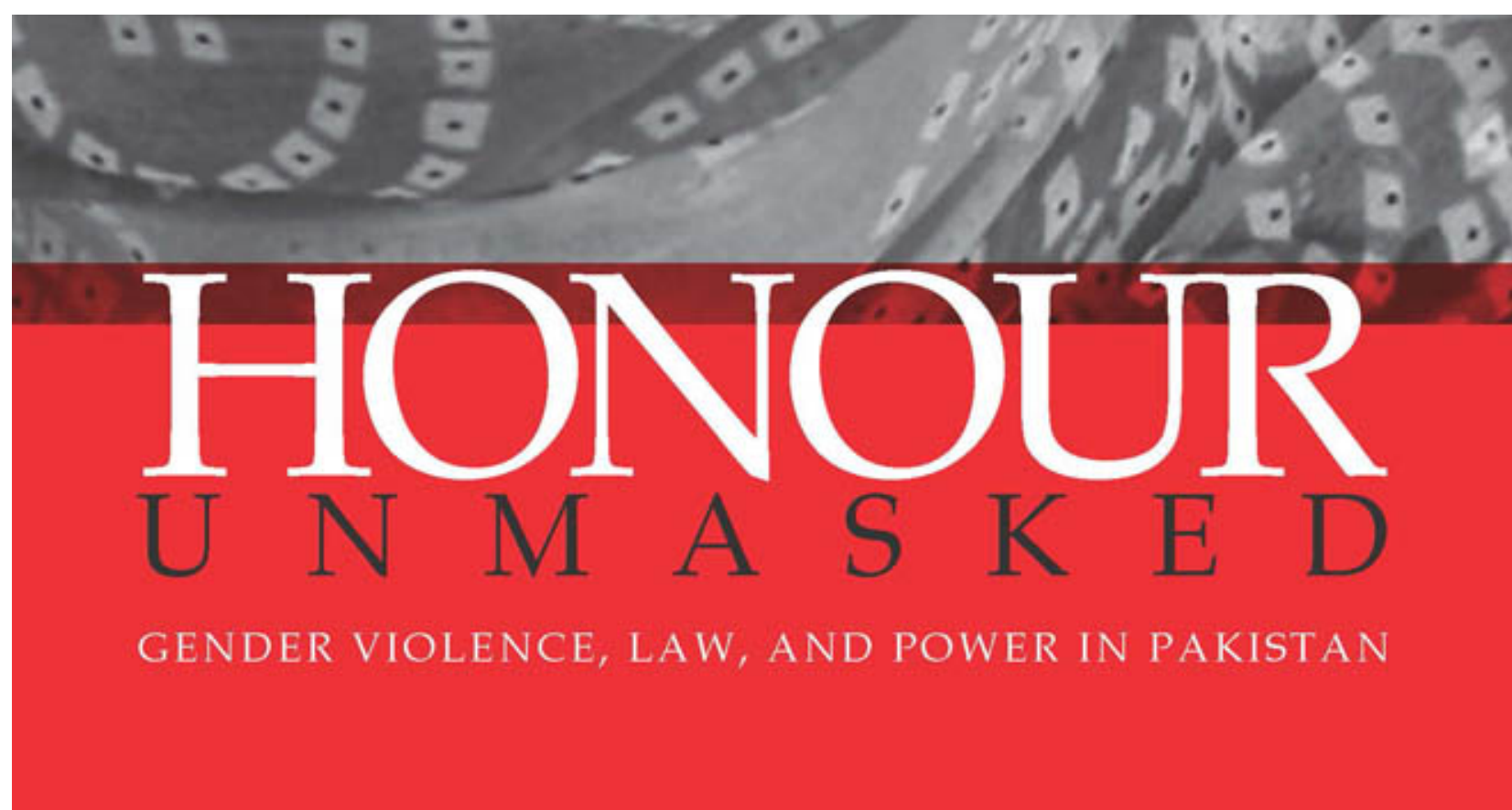



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## Understanding honour killing

Ayesha Khan February 5, 2017 [Leave a comment](#)

Nafisa Shah provides a framework to understand how this ritual killing of men and women functions in modern society


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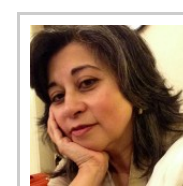

Nafisa Shah, women's rights activist, artist, anthropologist and a member of the National Assembly, was the first journalist to cover honour killings in-depth. Her story broke in *Newsline*, 1993, (it won APNS recognition for the Best Article of the Year) and brought the issue to the attention of the women's movement for the first time.

