

# ANNOTATED BIBLIOGRAPHY ON ‘CRIMES OF HONOUR’

## Preface

This annotated bibliography was originally prepared under the auspices of the Project on “Strategies of Response to Crimes of ‘Honour’”, jointly co-ordinated by CIMEL (Centre Of Islamic and Middle Eastern Law) and INTERIGHTS (International Centre for the Legal Protection of Human Rights) over the period 2000-2005. The most recent update has been completed in July 2013. The Bibliography includes annotations of published material, both general and regional, from several countries (in Africa, the Americas, Europe, Middle East/North Africa and Asia/South Asia). Within the geographical sections, entries are further divided between books & articles and reports, studies & comments.

The co-directors of the Project, Lynn Welchman, then Director of CIMEL, and Sara Hossain, then Legal Officer (South Asia) at INTERIGHTS, acknowledged the work of Sanchita Hosali, Research Assistant, as well as Fouzia Khan and Samia Bano, former Research Assistants on the Project, in producing the original versions of this bibliography. For the most recent update, Lynn Welchman would like to acknowledge the work of Libera Chiara D’Acunto, an intern at CIMEL. Thanks also go to the following people who have volunteered in preparing annotations and in suggesting further sources during the different phases through which the Bibliography has passed to date:

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### AIMS

This bibliography aims to assist those working to combat crimes of 'honour' by facilitating research and the development of strategies of response. We invite comments from users regarding possible improvements and additions to the bibliography, as it is clearly not exhaustive, and we hope to continue to update it to increase its usefulness as a tool for advocacy and research.

### SUGGESTIONS FOR CHANGE

We should underline that the annotations are the work of the project and its follow up, not of the cited authors of the various items. If any of the authors, or others, feel that we have misunderstood the substance of the piece, or missed out critical points, please do contact us at the email below with corrections and we will ensure that the annotation is amended accordingly.

Please send any suggestions for changes or additions to the bibliography (indicating where such materials might be located) by email to [cimelhcp@soas.ac.uk](mailto:cimelhcp@soas.ac.uk), citing ‘changes/additions to bibliography’ as the subject title.

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## 1. GENERAL

### - Books & Articles

#### **NEW ENTRY**

**Abu-Lughod, L., “Seductions of the ‘Honor Crime’”, *Differences: A Journal of Feminist Cultural Studies*, vol.22 no.1, 2011, pp. 17-63.**

This paper investigates the possibility of tackling the issue of ‘honour crimes’ without stigmatizing entire cultures or ethnic communities, and in particular without perpetuating a negative image of Islam. One particular focus is what people mean by ‘honour’. The author tells about her experience in the Egyptian Bedouin community where ‘honour’ is a key moral value and she wonders whether a moral system that sets the ideals for the public and private behaviour of men and women should be simply reduced to a form of patriarchal oppression of women that leads to violence. A critical examination of human rights organizations reports, popular literature and scholarship on the issue, produced in the last decade and half, is provided. The author uses the expression of “compulsions of liberal fantasy” to demonstrate, also through alleged or supposed cases of misattribution, the tendency in scholarship and campaigns to treat the ‘honour crime’ as a distinctive and specific cultural complex, with the risk of manipulating the category, finding honour crimes where they do not exist (here the author is referring particularly to Western popular media), as a result of the fantasy and seduction of the ‘honour crimes’ for Western audiences. She states that one must be cautious about the easy association of love, sex, freedom and individual rights, and the association of all of these with the modern West. By adopting such an approach ‘honour crime’ produces strong distinctions, stressing the superiority of a liberal and liberating West as opposed to a backward and repressive East. According to the author, one should not blame culture because the ready availability of the cultural category can mask more complex truths and also because such an approach leads us to ignore the dynamism of historical and political transformation of women, families and every day cultural and social life and experience. The author, as an anthropologist, concludes that we should go deeply into the moral systems which differ across cultures and change over time and analyse them in connection to forms of economy and society, as well as in light of the political and the legal institutions through which everyday life proceeds.

**Abu-Odeh, L., ‘Comparatively Speaking: The “Honor” of the “East” and the “Passion” of the “West”’, *Utah Law Review*, (1997), 287-307.**

The author describes dishonouring as a “collective injury” in which daughters and sisters, not only wives and girlfriends (or ex-wives and ex-girlfriends), are victims. In contrast, a crime of passion is an “individual injury” and a result of sexual jealousy. Whereas Arab laws have tended, more recently, to diminish the relevance of emotion in penalty reductions for honour crimes, the “West” has essentially moved in the opposite direction; a “humanizing” movement toward accounting for emotions replaced a prior emphasis on more honour-based contexts of defence. This movement, however, has perhaps increased the danger of violence to women, as it had more often been the paramour who was likely to be killed in the honour/provocation context. Both honour and passion allow for retaliation against a “broad spectrum of actions”. The defence of passion in US Penal Codes may be based on a narrow interpretation requiring an observation of the victim in a sexual act or a broader interpretation of such passion being sufficiently elicited by a belief (whether true or not) on the part of the aggressor that his partner has become sexually engaged with another. Likewise, the defence of honour across a variety of Arab Penal Codes may be applied to crimes committed in response to a range of women’s behaviours which may provoke suspicion or be perceived in and of themselves as an affront to the violating group’s or person’s honour. The author argues that the violence of each reveals the somewhat contradictory fallacies that the “East is different from the West” and that “violence against women all over the world is the same.” She concludes that the honour of the "West" is the passion of the "East", and vice-versa, in that the provocation defence formerly relied upon in the common law of the "West" required the restriction of *flagrante delicto*. This

restriction is the 'passion' element of the Arab Penal Codes; without it the crime is only defensible as one of honour. The author describes parallel "structural pairings" to "honour vs. passion" of "justification vs. excuse", "objective vs. subjective standards", and "judge/law vs. jury".

#### **NEW ENTRY**

**Abu-Odeh, L., 'Honor: Crimes of', pp. 221-222, in S. Joseph (ed.), *Encyclopedia of Women and Islamic Cultures*, Vol. II: Family, Law and Politics, Leiden-Boston: Brill, 2005**

The author provides an overview of the 'crimes of honour' in the Muslim context. She begins by defining 'honour killing' and wondering whether countries where passion crimes occur should be treated as distinct from those where honour crimes occur. She also raises the issue of the "cultural defense" which may arise in relation to honour killings occurring within immigrant communities living in the West. The author considers honour killings in the context of Islamic law, by comparing the position of certain jurists who treated as legitimate, on the basis of "provocation" or of "the duty to fend off sin", the killing by private individuals of a married person caught committing adultery, with the liberal Muslim response to honour killings, who hold that this practice is un-Islamic. Regarding modern law, the author underlines that Arab penal codes differ in their regulation of the issue: depending on the kind of excuse they offer and to what kind of male perpetrator, they can be more accommodating of the idea of honour or of that of passion.

#### **NEW ENTRY**

**Abu-Odeh, L., "Honor: Feminist Approaches To", pp. 225-227, in S. Joseph (ed.), *Encyclopedia of Women and Islamic Cultures*, Vol. II: Family, Law and Politics, Leiden-Boston: Brill, 2005**

This entry focuses on the various kinds of feminism an activist or scholar adopts and how that influences the way he/she understands the wrongs of crimes of honour and relates it to other cultural phenomena. Keeping this in mind, the author specifically elaborates on three types of feminists: Liberal, Radical and Poststructuralist. She also juxtaposes them together and draws out their similarities as well as their distinctiveness.

**An-Na'im, A., 'State Responsibility under International Human Rights Law to Change Religious and Customary Laws' in Cook, R. J., (ed.), *Human Rights of Women: National and International Perspectives* (Philadelphia: University of Pennsylvania Press, 1993), 167-188.**

International human rights mechanisms must be invoked to ensure that customary practices or religious laws do not violate the rights of minorities within communities. The practice of some forms of Islamic family law, for example, may lead to the violation of women's rights within certain Muslim communities. However if real change is desired then the application of human rights mechanisms must work in conjunction with dialogue with and between communities. Furthermore, the human rights discourse has adopted a 'western' approach whereby notions of 'rights' and 'culture' have been defined by the West creating what seems to be a 'cultural legitimacy' of human rights. A new approach to the relationship between local culture and human rights standards is outlined which seeks to open dialogues between international human rights standards and local communities as a way of changing certain oppressive traits of religious and customary laws and thus ensuring conformity with international law.

#### **NEW ENTRY**

**An-Na'im, A., "The role of 'community discourse' in combating 'crimes of honour': preliminary assessment and prospects", pp. 64-77, in Welchman L. and Hossain S. (eds.), *'Honour': Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This chapter seeks to develop a clearer understanding of the possibilities of initiating and promoting internal community-based dialogue about the values and social institutions underlying 'crimes of honour'. The chapter explores the need for identifying agents of positive social change, and encouraging and

supporting them in their efforts to challenge the legitimacy of social norms and practices associated with 'honour crimes'. The central aim of the chapter is to contribute to a scholarly understanding of advocacy for social change in relation to 'honour crimes'.

**Asamoah, Y., 'Women's Human Rights and "Honor Killings" in Islamic Cultures', *Buffalo Women's Law Journal*, Volume 8 (1999/2000), 21-22.**

This article briefly advocates the use of international human rights law, particularly CEDAW, in addressing 'honour killings'. Drawing on the findings of an Amnesty International report (Amnesty International, *Pakistan: No Progress on Women's Rights*, September 1998, AI Index: ASA 33/13/98), the article provides examples of 'honour killings', including the case of Samia Sarwar in Pakistan. It notes that in the countries where 'honour killings' take place there is often government indifference to the plight of women. The article notes that "western" proposals for the solutions to "eastern" human rights violations which are sanctioned by deep cultural traditions – such as 'honour killings' – often involves the conflict between these traditions and western concepts of justice. The article asserts that acceptance of the universal nature of elimination of discrimination against women is required to combat abuses of women's human rights, including 'honour killings'. Thus governments that have not already done so should be urged to ratify the International Convention on the Elimination of All Forms of Discrimination Against Women.

**Baker, N. V., Gregware, P. R. & Cassidy M. A., 'Family Killing Fields: Honour Rationales in the Murder of Women', *Violence Against Women*, 5 (2) (February 1999), 164-184.**

The authors of this study focus on the 'basic elements' of honour rationales in the murder of women, comparing the patterns of conduct in both traditional cultures and English speaking countries, to establish that such rationales are a 'world wide phenomenon'. In their comparative assessment of honour and the killing of women, the authors examine three elements: control over female behaviour, feelings of shame experienced by the female's family when control is threatened, and the involvement of the community. The authors assess the existence of these elements in certain intimate-perpetrated femicides in English-speaking western states, concluding that while honour undergoes a transformation in these contexts, particularly with the weakening of the community element, "the fact that honor is not an overt rationale for many femicides in the West does not negate its significance as a possible explanatory factor."