Since then, she has continued investigating this ritual killing of men and women. It takes place across Pakistan but is most prevalent in her own home region of Upper Sindh (comprising districts of Khairpur (Mir's), Sukkur, Shikarpur, Ghotki, Larkano and Jacobabad). Shah recently completed her PhD thesis from Oxford University on the subject, and her research has now come out as a deeply engaging, insightful and sensitive book about a complex phenomenon that appears to be increasing in recent years.

Shah's analysis provides the framework for us to understand how this so-called ancient tradition functions in modern society. It challenges our notions of what constitutes culture and makes us question the role of the state in recreating and facilitating the practice of honour killings. She writes, "I show that what is formulated as a custom in local discourse is not unchanging but is a dynamic cultural product, perpetually adapting to fit contemporary local contests and social relations." These can be marriage disputes, contests over access to material resources, and "vigilante actions to assert local power".

Through fieldwork conducted mostly while Shah served as Nazim of Khairpur (2001-2005) she collected 60 case studies, involving *karo kari* violence, and extensive archival and legal

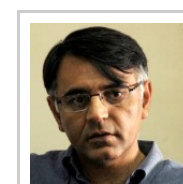
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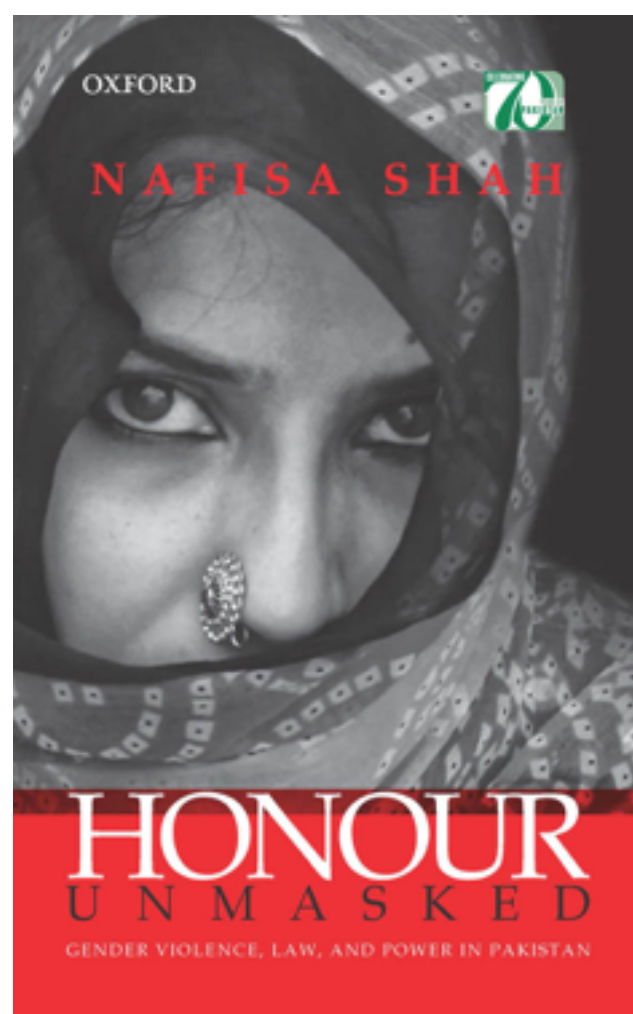
research into how the criminal justice system engages with the practice. Ninety-five per cent of the women were victims of violence by close relatives who were responsible for their protection and custody. The key ideas used to give *karo kari* moral power and social sanction are familiar to most of us. *Ghairat*, the local honour ideology used as a justification for the violence and *avezo*, ideology of exchange and equivalence in marriage and material goods, in particular the promises of *sang* (giving/taking of a woman in marriage) and *sangawatti* (exchange marriage). Perceived social or sexual transgressions, unkept promises, land or debt claims demanding payment, could all be causes for families to feel their honour has been wronged. The result is a case like this:

Abida and Tehmina, two teenage girls live in a village just outside Shikarpur. One day they leave for Sukkur and rumours spread that they have eloped with their cousins. The girls are

**Since independence, the trajectory of state writ over upper Sindh has not changed much on the ground. Nafisa Shah argues that years of military rule strengthened the political and social power of tribes through chiefs and landed elite.**

found and brought home in custody of male relatives. Then the girls go missing. After days of searching, the police discover their crudely buried bodies in their home village and murder is established. Local media turns it into “a spectacle”, describing the state of their corpses in minute detail. Based on the medico-legal examination, the police file their report. The complainant in the case, Tehmina’s brother, implicates nine other male relatives. He then retracts his accusation during the trial, and the judge acquits the accused.