#### **NEW ENTRY**

**Connors, J., "United Nations approaches to 'crimes of honour'", pp. 22-41, in Welchman L. and Hossain S. (eds.), *'Honour': Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This chapter provides an overview of the approach to violence against women by the UN, indicating how specific forms of violence against women have been addressed within its framework. It describes developments in this area since the Fourth World Conference on Women held in Beijing in September 1995 and traces the emergence within the UN of efforts to address 'crimes of honour' as a single-issue concern. In particular the chapter draws on the work of the bodies monitoring the implementation of the major human rights treaties, as well as examining the work of extra conventional mechanisms such as the Special Rapporteurs of the UN Commission on Human Rights, before moving on to consider the role of UN political bodies such as the General Assembly.

**Coomaraswamy, R. and Kois, L., 'Violence Against Women' in Askin, K. D. and D. M. Koenig (eds.), *Women and International Human Rights Law*, Volume 1 (New York: Transnational Publishers, 1999), 177-286.**

This chapter sets out the international legal framework related to state obligations to address violence against women. It describes the various manifestations of violence against women and the legal responses to such violence. Violence against women in the family can take various forms and is often located within

the patriarchal power relations of a marriage. Studies illustrate the prevalence of domestic violence and marital rape. Domestic violence is utilized by both formal and informal actors to control women by controlling the one space universally inhabited by women -- the home. Violence within the community is also prevalent, where sexual offences are often condoned by the state through failure of intervention and inaction.

**Coulson, N., 'Regulation of Sexual Behaviour under Traditional Islamic Law' in Al-Sayyid-Marsot A. L. (ed.), *Society and the Sexes in Medieval Islam* (Malibu, California: Undena, 1979), 63-68.**

Traditional Islamic law stipulates strict codes of behaviour in relation to sex and sexual behaviour. According to the author, there exists no distinction between law and morality. Lawful sexual relations take place only within a legal marriage. Other sexual relations are criminalised. In general terms, Islamic criminal law is a two-tier system. The higher tier consists of certain defined offences entailing fixed punishments and known as *hadd* offences. The lower tier consists of all other offences, broadly categorized as less serious versions of the *hadd* offences, considered to fall within the *tazir* ('deterrent') jurisdiction. Here, the determination both of the offence and of the punishment is a matter for the discretion of the authorities, executive and judicial.

**Goodwin, J., *The Price of Honour: Muslim Women, Lift the Veil of Silence on the Islamic World* (London: Warner Books, 1995).**

This book examines how the concept of honour in a number of Muslim countries may affect Muslim women. 'Honour' is defined as a mechanism to control female sexuality and ensure gender segregation through the operation of 'purdah'. Women's basic rights to education and employment and within the family and community are therefore severely curtailed. The book comprises of country studies including Pakistan, Iran, Afghanistan, Iran, Kuwait and Egypt. One particular focus of the book is the relationship between militant repressive governments in these particular countries and the emergence of 'political Islam' which has led to the restriction of autonomy and choice for Muslim women.

**Hassan, R., 'Feminism in Islam', in Young, S. and Young, K. (eds.), *Feminism and World Religions* (New York: State University of New York Press, 1999), 248-278.**

This chapter examines the 'original' source texts of Islam (in particular the Qur'an and the Hadith) to challenge the historical absence of women within Islamic thought and to question the continued subordination of Muslim women under the guise of Islam. The author examines key Islamic texts and questions theological debates to consider why women are defined as 'unequal' and 'inferior'. Central to these ideas are the patriarchal constructions of 'honour' and 'shame' which seek to control female sexuality. For example, in traditional Arab society, women embodied the 'honour' of the family and community and this honour was directly linked to ideas of women's chastity or sexual behaviour. The term '*ird*' was used to symbolise female honour and if women were seen to transgress this honour they were often killed. This practice of killing women in the name of honour continues in many Muslim countries today as women's sexuality is seen to be vitally related to men's honour and self-image in Muslim culture. A Muslim theology both for Muslim women and men is outlined which challenges the male interpretation of Islam and asserts that universal fundamental human rights values exist in Islam.

#### **NEW ENTRY**

**Husseini, R., "A comparative study of the reform work conducted in Asia and Europe to combat violence and 'so-called' honour murders", pp. 154-167, in Idriss M. M. and Abbas T. (eds.), *Honour, Violence, Women and Islam*, Oxon: Routledge, 2011**

This chapter provides a comparative overview of activism in various countries aimed at reducing honour-related violence (HRV) crimes as well as amending laws regulating punishment for the perpetrators of

such crimes. This activism incorporates not only civil society but also media and government officials as well as the judiciary. The author starts with the example of Jordan (including a focus on civil society activism) and then briefly considers reform processes in countries such as Syria, Turkey, Palestine and the Palestinian community in Israel, and Pakistan. The author then points out that such activism is not limited to countries of the global South but has also extended to raising awareness of HRV perpetrated within migrant communities living in Western countries. The author, for this purpose, quotes Sweden for being one of the leading countries to have highlighted HRV and elucidates the various steps Sweden has taken to combat it. Similarly, the example of UK and Germany are also given by the author to elaborate on how both countries have focused on strategies to address honour crimes. The author concludes by touching upon the various HRV issues which are being worked on by governments and NGOs, and also makes various suggestions for the better protection of women and improvement of social services for abused women.

#### **NEW ENTRY**

**Idriss, M. M., “Honour, violence, women and Islam – an introduction”, pp. 1-15, in Idriss M. M. and Abbas T. (eds.), *Honour, Violence, Women and Islam*, Oxon: Routledge, 2011**

This introductory chapter sets out to outline the main objectives and rationales of the book as well as the book’s contribution to social-legal understanding and public policy in general. As this chapter gives a brief overview of the book, it touches on various aspects such as definition of honour and dishonour, preponderance of female victims, misconceptions of HRV etc. The chapter then sets out to elaborate on the following chapters of the book, whose authors are all distinguished practitioners, academics and professionals in law, sociology, criminology as well as human rights activists. In conclusion, the author elaborates on the suggestions for reform, set in the UK context but equally applicable to other international countries, which can be classified under three headings: Legislative and Other Legal Reforms, Preventative Reforms and Protective Reforms.

**Leader-Elliott, I., ‘Passion and insurrection in the law of sexual provocation’, in Naffisen, N., and Owens, R.J., *Sexing the Subject of the Law* (Sydney: Sweet and Maxwell, 1997), 149-169.**

The chapter examines the “sex and sexuality” of the plea of provocation, and its current application in Australian courts. A brief historical review of the earlier English law on adultery and theft is followed by a consideration of the relatively recent development of the modern law on provocation, which finds that “sexual provocation is a cultural defence which transcends religion or ethnic origin, and claims for itself a constituency almost exclusively masculine.” The author also considers court-imposed limits on the right of self-defence when a woman kills her violently abusive partner, and the evidence needed to establish loss of self control. The author’s question to the reader in conclusion is whether, in light of the evidence, sexual provocation should reduce murder to manslaughter.

**Lehr-Lehnardt, R., ‘Treat Your Women Well: Comparisons and Lessons from an Imperfect Example across the Waters’, *Southern Illinois University Law Journal*, Spring, (2002) p. 403.**

This article compares the forms of domestic violence experienced by women in Arab countries specifically as a consequence of *ta’ah* and ‘honour killings’, to the domestic violence experienced by women in the United States. The author defines *ta’ah* as a *shari’ah* requirement that demands a wife's strict obedience to her husband and allows a husband to beat a wife if she does not obey him. Lehr-Lehnardt attributes the origins of wife obedience requirements in both societies to specific passages from religious texts. She then compares the “heat of passion defence” currently used in some USA states with provisions in various Arabic penal codes which are used to protect the perpetrators of ‘honour killing’. The author argues that the laws affecting victims of domestic violence in the Middle East should be altered to protect women, with a view to using American legislation as an example of how to pursue such reforms.

**Mahmud, J., 'Crimes against Honour: Women in International Refugee Law', *Journal of Refugee Studies*, Vol.9, No.4, (1996).**

This article examines two perspectives concerning refugee women in legal literature. One perspective argues that sex should be included in the Refugee Convention definition, of a ground of persecution and that the concept of 'persecution' itself should be reformulated to incorporate the experience of women. The second perspective argues that a distinction must be drawn between a persecutory ground and that issues relating to sex can be better addressed within the legal structures which currently exist. The article first provides a backdrop to the debate which discusses sexual violence and other forms of violence against women which exist in the refugee context; then gives a detailed exposition of both perspectives; discusses relevant practice in the area with reference to the Canadian experience; and finally provides comparisons and conclusions.

**Mayer, A. E., *Islam and Human Rights: Tradition and Politics*, Third edition (Boulder: Westview Press, 1999), 106-113.**

This section, part of a chapter entitled 'Restrictions on the Rights and Freedoms of Women', deals with the Universal Islamic Declaration of Human Rights (UIDHR). The author argues that the UIDHR denies women a number of rights and freedoms under the guise of applying Islamic principles. She addresses disparities between the English and Arabic versions of the Declaration and compares various UIDHR provisions to their counterparts in the Universal Declaration of Human Rights (UDHR). Article 19(a) of the UIDHR qualifies the entitlement to marry - unqualified in international law - by indicating that rules of the shari'a will impose restrictions. However, while the UIDHR contemplates retaining various pre-modern shari'a rules that impose restrictions on women, it provides in Article 19(i) that no one may be married against his or her will. As forced marriages do still take place, despite widespread prohibitions on compulsion in many modern personal status laws, the author credits the UIDHR with supporting the idea that as a matter of Islamic principle no one should be compelled to enter a marriage.

**Mojab, S. and Abdo, N., *Violence in the Name of Honour: Theoretical and Political Challenges* (Istanbul: Bilgi University Press, 2004).**

This book contains the contributions of participants at a seminar, organised by the Consulate General of Sweden in Istanbul, and titled 'International Seminar on Violence in the Name of Honour' (4-6 December 2003). The first section of the book - 'Theoretical Explorations of Honour Killings' - methodologically and theoretically examines honour violence, including considering prevention, short and long term intervention, post-colonial contexts and the need for contextualisation. The second section examines the 'Community Struggle against Honour Killing focusing on activities in Turkey and Sweden. The third section - 'State Responses to Honour Killing' - begins by focusing on the relevant norms of international human rights and implementing and enforcing these at national levels to address honour violence, and includes a keynote address by Yakin Erturk (UN Special Rapporteur on Violence against Women). Other papers in the section focus on the initiatives of the Swedish government and police and how Swedish courts have tried cases and their media treatment. The final section of the book is an appendix containing a short list of recommended resources on women and violence, and the original programme for the seminar.

**Moxnes, H., 'Honor and Shame' in Rohrbaugh, R. L. (ed.) *The Social Sciences and New Testament Interpretation* (Mass.: Hendrickson, 1996), 19-40.**

This article focuses on the concepts of 'honour' and 'shame' within Mediterranean societies, and the critical role they play in shaping social-public life, particularly in contrast to Western societies where these concepts are of secondary importance and strictly considered within each individual's personal sphere. It argues that as family, clan and lineage are constituent elements in Mediterranean societies, in contradistinction with the Western individualistic societies, the 'honour' and 'shame' regime essentially reduces women to a position where they are viewed as potential sources of shame. The author surveys

major socio-anthropological studies on 'honour', 'shame' and related precepts in the Mediterranean, and refers to the significance of these concepts or their variants in ancient Greek and Roman societies.

#### **NEW ENTRY**

**Sen, P., “ ‘Crimes of honour’, value and meaning”, pp. 42-63, in Welchman L. and Hossain S. (eds.), *‘Honour’: Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This chapter begins by noting the widespread international concern around 'crimes of honour' and the apparent association with Islam, particularly in the post September 11th context. However the chapter asks if there are in fact features of crimes and killings of honour that are actually specific to given contexts and cultures and how can this be said in such an unfavourable climate? And if they are indeed specific to given cultural contexts how, if at all, is it possible to have international co-operative work against such practices? In addressing these questions, this chapter recalls relatively recent western interest in codes of honour and a continuing current interest from diverse quarters in the value of honour. It traces the elements of colonial problematising of native gender relations, which cemented both the assumed moral superiority of the west over the rest and the existence of an intense eye upon 'other' cultures that were deemed to be in need of changing their gender relations to become modern and enlightened. Such discourses continue to shape and complicate the possibilities for not only international alliances but also for the safety and reception of indigenous voices that contest crimes of honour. Despite these difficulties, and perhaps illustrating some of them, the illegitimacy of crimes of honour has surfaced strongly within the human rights framework, which the chapter briefly traces. These difficulties are explored and a number of ways in which alliances are and can profitably be forged to address the practice are presented.

**Thomas, D. Q. and Levi, R. S., ‘Violence Against Women: An Introduction’ in Askin, K. D. and Koenig D. M., (eds.), *Women and International Human Rights Law* (New York: Transnational Publishers, 1997), 139-176.**

This chapter details diverse forms of violence against women in a number of countries. It highlights how violations against women may possess certain similarities worldwide yet the manner in which women experience mistreatment differs vastly within and between different countries. A number of country studies illustrate the varied nature of violence and abuse directed at women, including domestic violence, custodial abuse and employment discrimination, which transcend cultural, ethnic, religious and class divisions. The state is reluctant to intervene, often colluding with the perpetrators or failing to provide adequate protection for women. Discriminatory family laws are often justified in the name of tradition. Crimes in the name of 'family honour' are documented in a number of countries.

#### **NEW ENTRY**

**Welchman L. and Hossain S., “Introduction: ‘Honour’, rights and wrongs”, pp. 1-21, in Welchman L. and Hossain S. (eds.), *‘Honour’: Crimes, paradigms and violence against women*, London: Zed Books, 2005 – available at [http://eprints.soas.ac.uk/3446/1/Welchman and Hossain, 'Honour', rights and wongs 2005.pdf](http://eprints.soas.ac.uk/3446/1/Welchman_and_Hossain,_'Honour',_rights_and_wongs_2005.pdf)**

The introduction begins with an overview of the CIMEL/INTERIGHTS Project on Strategies to Address 'Crimes of Honour', the project under which this book was initiated. The introduction sets out several recurring themes that have run through the project as a whole, and in the ongoing work by project partners within their particular contexts, including the uses and meanings of the phrase 'honour crimes', before proceeding to consider comparisons that are made with 'crimes of passion' and the issue of the partial defence of sexual provocation. Consideration is then given to the current popular association of 'crimes of honour' with Muslim majority societies or communities, despite the widespread incidence of such crimes, and recent struggles to combat them, among Christian majority communities in Latin America or Southern Europe, as well as more ongoing efforts among Hindu and Sikh communities in India. The complications that such associations bring for the work of local actors engaging in combating violence against women is examined, and the particular challenges to addressing 'honour crimes' occurring among religious minorities

within multicultural societies. The antecedents of such crimes in colonial legislation and the latter's continuing impact is also assessed. The introduction concludes by raising questions, seeking responses to which informed the beginning of the project, and which are of continuing relevance in the struggle to eliminate violence against women.

**Youssef, N., 'Cultural Ideals, Feminine Behaviour and Family Control', *Comparative Studies in Society and History*, 15(3) (1973), 326-347.**

This article highlights the importance of the structural context of family behaviour to explain the considerable dissociation in Latin America between values related to family organisation and the way women behave in actuality. Family organisation in Latin America is noted for its strong familism, patriarchalism and a tradition of male domination and the subordination of women. The family, as the primary source of identity, controls individual behaviour through the social value of honour. Family honour is linked to the interdependent characteristics of the manliness of the man (*machismo*) and sexual purity of the woman (*verguenza*). It is expected that a social system in which the security of a man's honour lies in the sexual purity of his female relatives will engender within its very structure rules confining women to a traditional role of marriage and motherhood. However, data from Latin America in the 1960s demonstrates female behavioural patterns relating to age at marriage, births outside marriage, literacy and education standards and participation in the labour force, all of which are incongruent with normative prescriptions. In contrast, data from Middle Eastern countries is presented which illustrates that most of the normative expectations regarding the female role are being met. This article further argues that women's behaviour in Latin America diverges from cultural norms as the monolithic system of family authority and institutionalisation of ideal family norms have been weakened by two primary factors: the impact of the Spanish conquest and the influence exercised by the Catholic clergy. These situational circumstances have enabled a range of alternative behavioural patterns for women to supercede the single traditional role circumscribed by culture and sustained by family ideals.

### **- Reports, Studies & Comments**

(PLEASE NOTE THAT ANNOTATIONS OF THESE ITEMS HAVE NOT YET BEEN COMPLETED, SO ONLY THE TITLE HAS BEEN INCLUDED FOR THE MOMENT)

#### **NEW ENTRY**

**Amnesty International, *Culture of Discrimination: A Fact Sheet On 'Honor' Killings – 2011* – available at [www.amnestyusa.org](http://www.amnestyusa.org)**

#### **NEW ENTRY**

**Bauer, J. and Helie A., *Documenting Women's Rights Violations by Non-State Actors: Activist Strategies from Muslim Communities*, International Centre for Human Rights and Democratic Development and Women Living Under Muslim Laws, 2006, Canada – available at <http://www.wluml.org/sites/wluml.org/files/import/english/pubs/pdf/misc/non-state-actors.pdf>**

#### **NEW ENTRY**

**CIMEL/INTERIGHTS, *Roundtable on Strategies to Address 'Crimes of Honour': Summary Report*, WLUML, Occasional Paper No. 12, November 2001 – available at [http://www.utoronto.ca/wddl/bibliography\\_honour/honour\\_cimel\\_interrights\\_wluml\\_OCP12\\_roundtable.pdf](http://www.utoronto.ca/wddl/bibliography_honour/honour_cimel_interrights_wluml_OCP12_roundtable.pdf)**

**NEW ENTRY**

Fisk, R., "The crimewave that shames the world", *The Independent*, 7 September 2010 – available at <http://www.independent.co.uk/voices/commentators/fisk/robert-fisk-the-crimewave-that-shames-the-world-2072201.html>

**NEW ENTRY**

Greiff, S., *No Justice in Justifications: Violence against Women in the Name of Culture, Religion and Tradition*, The Global Campaign to Stop Killing and Stoning Women, Women Living Under Muslim Law, Rochelle Terman, 2010 - available at [http://www.peacewomen.org/assets/image/News/vaw\\_stop-killing\\_violence\\_against\\_women\\_in\\_the\\_name\\_of\\_culture\\_religion\\_and\\_tradition\\_2010.pdf](http://www.peacewomen.org/assets/image/News/vaw_stop-killing_violence_against_women_in_the_name_of_culture_religion_and_tradition_2010.pdf)

**NEW ENTRY**

Human Rights Watch, *The Human Rights Watch Global Report on Women's Human Rights, Human Rights Watch Women's Rights Project*, New York, 1995 – available at <http://www.hrw.org/sites/default/files/reports/general958.pdf>

**NEW ENTRY**

Kiener, R., *Honour killings: Can murder of women and girls be stopped?*, CQ Global Researcher Report, 2011

**NEW ENTRY**

Mayell, H., "Thousand of Women Killed for Family Honor", *National Geographic News*, 12 February, 2002 – available at [http://news.nationalgeographic.com/news/2002/02/0212\\_020212\\_honorkilling.html](http://news.nationalgeographic.com/news/2002/02/0212_020212_honorkilling.html)

**NEW ENTRY**

Rose, J., "A Piece of White Silk", *London Review of Books*, Vol. 31, No.21, 5 November 2009 – available at <http://www.lrb.co.uk/v31/n21/jacqueline-rose/a-piece-of-white-silk>

UNICEF, 'Early Marriage: Child Spouses', *Innocenti Digest*, Vol. 7 (March 2001), Innocenti Research Centre, Florence, Italy.

This article categorises child marriage as a violation of the fundamental human right to "free and full consent" in marriage, in addition to violating a range of internationally recognised child rights. Citing evidence of the prevalence of child marriage from Sub-Saharan Africa, South, Central and Southeast Asia, Middle-East and Latin America, the article examines the causes and contexts of early marriage in those societies. The study concludes that while it is essential to take programmatic actions to reduce child marriage and its impact, these should go hand in hand with measures to fulfil or restore the rights of those already married. The study recognises the necessity of governmental action to review customary and civil laws to bring them in conformity with internationally agreed standards on marriage.

Youth Advocate Programme International, 'Discrimination against the Girl Child: Female Infanticide, Female Genital Cutting and Honor Killing', *Booklet No. 6 Series on International Youth Issues* (Washington: YAPI, 2000).

This booklet begins with a discussion as to why there is concern about the girl child, noting that girls are far behind boys in terms of indicators of well being, discriminated against because of son preference and the need to control female sexuality, and that such discrimination does not end upon adulthood. The section on

'honour killings' begins by defining an 'honour killing', and goes on to analyse the scope of the problem; what is considered a violation of a man's honour; how 'honour killings' are carried out; why men kill for 'honour'; related practices of extortion; punishments for 'honour killings'; and public attention. The booklet concludes by analysing the changes occurring within the highlighted areas of gender-based discrimination, which in the case of 'honour killings' examines the impact of the public campaign in Jordan against the penal provisions providing for leniency to the perpetrators of such murders.

#### **NEW ENTRY**

Zaidi, S., "Does Islam Justify Honor Killings?", *Pajamas Media*, 27 September, 2008 – available at <http://www.meforum.org/1988/does-islam-justify-honor-killings>

## **2. REGIONAL**

### **a) Africa**

#### **- Books & Articles**

#### **NEW ENTRY**

Christelow, A., "Honor: Crimes of: Sub-Saharan Africa: Northern Nigeria", pp. 222-224, in S., Joseph (ed.), *Encyclopedia of Women and Islamic Cultures, Vol. II: Family, Law and Politics*, Leiden-Boston: Brill, 2005

This entry focuses on different schools of Islamic law, Islamic legal tradition and the restoration of Islamic penal law in Northern Nigeria, a "conservative Muslim region where honor killing seldom takes place." The author looks at two relevant areas of Islamic criminal law (the punishment for adultery, and homicide law) and the Maliki rules applied in Northern Nigeria, before investigating "social and cultural patterns" (particularly the fact that lineage is not a predominant value among the Hausa) to explore reasons for relative absence of 'honour killings'. Two notorious cases of violence against women are considered with the suggestion that "the dominant motive in violence against women is not family honour but rather the dynamics of jealousy and resentment that are commonplace in the polygynous household." The author concludes with a suggestion that societal support for the introduction of the *zina* penalty of stoning to death is not a "reversion to tradition" (there being no records of such punishment here, whether formally or informally applied) but rather "a new phenomenon, the product of new forces in the society."