The retraction took place because a settlement was negotiated by the local tribal chief, Sardar Ghaus Bux Mahar, based on the brother’s accusation against one Abdul Rasheed, who was related to Abida’s mother, and whose son Abida did not want to marry. The settlement was based on the understanding that the girls were innocent and Abdul was fined 18 lakhs, which included some land transfer to the girls’ families. Then Abdul Rasheed filed a false case against his original accuser in court, Fazaldin, as a way to “put pressure on him to settle the outstanding issues of the case,” because Fazaldin’s cousins were actually involved in the killing of the girls. Mumtaz Bhutto, also a *sardar*, reversed the original settlement, declared the girls *kari*, and fined the girls’ maternal grandfather, from where they had been returned. The grandfather now owed compensation to the paternal side of the family, who were most likely to have killed the girls because they were betrothed to Abdul Rasheed’s son and his nephew but had run away because the girls did not wish to marry them.



The police and legal system were manipulated by both parties as a means to pressure their opponents and lead to a *faislo*, or settlement, which is the ultimate object of the violence in the first place. Murder falls under the law of *Qisas* and *Diyat*, making it a private matter between parties and not a crime against the state. The victims’ heirs have the option to forgive the accused for the murder, or exact retribution (*qisas*), or demand compensation (*diyat*) thus settling the matter outside of court. The judge in turn feels his job is done if a settlement is reached. In honour violence, the killer is usually the party who feels his *ghairat* has been violated, hence he is the aggrieved (relative of the female *kari*), and the male *karo*, or his relatives, accused of sexual transgression, are forced to pay compensation.

In today’s practice the way Islamic law was incorporated into British law allows families to murder women, and sometimes *karo* men, with impunity. Shah’s research reveals that even earlier, British colonial law facilitated honour violence. As the British imperial power encroached into Sindh during the 19<sup>th</sup> century, their functionaries used the *jirga* system in order to govern indirectly. The tribal system they encountered and declared “barbarous”, including the “revolting practice” of *karo kari*, was perpetuated and strengthened, as the British “incorporated tribal arbitrations into imperial law and recruited tribesmen into the services of the empire in the form of the Sindh Frontier Regulations of 1872.” They empowered a new loyal class of tribal chiefs through their system of indirect rule, creating “new traditional institutions by incorporating old customs into new political contexts.”

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Since independence, the trajectory of state writ over upper Sindh has not changed much on the ground. Shah argues that years of military rule strengthened the political and social power of tribes through chiefs and landed elite, who were permitted “to exercise quasi administrative and judicial powers in their areas,” with some assistance from state functionaries. Zia’s introduction of *Qisas* and *Diyat* laws had the effect of allowing the complainant to steer the course of justice. “A mixture of western legal procedures and Islamic laws gives ample room for private mediation.” It is an example of the law perfectly accommodating the crime.

Shah has compiled data from 1,482 registered cases over 1995-2004, in which over 1,600 men and women died. Only three per cent of them ended in convictions, because the law directly facilitates acquittals and compromises. In fact, the criminal justice system and state officials work in collusion with kin-based power networks in local areas, such that the prevalence of honour violence has escalated since Islamic laws were introduced. In short, a political economy of honour violence has developed. This is why activists find the problem so intractable and legislators cannot seem to create laws to curtail these crimes.

The new Honour Killing Act 2016 does not do away with the applicability of *qisas* and *diyat*, which activists had recommended, and gives judges ample room to decide if a murder has been committed in the name of so-called honour or not. If the judge decides it is an honour crime, or the accused confesses, then the guilty party has a mandatory life sentence. Out of the few cases that make it to trial, the accused will simply deny that they killed for honour.

But, as Shah’s work has shown, more often than not the state and criminal justice system work in tandem with local systems and help to bring about *faislos*, or mediated settlements. In some cases, even politicians have a role to play; they pass legislations in Islamabad, and mediate *faislos* when they are home in their constituencies.

Nowhere in the series of events that unfolds around the murders do we hear the voice of the “*kari*” women and girls. Their death is taken as evidence of their guilt, families and communities are complicit in the silencing of their voices. Shah’s rendering of their tragic stories reminds us of our responsibility to do them justice.