#### **- Reports, Studies & Comments**

Amnesty International & CODESRIA, 'Monitoring and Investigating Sexual Violence', (Basford: Russell Press Ltd., 2000).

A collaborative effort by Amnesty International and the Council for the Development of Social Science Research in Africa (CODESRIA), the report is informative and useful in its assessment of what constitutes sexual violence; for example, forced (or servile) marriage constitutes 'a woman or girl child being given into marriage, without the right to refuse, by her parents, guardians, the community, etc.' Moreover, the definition of sexual violence encompasses acts of torture and/ or cruel, inhuman or degrading treatment, as defined by the Convention Against Torture and Article 7 of the International Covenant of Civil and Political Rights. It also considers when the State is responsible for holding accountable perpetrators, armed groups and private actors for their part in the commission of sexual violence. In its assessment of what

practical measures should be utilised to monitor sexual violence to provide long-term observation and analysis of the human rights situation in a country or region, it proposes three steps; the collection of information on the law, political climate, organisation of the security forces and armed groups, recording and following-up individual allegations of sexual violence and finally, analysing information and allegations to identify patterns. It also proposes methods that could be employed in conducting fact-finding and how evidence ought to be assessed. It concludes with four annexes that detail the medical and social consequences of sexual violence, a check-list for interviews of victims of rape or other forms of sexual violence, recommendations and possible actions that ought to be implemented by private and/ or state actors and the international and regional standards of human rights law in relation to acts that would constitute sexual violence.

## **b) Americas**

### **i) Latin America**

#### **- Books & Articles**

**Andrade, V. R. P., 'Criminologia e Feminismo', in Baratta A., Streck L. and Andrade, V. (eds.), *Editora Sulina* (1999), 105-117 [Portuguese Text].**

The article stresses the serious crisis of legitimacy of the criminal justice system in Brazil. It points out that the criminal justice system faces ambiguous demands by society. On the one hand, there is a demand for a minimalist approach to sentencing, and on the other a demand for the criminalisation of certain conduct. Feminist demands encompass this ambiguity, by demanding decriminalisation of abortion, adultery and seduction, for instance, and the criminalisation of other acts, such as domestic violence and sexual harassment. The article questions the logic behind this contradictory methodology and the value of the criminal justice system in protecting women against violence. It argues that the criminal justice system actually repeats the victimisation process, as women become victims of institutional violence reflecting social and patriarchal discrimination, a process which ultimately affects the unity of the feminist movement. Rather than find protection in the system, women are put on trial and divided. Perpetrators and victims are selected according to their sexual reputation, establishing a great dividing line between 'honest' and 'dishonest' women. The author considers the criminal justice system to be unable to serve as a source of cohesion and unity for women, instead acting as a dispersion and exclusionary strategy which recreates inequalities and social prejudice. Legitimation of the criminal justice system as a forum for addressing problems faced by women also deviates efforts within the feminist movement towards more creative, radical and efficient solutions.

**Andrade, V. R. P., 'Violencia Sexual e Sistema Penal: Protecao ou Duplicacao da Vitimacao Feminina?', in Dora, D. (ed.), *Feminino e Masculino: A Igualdade e a Diferenca na Justica*, (Themis, 1997), 105-130 [Portuguese Text].**

This article reflects from a feminist perspective on the ability of the criminal justice system to protect women against violence. The article argues that the use of the criminal justice system for the protection of women is flawed. The system is selective and unequal and results in institutional violence which also affects the victims. Women who make use of the criminal justice system may find themselves subjected to institutional violence which reproduces the structural violence of capitalist and patriarchal relationships. In cases of violence against women, the central issue is not the aggression and violation of freedom suffered by the woman concerned, nor the conduct of the man, but the examination of the character, social status and the past of both victim and perpetrator. The article argues that sexual reputation is as decisive for female culpability as social status is for male culpability. The protected legal object in crimes against women is the dominant sexual morals and not the sexual freedom or physical integrity of women. The

author concludes by affirming that only by changing the male legal paradigm can women achieve a symmetry of rights.

**Ardaillon, D., Debert, G., *Quando a Vítima é Mulher: Análise de Julgamentos de Crimes de Estupro, Assault e Homicídio* [When Women Are Victims: Analyses of Judgments on Rape, Assault and Homicide], (Conselho Nacional dos Direitos da Mulher, 1987) [Portuguese text].**

This book examines the most common crimes committed against Brazilian women, (namely, rape, assault and homicide) between 1981 and 1986 in six Brazilian State capitals. It analyses the reasoning applied in each judgment and the reflections these contain of the gender stereotypes created by Brazilian society. Rape is considered a crime against custom (society) rather than a crime against women/individuals. Brazilian society finds rape abhorrent, describing the accused as ‘animals’ with ‘uncontrollable instincts’, and punishes it severely. The legal authorities treat assault within family or conjugal relations differently, as reconciliation between couples is promoted, notwithstanding that most assaults are not a one-off incident but are preceded by a history of domestic violence. Assault between the couple is often considered to be no more than ‘fantasy’ by the authorities, and as something which commonly happens in the private sphere (home). Consequently, impunity is common in such cases, and even where there are convictions, sentencing tends to be minimal. In certain cases, homicides of women, also named ‘crimes of passion’, are considered to be committed ‘in the name of love’. The widespread understanding of ‘crimes of passion’ is that they involve an accused who is a ‘normal’ person who had the misfortune of ‘falling in love and being rejected’ and/or who is only protecting ‘love, the family and fidelity’ and consequently, is not considered a danger to society or likely to kill again. The book notes that in Brazil juries decide cases of crimes against life [i.e. cases of murder and manslaughter] and in practice it is impossible to dissociate the process of making such decisions from reflecting the stereotypes of women present in Brazilian society. It suggests that the ethical code of the legal profession be changed to punish lawyers who rely on gender-discriminatory arguments based on stereotypes of women.

**Barsted, L. L., *Metade ‘Vítimas, Metade Cumplices? A Violencia contra Mulheres nas Relacoes conjugais*’, in Dora, D., (ed.), *Feminino e Masculino: A Igualdade e a Diferença na Justiça* (Themis, 1997), 73-84 [Portuguese Text].**

Victimology, the branch of criminology which investigates the contribution of the victim to the occurrence of crime, is the theme explored in this article. Although in certain situations the conduct of the victim may be decisive for a dramatic turn of events, it is important to bear in mind that cultural standards of behaviour work distinctively and what could be considered as contributory conduct for a woman may be regarded as normal for a man. Social scientists should not allow victimology to be manipulated by gender bias. There is no evidence to suggest that women have a docile, sweet nature and men a violent and aggressive one. Cultural patterns however influence conduct – the expression of each individual’s nature. Statistics show that men are mostly victims of violence committed by strangers, whereas women are most likely to suffer violence committed inside their own homes. It is suggested that it is not helpful to see women as passive beings suffering violence. In many recorded cases, women are killed by their husbands precisely because they are trying to separate or create conditions for a possible future separation. The article argues that the lack of a strong position by the state in relation to domestic violence reinforces the idea that this kind of aggression belongs in the private sphere. When the state does not punish, or when it treats domestic violence as a form of ‘minor violence’ or second-class offence, it gives out signals that private justice is acceptable, when in reality it is barbaric and undemocratic. It is argued that the politics of the Brazilian judicial system in relation to domestic violence implicitly contributes to gender violence in the home and family.

**Corrêa, M., *Morte em Família: Representações Jurídicas de Papéis Sexuais [Death inside the Family: Legal Representations of Sexual Roles]* (Rio de Janeiro: GRAAL, 1983) [Portuguese text].**

This book publishes and analyses research conducted in 1974, examining every case decided by the courts in the city of Campinas (São Paulo – Brazil) between 1952 and 1972 involving homicide and attempted homicide between men and women where the aggressor and victim were involved in a sexual relationship. The first part of the book examines the laws addressing homicide, as well as the role of police chiefs, lawyers, prosecutors, judges and jurors in addressing this crime. The second part examines infidelity, abandonment and violence (by the victim) as arguments pleaded by the defence to obtain favourable decisions in court. The cases of homicide committed by men and women are studied separately first, to reveal the differences between what is ‘socially permitted’ for men and for women, and second, to highlight the position of women as victims/survivors of such crimes. With regard to ‘crimes of passion’, analysis reveals the contradiction between the gender equality provisions of the law and the unequal application of the law in practice in such cases. The book asserts that social gender roles are specific: men work to sustain their families while women must be faithful. When men kill because they believe a woman has breached particular social norms, the subsequent criminal investigation and trial is superficial, resulting in impunity for the perpetrators.

**Nelson, L. S., ‘The Defense of Honor: Is it Still Honored in Brazil?’ *Wisconsin International Law Journal*, 11 (1993), 531-536.**

Writing in 1993, the author argues that the most significant legal event to date for the Brazilian women’s movement was the March 1991 murder trial and appeal of Joao Lopes. In that case, Brazil’s highest appellate court rejected the defence of honour which would have provided a defence to a husband’s killing of his allegedly adulterous wife. However, on remand, the State Court of Parana ignored the Superior Tribunal’s opinion and acquitted the defendant. This article examines Lopes within the context of the activities of the Brazilian women’s movement and the history of wife-murder in Brazil. It argues that the accomplishments of the women’s movement in regard to domestic violence in Brazil, like the effects of the Lopes decision, have been fleeting and illusory. While some real changes in women’s rights have taken place, these accomplishments have either had unintended negative consequences or lost their positive impact. Finally, this article considers whether the Brazilian women’s movement’s pursuit of equality based on a ‘one-size-fits-all’ vision of traditional, individual rights and assimilationist values is an effective approach to securing women’s rights in Brazil.

#### **NEW ENTRY**

**Pimental, S., Pandjarijan, V. and Belloque, J., “The ‘legitimate defence of honour’, or murder with impunity? A critical study of legislation and case law in Latin America, pp. 245-262, in Welchman L. and Hossain S. (eds.), *‘Honour’: Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This chapter is a summary of an extensive study conducted by the authors. This summary considers the legal treatment of ‘crimes of honour’ in countries across Latin America and the Caribbean, focusing in particular on Brazil. It outlines the gender-discriminatory aspects of laws and judgments of national courts relating to violence against women, analysed from feminist, socio-legal and human rights perspectives. The first part of this chapter provides an overview of relevant statutory provisions and leading judgments related to ‘honour crimes’ in Latin America. The second part critically analyses the social and legal reality of Brazil, focusing on leading cases from the last decade in which the ‘legitimate defence of honour’ was invoked.

**Scapini, M. A., 'Acesso a Justica: Raca e Genero', in Dora, D. (ed.), *Feminino e Masculino: A Igualdade e a Diferenca na Justica* (Themis, 1997), 27-30 [Portuguese Text].**

The article examines the statistics of convicted offenders in the Brazilian prison system and describes women offenders as generally having committed non-violent crimes, or being accomplices or accessories to violent crimes. It notes that women are disproportionately represented in the criminal justice system as victims rather than perpetrators. A few important developments have occurred in Brazilian jurisprudence, particularly due to the mobilisation of feminists. It is suggested for instance that these include the increased credibility of victims and sentencing of offenders. This may indicate a move from the traditional approach in criminal justice policy of avoidance of interference with crimes against women, particularly in the context of domestic violence. The author, a practicing lawyer, argues that changes are needed in the criminal justice system in order to give support to those involved in domestic crimes, by providing counselling to victims and offenders alike. She also suggests that judges and other officials should receive appropriate training in dealing with sensitive issues such as domestic violence and sexual crimes.

**Soihet, R., 'Symbolic Violence: Male Lore and Female Representations', *Revista Estudos Feministas*, First Semester Special Issue (Rio de Janeiro: Instituto de Filosofia e Ciências Sociais [Institute of Social Science and Philosophy] – IFCS/UFRJ [Rio de Janeiro Federal University], 1999), 125-140.**

This paper investigates the evolution of women's rights in Brazil. It analyses the views of the Catholic Church (1880) regarding the family as being a 'traditional, conservative and hierarchical institution' in which women were seen as submissive and focused only on giving love and support to their husbands and children. The enlightenment philosophers from the 18<sup>th</sup> century agreed that women (symbols of 'beauty, delicacy and sentiment') had different social roles than men (symbols of 'power, majesty, courage and reason') and, as a consequence, should receive different education and treatment. These presuppositions gained force during the 19<sup>th</sup> century, when gender discriminatory adultery laws which treated women as property came into being, and when accepted social and medical opinion held that women and men were biologically different and that male and female personalities were biologically determined. The consolidation of the bourgeoisie led to the public/private dichotomy, with men being seen as inhabiting the public sphere and women the private sphere. The author argues that the inequality between men and women derived from these theories constitutes a symbolic violence, resulting in 'cultural standardisation of female submission and discrimination'. Responding to this situation, the women's rights movement emerged in Brazil during the 1830s. Acknowledging the benefits of education in making women aware of their subordinated status, and providing them with a tool to escape this condition, the author also highlights the difficulties faced by women in Brazil. In particular, there were no mixed schools; women-only schools, which had female teachers, were not prepared to deal with subjects other than preparation for the maternal function. During the 1920s, the women's movement in Brazil took an important step towards the end of gender oppression: women campaigned, organised themselves into associations, and made public pronouncements regarding their rights. The author concludes that 'women's liberation is dependent on the transformation of the four structures with which women are integrated: production, reproduction, socialisation and sexuality'.

**Teixeira, A. B. and Grossi, M. P., *Histórias para Contar: Retrato da Violência Física e Sexual Contra o Sexo Feminino na Cidade do Natal* [Stories to Tell: The Portrait of Sexual and Physical Violence Against the Female Sex in the City of Natal, Rio Grande do Norte, Brazil] (Natal: Casa Renascer, Núcleo de Identidades de Gênero e Subjetividade, 2000) [Portuguese text].**

This book, the result of research on violence against women in Natal (Rio Grande do Norte, Brazil), assesses the effectiveness of the Police Station Specialised in the Protection of Women (DEDAM, Delegacia Especializada em Defesa da Mulher) during its first ten years of operation. The first chapter compiles a collection of articles on violence against women written by people that study and work on this issue. The second chapter provides statistics on violence against women in Natal, including the number of reports filed at the specialised police station, a comparison between cases in different regions in Natal, as well as the background of the victim and the aggressor (i.e. marital status, education, age). Chapter three

analyses the reasons for violence against women, such as jealousy, machismo, and the economic dependence of women on men. It suggests that the DEDAM operates not only as a police station, but also as an organ of the state that provides legal assistance to women. Chapter four analyses “sex crimes”, namely, seduction, sexual harassment and rape, and concludes that media representation of these crimes is the main reason underpinning fear of reporting cases of violence against women to the police. Chapter five discusses the main reasons alleged for committing ‘crimes of passion’, which include the defence of male ‘honour’ (protection against the humiliation caused by the women), jealousy (the most frequent reason alleged) and the fear of separation. The reported homicide cases tried in Natal, Rio Grande do Norte, between 1989 and 1996 are discussed to illustrate that these crimes do not receive the attention and punishment they deserve. In most cases analysed the accused are convicted criminals who have been released to undergo part-time imprisonment regimes. In conclusion, the results of the research are no different from those in other Brazilian states, demonstrating that the impunity for those responsible for committing ‘crimes of passion’ is an issue across the entire country.

### **- Reports, Studies & Comments**

**Bessa, Karla Adriana Martins, *O Crime de Sedução e as Relações de Gênero [The Crime of Seduction and Gender Relationships]* available on CD ROM: *Gênero nos Trópicos – Leturas a Partir do Brasil [Gender in the Tropics – Readings from Brazil]* from Núcleo de Estudos de Gênero - Pagu – NICAMP (Universidade de Campinas).**

This paper examines the criminal lawsuits based on the crime of seduction (article 217 Brazilian Criminal Code 1940), during the 1950’s and 1960’s in Uberlândia, Minas Gerais, Brazil, as an example of the dynamics and subtleties of juridical practices in constructing and maintaining gender concepts. The first section of the paper analyses criminal cases, noting that initially in the 1950’s judges sought to ‘protect’ women who were victims of the crime of seduction, viewing the crime as akin to blackmail. However, as women became more sexually active, some brought such cases to force a marriage, as a form of blackmail, to receive money, or as revenge. Judges reacted to these developments by requiring women to prove they were virgins prior to the crime, through a process of questioning regarding previous relationships and submitting to medical examinations. The latter were also used to determine when the victim had lost her virginity, because a delay in reporting the crime to the authorities could result in the victim being considered complicit. The research reveals that conviction rates for the crime of seduction were low, and even where they did occur sentences were either short or reduced on appeal. Analysing the impact of these cases and legal writings of the time, the second part of the paper discusses how the judiciary contributed to the creation of gender stereotypes in Brazilian society (e.g. regarding ‘*honest and dishonest women*’).

**Duarte, Luiz Cláudio, *Representações da Virgindade [Representations of Virginity]* available on CD ROM: *Gênero nos Trópicos – Leturas a Partir do Brasil [Gender in the Tropics – Readings from Brazil]* from Núcleo de Estudos de Gênero - Pagu – UNICAMP (Universidade de Campinas).**

This article analyses the representations of female virginity among the judiciary, the accused and the victims themselves, based on prosecutions for the ‘crime of seduction’ (article 217 Brazilian Criminal Code 1940) between 1960 and 1974 in the municipality of Campos de Goytacazes. Traditionally, Brazilian society associated a woman’s loss of virginity with blood and pain, resulting from hymen rupture, a belief that influenced the early decisions taken by the judiciary in cases involving alleged sexual intercourse. However, the article demonstrates that whilst these traditional representations of virginity remained part of popular belief, members of the judiciary responded to developments in medical research, thus re-framing the issue as one of sociological, psychological, behavioural and moral factors rather than the anatomical aspects of the intercourse. Thus evaluation of the victims’ behaviour towards the accused became the central issue when judging the crime of seduction.

**Human Rights Watch, Women's Rights Project, *Criminal Injustice: Violence Against Women in Brazil*, October 1991, 20-26.**

This section of the report focuses on the 'honour defence' used in Brazil to obtain acquittal of husbands accused of murdering their wives. It discusses how the defence is presented first as a 'crime of passion' and then as legitimate self-defence against imminent aggression against the honour of the perpetrator. A number of case studies demonstrate how the honour defence has been successfully invoked in Brazil resulting in the defendant's acquittal. There is a tension between the rule of law and the influence of prevailing social norms which sanction wife-murder on grounds of honour and which have been endorsed by the judiciary. The report calls for changes to how the police and the judiciary deal with such cases and also for the government to be held responsible for failing to fulfil its obligations under both domestic and international law to guarantee equal protection to its citizens without regard to sex.

**Machado, Lia Zanotta, *Masculinidade, Sexualidade e Estupro: as Construcoes da Virilidade [Rape, Sexuality and Masculinity: Social Constructions of Virility]* available on CD ROM: *Gênero nos Trópicos – Leturas a Partir do Brasil [ Gender in the Tropics – Readings from Brazil]* from Núcleo de Estudos de Gênero - Pagu – UNICAMP (Universidade de Campinas).**

This essay deals with different modalities of the construction of masculinity. It has, as its main grounds for consideration, interviews with prisoners who have been found guilty of rape. Transformations of the cultural meanings around the idea of rape, is one of the main *foci* of the article. The article argues that the various representations of rape - which focus on victims as 'family women' or virgins (as opposed to prostitutes/sex workers who, according to the perpetrators, can be "used" by all men and thus cannot be raped) and men's inability to resist temptation or to refuse an "opportunity" – leads us to characterise it as a central point in the '*imaginary sexuality of gender*', which radically distinguishes the place of the masculine and the feminine. Further, these representations of rape reaffirm the sacrificial character of women's bodies.

## **ii) North America**

### **- Books & Articles**

**Araji, Sharon K., *Crimes of Honor and Shame: Violence against Women in Non-Western and Western Societies* (University of Alaska Anchorage, 2000).**

The author begins by evaluating relevant literature from traditional and developing countries, to discuss the historical and cultural connections between violence against women and concepts of honour and shame, to indicate that men predominantly perpetuate this type of violence against women. In light of the framework of the theoretical rationale of neo-patriarchy and private patriarchy, the role of the male as perpetrator and of the female as the victim is discussed within the context of honour and shame in both traditional and western societies. The discussion also embarks upon the role of the community and the abuse of women, violence against women and the control and abuse of women in both types of societies, as well as a comparison of the community's involvement in crimes of honour in traditional and western societies. The author concludes that male and/ or family honour depends on the control of women's behaviour, arguing that honour systems legitimise patriarchy, and thus define the public sphere of life as dangerous and even off limits to females. Further, she adds that the honour cultural belief system legitimizes abuse, even the murder of women, as violations of honour codes in both traditional non-western and modernizing western societies. Finally, the author states that honour 'as an overt explanation for violence against women in modern western societies such as the US -- should not be negated' and that future research should consider the importance of honour systems to explain 'the antecedents and consequences of male violence against women in intimate relationships in Western countries.

**Gupta, R. S., 'Walking on the Edge: Indian-American Women Speak Out on Dating and Marriage' in Gupta, R. S. (ed.), *Emerging Voices: South Asian American Women Redefine Self, Family, and Community* (New Delhi: Sage Publications, 1999), 120-145.**

This chapter outlines the processes of migration and marriage within South Asian communities in the US and questions what is meant by 'tradition' and 'culture' and how these manifest within the community. The traditional patriarchal family structure embodies specific gender roles which define women according to marriage and 'home'. Asian American women are however combining traditional and contemporary values to create a new way of being which facilitates their individual growth and aspirations within the basic family structure. Nevertheless, pressure to get married remains strong and the institution of arranged marriage is often perceived as the only acceptable form of marriage. This has led to intergenerational conflict and interviews with young women reveal many cases of secret relationships. If parents learn of such relationships there is shame and a loss of honour for the family and many women are subsequently forced into marriage or remain in long term 'secret relationships'.