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## **Honour Unmasked Gender Violence, Law, and Power in Pakistan**

**Author: Nafisa Shah**

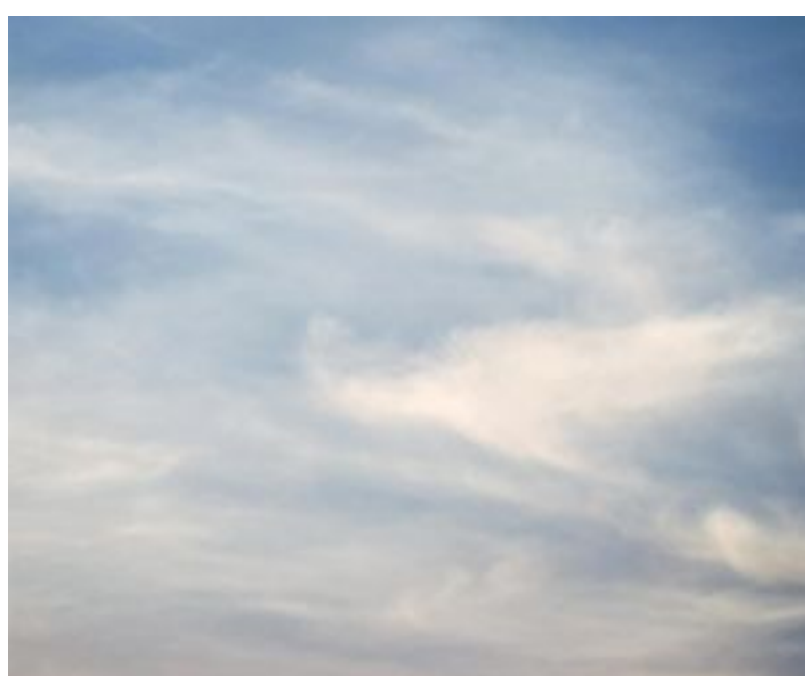
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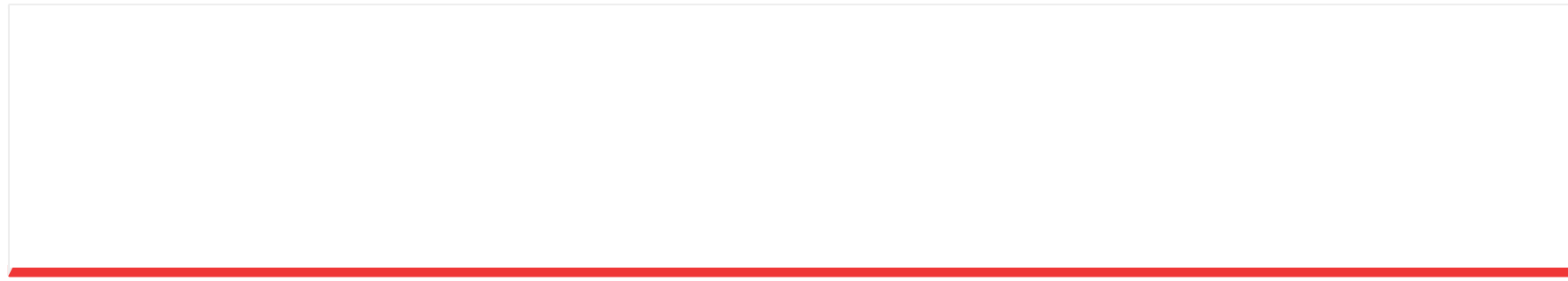
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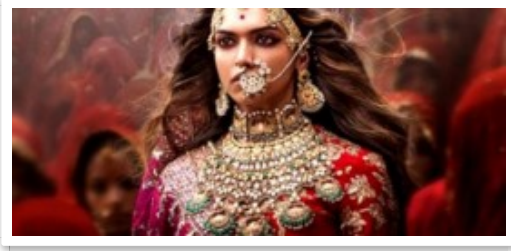




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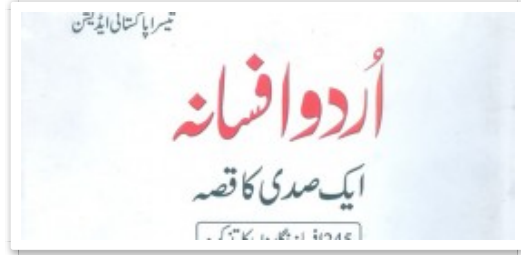


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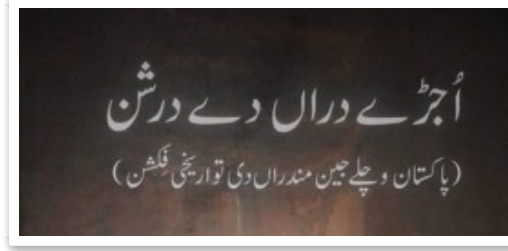
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