**Leonard, K., 'The Management of Desire: Sexuality and Marriage for Young South Asian Women in America' in Gupta, R. S. (ed.), *Emerging Voices: South Asian American Women Redefine Self, Family, and Community* (New Delhi: Sage Publications, 1999), 107-119.**

This chapter explores sexuality and marriage among young South Asians in the US. It focuses on the operation of arranged marriages and documents the levels of pressure exerted by older family members upon young Asian women to marry those deemed 'acceptable'. This in turn has led to inter-generational conflicts where young women may embark upon 'secret relationships' and define these as a form of resistance against dominant cultural influences such as arranged marriages. The chapter outlines the different levels of resistance young women may employ without challenging the patriarchal nature of the family. Women are put under great pressure to marry, which they are taught will enhance their self-worth and status within the community. These images and values are reinforced by the local 'ethnic' press who argue that parents are to be honoured and respected and to challenge their authority is to challenge their honour. It is women who are seen to embody this honour for the family and resistance to arranged marriages is perceived as a direct threat to the honour of the family and in some cases the community.

**Maguigan, H., 'Cultural Evidence and Male Violence: Are Feminist and Multiculturalist Reformers on a Collision Course in Criminal Courts?', *New York University Law Review*, Volume 70 (1995), 36-99.**

While both feminists and multiculturalists have advocated for inclusion of a wider variety of voices in American jurisprudence, they have perceived themselves to be on opposite sides of a vigorously disputed issue, viz. whether to permit criminal defendants to introduce cultural evidence. Some feminists argue that any admissibility of cultural evidence in cases involving male violence against women ultimately condones such violence. Multiculturalists, by contrast, advocate the use of cultural information to counteract the injustice of applying the dominant culture's legal standards to defendants from other cultures. In this article, the author argues that the criminal justice system can and must begin to accommodate the seemingly irreconcilable goals of feminists and multiculturalists. After rejecting recognition of a freestanding 'cultural defence' as definitionally and practically unworkable, she explores alternative routes by which cultural background information can and should be used in criminal trials. Surveying current treatment of cultural evidence put forward by both male and female defendants in cases of domestic and non-family violence, she concludes that courts have wrongly adopted an all-or-nothing approach, either excluding all cultural evidence or admitting it without challenge. To resolve tension between feminists and multiculturalist reform goals, the author advocates a more measured approach, endorsing admissibility of cultural information to the extent the evidence is relevant to prove a defendant's mens rea. The prosecution may then challenge this evidence, as it does other relevant defence evidence, through cross-examination, rebuttal testimony and reasoned argument.

**Razack, S., 'Policing the Borders of Nation: The Imperial Gaze in Gender Persecution Cases' in Razack, S., *Looking White People in the Eye: Gender, Race and Culture in the Courtrooms and Classrooms* (Toronto: Toronto University Press, 1998)**

This chapter analyses the 'culturalization' of violence in the context of gender-based asylum cases in Canada by examining the successful and non-successful asylum cases of women fleeing domestic violence. Analysis reveals that it is very difficult for women fleeing domestic abuse to successfully claim asylum on grounds of gender-based persecution unless there is some element of 'othering' and 'inferiorizing': '[o]rdinary cases of intolerable domestic violence in states that are as male as our own, but infinitely poorer, and where there are no readily accessible orientalist tropes, for example the Caribbean nations, tend to fail' (p.125). Essentially, the author argues, for such asylum applications to be successful, the Western decision-maker must be able to associate the violence suffered by the female 'other' with stereotyped perceptions, such as the oppressed veiled Muslim woman. This approach of 'fighting sexism with racism' (p.113) is problematic because it constructs women as victims of deviant cultures from which the asylum process can rescue them, rather than analysing how such women's experiences have been shaped by colonialism and neo-colonialism.

**Spatz, M., 'A 'Lesser' Crime: A Comparative Study of Legal Defences for Men Who Kill Their Wives,' *Columbia Journal of Law and Social Problems*, 24 (1991), 597-638.**

Throughout the world, men who murder their wives encounter legal systems lenient toward their crimes. This article examines three types of legal system which employ distinct means to reduce or eliminate criminal penalties for men who kill their wives. Criminal justice systems in Middle Eastern countries such as Saudi Arabia, Jordan, Lebanon, Morocco and Syria utilise statutes or customary law to achieve these aims. Although the Pakistan Penal Code does not recognise a defence for men who kill their wives, courts have utilised the concept of 'grave and sudden provocation' to serve similar ends. The article then outlines a second type of system, in which positive laws designed to protect women from their husbands are not enforced. In this context, a detailed review is made of the phenomenon of dowry deaths in India, in which young brides are murdered by their husbands to obtain higher dowries. Lastly, this article examines two countries, Brazil and the United States, in which judges have created defences for men who kill their wives. Although it has recently been rejected by the Brazilian Supreme Court, earlier invocations of the 'legitimate defence of honour' often resulted in little or no punishment for a man who killed his wife on the ostensible ground that she had offended his honour. Lastly, some courts in the United States have formally recognised a "cultural defence" which invokes racial, ethnic and religious factors to lessen a defendant's responsibility for certain crimes. This cultural defence is utilised disproportionately in wife-murder cases. This article concludes that the problem of lenient sentences for wife-murderers exists on a universal scale, thus not resulting from religious or cultural factors but from shared attitudes about women's worth and their proper role in society.

**Spierenburg, P., *Men and Violence: Gender, Honour and Rituals in Modern Europe and America* (Columbus: Ohio State University Press, 1998).**

This book analyses the relationship between gender relations, masculinity, and constructions of honour in Europe and America. Violence, it is argued, cannot only be defined as 'criminal', as in many cultural contexts it is linked to honour and encoded in rituals. Notions of 'honour' and 'shame' are gendered and closely linked to constructions of masculinity and femininity and male honour is therefore defined differently to female honour. The concept of honour is defined as having three distinct layers: a person's own feeling of self-worth; their assessment of their worth in the eyes of others and the actual opinion of others about them. The criteria of judgement depend on the socio-cultural context of the community. Identifying the different standards of honour and masculinity is therefore a cross-cultural enterprise. A historical analysis of "western" societies reveals that a shift in the way the body and gender were perceived was accompanied by a transformation in concepts of gender and honour. The ancient code of honour and its accompanying culture of violence have not disappeared entirely.

**Volpp, L., ‘(Mis)Identifying Culture: Asian Women and the “Cultural Defense”’, *Harvard Women’s Law Journal*, 17 (1994), 57.**

This article analyses the “cultural defence” in the US – a legal strategy used by defendants (usually recent immigrants to the US) to excuse crime or to mitigate culpability, either because they lacked the requisite mens rea, or relating to their state of mind when arguing self defence or mistake of fact. The two cases of *People v Chen* and *People v Wu*, reveal that the “cultural defence” can have particularly grave repercussions for the protection of women’s security rights. However, the article does not completely reject the use of defence pleas involving cultural factors in criminal cases; rather it argues that evidence about a defendant’s culture must be founded on an accurate and personal portrayal of cultural factors that go to explain the accused’s state of mind and should not be used to confirm any preconceptions about a particular group’s behaviour. Further, any presentation of cultural factors in evidence should be informed by an understanding of the operation of multiple intersectional layers of group-based oppression, in this context the interplay between sexism and racism experienced by women of colour. The article asserts that the value of anti-subordination (‘a serious commitment to evaluating and eradicating all forms of oppression’) can be used to reconcile the total rejection of the “cultural defence” (as advocated by, in its view, many white feminists) and the formalisation of the defence in law (cultural relativism).

### **- Reports, Studies & Comments**

(PLEASE NOTE THAT ANNOTATIONS FOR THE ENTRIES BELOW HAVE NOT YET BEEN COMPLETED, SO ONLY THE TITLE IS INCLUDED FOR THE MOMENT)

#### **NEW ENTRY**

**Papp, A., *Culturally Driven Violence Against Women: A Growing Problem in Canada’s Immigrant Communities*, Frontier Centre for Public Policy, Policy Series, No. 92, July 2010 – available at <http://www.fcpp.org/files/1/Culturally-Driven%20Violence%20Against%20Women.pdf>**

### **c) Europe**

#### **- Books & Articles**

#### **NEW ENTRY**

**Abbas, T., “Honour-related violence towards South Asian Muslim women in the UK: a crisis of masculinity and cultural relativism in the context of Islamophobia and the ‘war on terror’”, pp. 16-28, in Idriss M. M. and Abbas T. (eds.), *Honour, Violence, Women and Islam*, Oxon: Routledge, 2011**

This chapter focuses on honour-related violence (HRV) among British-born Muslims, taking into consideration concepts of assimilation, integration, multiculturalism and the (re)turn to Islam among second and third generation Muslim minorities. The author describes a physical concentration of Muslim communities in the UK, which allowed for certain cultural practices to remain unmodified (‘heritage bubble’), with arising problems being undetected. He sees hegemonic masculinity on the rise due to emerging patterns of alienation and exclusion from the majority society, and as a reaction to what he calls a ‘crisis of masculinity’, including the liberalising of sexuality in wider society. The essential dynamics of patriarchy are analysed alongside notions of honour among Muslim men, and the idea of the ‘good multicultural society’ is critically assessed. The chapter furthermore examines the impact of Islamophobia and stereotyping of Muslim communities in the post-9/11 context.

**Afshar H., 'Muslim Women in West Yorkshire: Growing Up with Real and Imaginary Values Amidst Conflicting Views of Self and Society' in Afshar, H. and Maynard, M. (eds.) *The Dynamics of "Race" and "Gender"* (London: Taylor and Francis, 1994), 127-147 (Chapter 7)**

This chapter examines the 'selfhood' of Muslim women in the UK (in particular West Yorkshire) and focuses on questions of identity, which the findings suggest is transient for Muslim women, who are known by reference to their male relatives. The article is based on research conducted with Muslim women in West Yorkshire and records the participants' insights into 'women, honour and identity', 'marriage and identity', 'modesty and morality', 'media representation', 'education', 'revivalism and the new identity' and 'women in West Yorkshire and the Salaman Rushdie crisis'.

**Anwar, M., 'The Family and Marriage' in *Between Cultures, Continuity and Change in the Lives of Young Asians* (London: Routledge, 1998), 99-116.**

This chapter examines the changing nature of the 'Asian family structure' and attitudes towards arranged marriages. The findings are based on a number of studies, conducted over a period of 25 years, which illustrate such changing attitudes. The process of migration and the creation of diasporic Asian communities in the UK have led to challenges to the 'traditional Asian family'. However traditional facets including patrilineal descent group, patrilocal residential rule, patriarchal authority and respect related to age and sex and preferential marriage patterns remain intact. Many Asians continue to live in extended households or function as joint families. It is argued that power is hierarchically distributed according to age and sex, but there is little focus on the impact this may have on different members of the family household. The notions of 'respect' and 'prestige' ensure that the basic nature of the traditional Asian family structure remains intact. Although the practice of arranged marriages has adapted over time with the introduction of marriage agencies, thus giving young people a greater say in deciding who they marry, it remains intact due to family and community pressure. Social policy studies reveal widespread support for arranged marriages among young Asians. The reasons given include personal experience and knowledge from one's own family that the system had worked well in the past.

**Asano-Tamanoi, M., 'Shame, Family and State in Catalonia and Japan' in Gilmore, D. D. (ed.), *Honor and Shame and the Unity of the Mediterranean* (Washington DC: American Anthropological Association, 1987) No.2, 104-120.**

This chapter compares a village in Catalonia to a village in Japan and outlines how both communities employ the concept of 'shame'. It argues that the notion of shame is embedded within the concept of 'family/household continuity'. The state constructs a 'moral universe' and locates the family and the household as central to this construction, which acts as an important 'ideological mechanism' to control sexuality. Reproduction is central to the idea of the 'family/household' and women are seen to have clearly defined roles, which control their sexuality. Furthermore, women who are unable to reproduce are considered to bring 'shame' onto their family and thus to cause a loss of family honour.

**Ballard, C., 'Arranged Marriages in the British Context', *New Community*, Vol. VI, No. 3, Summer 1978, 181-196.**

In the context of the increasing interest in how the emergent second generation of South Asians in Britain negotiate their way between the contrary value systems to which they are exposed, this article discusses the rigidly structured and detailed process of marriage among the Sikh community and identifies features of adaptation to the British context. Acknowledging the inevitable lack of material on adolescent attitudes, the author suggests that drawing on accounts of urban family life in India may help to provide a useful model of the kind of changes that may be expected to occur when traditional patterns are faced with new surroundings. The article is based upon case studies of twelve marriages between young Sikhs which took place between 1972 and 1976 in Leeds, from pre-introduction arrangements through to behaviour in marital life and marital breakdown. Constantly underscoring the entire process are the notions of *izzat* and status.

There is competition to maintain and advance family status, and the maintenance of *izzat* requires that family members conduct themselves honourably and particularly that the women of the family have an unblemished reputation. While all the marriages studied in detail were arranged by the parents of the couple concerned, acceptance usually appeared to be the result of a considered examination of their personal position rather than of open coercion on their parents' part. Nevertheless, it would be difficult to deny that the decision was informed by the knowledge that rejecting one's parents' will would bring shame on the family. And while some young Sikhs in Leeds usually now expect to have a measure of choice in finding a spouse, this remains completely denied to others.

**Baroja, J. C., 'Honour and Shame: A Historical Account of Several Conflicts' in Peristiany, J. G. (ed.), *Honour and Shame: The Values of Mediterranean Society* (Chicago: University of Chicago Press, 1966), 79-138.**

Analysis focuses upon how the notions of 'honour' and 'shame' within Spanish society have evolved over time. Evidence of this is provided through analysis of four different types of text, legal, theological, literary and historical. At particular periods of time honour is connected to lineage and social class whilst at other times honour is connected to ideas of 'pure blood'. Nevertheless, the fact that the notion of honour has existed over a period of time indicates its ability to transform and adapt. Some ideas embedded within notions of honour have died out over time. For example, the notion of honour as connected to genealogies is no longer prevalent. In contemporary Spanish society, honour is connected with social class. For example, the 'left' has sought to diminish the idea of 'middle class honour' and conservatives have raised challenges regarding the honour of the revolution and the poorer classes.

**Basit, T., "Obviously I'll Have an Arranged Marriage": Muslim Marriage in the British Context, *Muslim Education Quarterly*, (13) 2, 1996, 4-19.**

This study examines the views of twenty-four adolescent British Muslim girls regarding the institution of marriage. It is based on in-depth interviews with these young women, all in the final year of compulsory schooling in the East of England, and their parents, seemingly all from a working class background. The paper begins by discussing marriage in Islam, and the customs related to such a union in consideration of the views of the girls and their parents. Subsequent sections define and explore the tradition of other types of marriage, such as arranged marriage, consanguinous marriage and intermarriage. The final section concludes with the outcomes of the study, acknowledging that marriage is a dynamic phenomenon that is susceptible to change, depending on the different groups involved. In contrast with contemporary "western" views on marriage, marriage within the Muslim community is perceived as the only basis of family life and legitimate sexual relations. The study reveals that a vast majority of the young women and all of their parents were in favour of arranged marriage. Finally, in relation to the future of the institution of marriage amongst British Muslims, the author concludes that any change would largely depend upon religious prescriptions and their interpretation, for, in the life of a Muslim, a marriage is not just a custom but also a 'religious obligation'.

**Bell, R. M., *Fate and Honor, Family and Village: Demographic and Cultural Change in Rural Italy since 1800* (Chicago: University of Chicago Press, 1979).**

This book traces the impact of demographic change upon rural Italian culture primarily through the four values of *fortuna* (fatalism), *onore* (honour/respect/dignity), *la famiglia* (family) and *campanilismo* (village), which defined a peasant's self-identity and circumscribed social behaviour. Based upon an analysis of four villages, the book contends that *onore* has meaning only within the context of *la famiglia*, the centre of Italian life. For every occurrence some response is required, and it is the pattern of such responses that establishes *onore*. Maintaining *onore* in the area of sexual behaviour is only a small part of the total effort required, for respect and dignity came with continued support of one's immediate family at a level appropriate to one's station in life. Death, significant as a denial of the cyclical continuation of *la famiglia*, and its connection to *onore*, is also explored. As procreation was a matter of *onore* for the

husband and 'his' family, the death of a child took from the father a portion of his respect in the community. Funeral orations, especially recalling favours granted by an adult possessing *onore*, became a list of reciprocal debts still owed to *la famiglia*. The book argues that the transition from peasant to rural proletarian involved transformations of these aforementioned values.

#### **NEW ENTRY**

**Bettiga-Boukerbout M. G., “‘Crimes of honour’ in the Italian Penal Code: an analysis of history and reform”, pp. 230-244, in Welchman L. and Hossain S. (eds.), *‘Honour’: Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This chapter examines the provisions of Italian law regarding 'crimes of honour' which formed part of the Penal Code until the late 1990s. The chapter begins with a brief introduction to the issue of 'crimes of honour' in Italy and a timeline of the history of women's rights in Italy. The chapter outlines the Italian penal system and the history and principles of the Italian Penal Code. It goes on to analyse the provisions of the Italian Penal Code of 1930 which allowed 'honour' to be considered a mitigating factor. The chapter notes the dual role of 'honour' in the Italian Penal Code, namely the use of 'honour' as a plea in mitigation of crimes committed against women, specifically 'honour killing', and its invocation in mitigation of crimes committed by women, such as abortion, infanticide and foeticide. The chapter concludes with an overview of the movement underpinning the changes in the law, culminating in repeal of the provisions of the Penal Code recognising the honour defence.

**Bhopal, K., *Gender, 'Race' and Patriarchy: A Study of South Asian Women* (Aldershot, Hants: Ashgate Publishing Limited, 1997).**

This book examines the intersection of gender and ethnicity with specific reference to South Asian women in Britain. It investigates the dynamics of gender relations within households in order to explore differences that exist amongst South Asian women, focussing on arranged marriage, dowry, domestic labour, domestic finance, education, employment and religion. The precise focus of the study is the South Asian community in East London. Chapter 4 of the book examines the practice of arranged marriages. It points out that previous studies on arranged marriages are both descriptive and dated. It provides women's views on arranged marriages, including their definitions of arranged marriage, its importance within South Asian communities and, in cases where the women themselves were involved in arranged marriages, the type of contact they had with their prospective husbands. It also examines whether women would want their own daughters to have arranged marriages and their views towards women who do not have arranged marriages. It is argued that arranged marriages form part of the household, which is a structure which disadvantages women. Those women who participate in arranged marriages are disadvantaged through the system of arranged marriages. These women are defined as 'traditional' women. They experience private patriarchy through arranged marriages. Women who do not have an arranged marriage are defined as 'independent' women. These women are using their high levels of education to leave households and enter the public world.

**Bhopal, K., ‘South Asian Women and Arranged Marriages in East London’ in Barot R., Bradley H. & Fenton S., (eds.), *Ethnicity, Gender and Social Change* (London: Macmillan Press Ltd, 1999), 117-134.**

This chapter examines the position of South Asian women within the family and household in diasporic communities within the UK, with particular reference to arranged marriages. It also examines the influence of education and how this affects whether South Asian women participate in arranged marriages. Arranged marriages within South Asian communities in Britain are part of customary practices which originate from South Asia. Little research has been conducted on the extent to which arranged marriages are practised in the UK and the processes involved. The typology of arranged marriages put forward by researchers Stopes-Roe and Cochrane (the ‘traditional pattern’; the ‘modified traditional pattern’ and the ‘co-operative traditional pattern’) forms the basis of the research. In Britain, the operation of kinship patrilineal networks

and 'biradari' are vital to the operation of arranged marriages. There exists a conflict between western norms and values of 'marriage' and the Asian custom of marriage. Women have less control and influence over arranged marriages. The right to refuse a marriage often exists for young men though not for women as they are considered to embody/carry the honour of the community.

**Böhmecke, M. (ed.), *Tatmotiv Ehre [Honour Motive]* (Germany: Terre des Femmes, 2004) [German].**

This book has been produced as part of Terre des Femmes' campaign against 'honour crimes' and is divided into four sections. The first section contains contributions on religion and honour and the legal legitimisation of such killings in the laws of Jordan, Turkey and Pakistan. The second section examines honour crimes as an international problem which occurs in many countries, and several national case studies are provided, including from Jordan, Turkey, Switzerland, Iraq and Afghanistan, India and Iran. The third section focuses exclusively on 'crimes of honour' in Germany, examining various judicial, legal, political and health related aspects. The final section focuses on international activities, including examination of an EU project on 'honour related violence' and an analysis of the initiatives and strategies of international non-governmental organisations in addressing 'honour crimes', before concluding with a general summary and list of recommendations by Terre des Femmes.

**Bourdieu, P., 'The Sentiment of Honour in Kabyle society' in Peristiany, J. G., *Honour and Shame: The Values of Mediterranean Society* (Chicago: University of Chicago Press, 1966), 193-237.**

Honour exists and operates within the traditional Kabyle society in Greece as the basis of a moral code whereby elder members of the community define acceptable patterns of conduct and behaviour. The relationship with others, through notions of 'intensity', 'intimacy' and 'continuity', takes precedence over the relationship the individual may have with him or herself. According to the author, the important position accorded to the notion of 'honour' is characteristic of all 'primary societies'. Different values may exist which vary the application of the notion of honour but its centrality remains throughout. In addition, the notion of honour also constitutes the political order thus transcending all arenas of life. It is a common and intimate code, by which each individual must live.

**Bradby, H., 'Negotiating Marriage: Young Punjabi Women's Assessment of Their Individual and Family Interests' in Barot R., Bradley H. & Fenton S. (eds.), *Ethnicity, Gender and Social Change* (London: Macmillan Press Ltd, 1999), 152-166.**

This chapter draws upon research conducted in Glasgow to examine what marriage means to second and third generation South Asian women. A total of 70 women were part of the three-year study. The strategies these women employ to counter the drawbacks of 'arranged marriages' are outlined and the balance that young women draw between their own interests and those of their patrilineality is explored. The concept of 'honour' plays a pivotal role in defining marriage and the role of the community. The 'honour community' dictates acceptable behaviour in the community. Women employed a number of strategies to delay marriage where the sanctions of the honour community could be avoided. By postponing entry to a family-contracted marriage, young women were able to reassess and renegotiate their role within the system, rather than rejecting it in toto. By preventing their behaviour from coming to the attention of the honour community of their parents, it was possible for young women to engage in activities that would be defined as of questionable honour before entering an arranged marriage.

**Brandes, S., 'Reflections on Honour and Shame in the Mediterranean' in Gilmore, D. D. (ed.), *Honour and Shame and the Unity of the Mediterranean* (Washington DC: American Anthropological Association, 1987), No.2, 120-134.**

This chapter provides an overview of the studies on 'honour' and 'shame' in the Mediterranean. These concepts are related to control over scarce resources including land and property, political power and

female sexuality. A number of theoretical models which separate the notion of 'honour' from 'shame' are put forward to illustrate this. The importance of cross-cultural research is emphasised which provides an insight into the 'moral workings' of different communities. For example, female chastity is elevated to a symbolic virtue, which means that many women become pawns in the struggle for family honour. It is this regulation of sexuality that is particularly characteristic of Mediterranean codes of honour and shame.

**Bravo, A., 'Madri Fra Oppressione ed Emancipazione' ['Mothers Between Oppression and Emancipation'] in Bravo, A., Pelaja, M., Pescarolo A., and Scaraffia, L., (eds.) *Storia Sociale Delle Donne Nell'Italia Contemporanea*, [Social History of Women in Contemporary Italy] (Bari: Laterza, 2001).**

The author explores how social unity and cohesion in 20th century Italian communities was produced and policed through traditional mechanisms of social control, which in turn required a strict division of gender roles and a gender hierarchy. Women's sexuality and bodies became a crucial element defining gender roles and relations. The transgression of roles and the defiance of the hierarchy would be perceived as a violation of the honour of the whole community and not just of the family. At the same time, the symbolic representation of family honour played out on women's bodies, and reproduced and reinforced the strict division in gender roles: "there is no male honour without the female body representing it, and at the same time there is no woman's honour without a man possessing it and more generally there is no honour without shame"(p. 26).

#### **NEW ENTRY**

**Bredal, A., "Tackling forced marriages in the Nordic countries: between women's rights and immigration control", pp. 332-353, in Welchman L. and Hossain S. (eds.), *'Honour': Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This chapter presents an overview of the strategies and measures implemented to combat forced marriage by the governments of the Norway and Denmark, including discussion of relevant laws and legal reforms and the availability and adequacy of support services provided in the public and NGO sectors, particularly around the issue of mediation and the need for mainstreaming. Two central points of analysis are the recent trend in using action against forced marriages as a way of legitimising tighter immigration policies and the complexity of a women's agency which cannot be defined at a culturally specific level to treat of black and minority women as a homogenous group. The chapter argues that there is a need for policies, measures, and research which is sensitive to the complex and varied practice and perception of what is often labelled (cultural) customs or traditions - to be less concerned with defining force on a general level and more with responding to the various concerns of the individuals involved, and their definition of their situations. The chapter argues for a sharper distinction to be made between those legal and social policy measures that are taken to strengthen individuals' right to self-determination and facilitate the empowerment of those individuals, and those that are designed to regulate or police group behaviour. In general, the chapter notes that what is needed is a more sophisticated and discriminate analysis of ethnic minorities' patriarchal practices, the state interventions designed to combat them and women's responses to both.

**Briggs, J. and Z., *Runaway* (Vista, June 1999).**

This book provides a detailed autobiographical account of the lives of 'Jack' and 'Zena', a young married couple from Bradford, UK, who have been in hiding for over six years after receiving death threats from Zena's family, after she refused to marry in Pakistan. It charts their struggle to live free from fear and persecution as Zena's family, refusing to accept her marriage of choice, hire private detectives and bounty hunters to track them down and kill them in the name of 'honour'.

**Campbell, J., 'Honour and the Devil' in Gilmore, D. D. (ed.), *Honor and Shame and the Unity of the Mediterranean* (Washington DC: American Anthropological Association, 1987), No.2, 56-69.**

This chapter examines the interplay of religious notions of 'good' and 'evil' in the constructions of 'honour' operating within the Sarakatsani community in Greece. It outlines how social and religious ideals are reconciled. 'Honour' is defined as a form of integrity for men who are seen to retain their honour through violence. While both men and women are seen to embody notions of honour, they do so very differently. The female values of honour are referred to as the ideal conduct of modesty, virginal attitudes and selfless love. In contrast, men's role is to protect this honour. Thus the concept of honour is seen as the guiding principle of behaviour for both men and women.

**Campbell, J. K., *Honour, Family and Patronage: A Study of Institutions and Moral Values in a Greek Mountain Community* (Oxford:Oxford University Press, 1964).**

This book outlines how honour, family and patronage operate as fundamental values and institutions within the traditional community of Sarakatsani shepherds in the Greek mountains. The community comprises six hundred families whose members accept a system of social values based on concepts of honour, strength and pride. 'Honour' is constructed in male terms. Women are seen to embody the honour of the family and community and female sexuality is deemed dangerous and weak and in need of protection from the male members of the family. Women are largely confined to the private domain. If women are suspected of committing adultery or are involved in pre-marital sex they may be killed either by their father or brother. This is seen as the only way in which family honour can be restored. Marriage remains a central feature for maintaining social relations within the community. It comprises an arrangement sometimes between opposed groups and involves important considerations of honour and prestige. In order to maintain family and community structures marriage and the position of women within the family are crucial. There are different categories of honour killings yet the control and behaviour of women remains central to all.

**Cottino, A., 'Honor as Property', *Journal of Legal Pluralism*, 33 (4), (1993).**

This article documents research conducted in the Italian countryside in the early nineteenth century. It focuses on the local courts' functioning and the peasants' law-breaking behaviour with particular focus on conflicts within the local community and between the local community and the State. It is argued that in the peasants' view there is no clear-cut separation between different types of conflicts and that honour and land represent two pivotal interchangeable values within a larger system of equivalences including women and livestock. Honour directly concerns fundamental values, for example problems of production (land and livestock) and reproduction (women). The article provides a detailed analysis of traditional anthropological approaches which adopt constructions of honour and examines the centrality of the code of honour which structures the peasant world. It is argued that there is a direct relationship between the control of women and maintaining land and property. Both women and land are seen to represent the honour of the community. Women are used in land disputes and the institution of marriage controls the preservation of honour through women.

**Davis, J., 'Family and State in the Mediterranean' in Gilmore, D. D. (ed.), *Honor and Shame and the Unity of the Mediterranean* (Washington DC: American Anthropological Association 1987) no.2, 22-34.**

This chapter outlines the anthropological discussion on the question of homogeneity within a community and developments which led to diversification among peoples in the Mediterranean. The concepts of honour and shame are linked not only to social status and importance but also to sex. Previous writers have employed the concepts of honour and shame to illustrate homogeneity within the communities. However these concepts exist and operate in a variety of ways and according to different communities and are closely related to the 'family'. Honour is linked to the social status of the individual. The 'orientalist' and 'particularistic' approaches are critiqued to illustrate how honour is used within the private domain of the

family and community as a reaction to the state providing clear guidelines on issues of morality. So the concept is used against a state which universalises 'rules' and fails to recognise differences within local communities. A contrast between state rules and the rules of local communities is provided to question the extent to which universalising principles undermine local traditions. An example of the relationship between family and state in Libya illustrates how honour and shame fit into the equation. Honour is chiefly concerned with relations between men and groups of men, much less with the control of women. The state has attempted to replace 'honour' with a family system of loyalties and claims of people's lives to the state.

**De Grazia, V., *How Fascism Ruled Women: Italy 1922-45*, (Berkeley: University of California Press, 1992).**

This book focuses on the experiences of women in Italy under Mussolini's dictatorship and the creation and impact of fascist sexual politics. The chapter on '*Family Versus State*' argues that article 587 of the Rocco Code, which provided for mitigation of the sentence in cases of 'homicide for the cause of honour', was a discriminatory provision which was part of a wider family policy that treated the family as a public institution. Ultimately, the author argues, fascist sexual politics made the family 'the fundamental nucleus of national society', the 'unity and moral and economic integrity of which guaranteed national power' (p.187-8).

**Delaney, C., 'Seeds of Honor, Fields of Shame', in Gilmore, D. D. (ed.), *Honor and Shame and the Unity of the Mediterranean* (Washington DC: American Anthropological Association, 1987), No.2, 35-47.**

Based upon anthropological fieldwork in a Turkish village in the Anatolian steppe, this chapter argues that the concepts of sexuality and procreation differentiate the honour/shame complex of the Mediterranean from that of other geographical areas. Attempts to explicate this complex by focusing on social structure, politics and economics rather than on sexuality fail to explain why honour is primarily seen as an attribute of men and shame of women, or why male honour is seen to be so inextricably linked to women. It is argued that honour and shame are functions of a specific construction of procreation, correlative with the concept of monotheism, in which the male and his semen are perceived to create while the woman is seen as the passive recipient. This social perception of the male creative ability is the foundation upon which the notion of honour is built, and it implies the need for control of women to assure the paternity of any offspring. Family honour is augmented by the practice of endogamy, in which females are retained within the family. The honour/shame complex is not solely a function of male dominance and authority, but a distinctive system in which power, sex and the sacred are interrelated and seen to be rooted in the verities of biology.

**Edwards S. and Welstead M., 'Death Before Familial Dishonour', *New Law Journal*, (1999) Vol.149, 867.**

This article analyses the issue of 'honour killings' in the UK, beginning with a case study on the murder of Rukhsana Naz in May 1999, committed by the victim's mother and brother. It is argued that 'crimes of honour' are widespread in the UK, and such practices have cultural rather than religious origins and are primarily the result of beliefs in patriarchal structures. The article states that women from 'immigrant' backgrounds brought up and educated in the UK are frequently at odds with their families. It concludes that in the UK 'where efforts are being made to forge an inclusive society, a balance must be struck between recognising the dilemmas and conflicts faced by immigrant families who wish to protect their cultural values, and the rights of their children to live in accordance with the values of their British peer group with whom they have been educated' (p.868). Whilst the article notes that where cultural pressures to protect 'family honour' are cited as motives to crimes and these should not influence decisions taken in the criminal justice system, there is a need for those agencies working in this field to take into account these cultural pressures and establish education programmes within the relevant 'immigrant' communities with religious and community leaders.

#### **NEW ENTRY**

**Eldén, Å., “Men’s violence and women’s responsibility: mothers’ stories about honour violence”, pp. 128-141, in Idriss M. M. and Abbas T. (eds.), *Honour, Violence, Women and Islam*, Oxon: Routledge, 2011**

This chapter focuses on the mothers and sisters of honour violence victims. It attempts to draw out and understand mothers’ interpretations of themselves in relation to other women and to men in a setting where cultural concepts of honour are used every day. As the focus is on the interviews conducted by the author, the main research question arising was that of women’s responsibility for men’s violence against women. After analysing the responses, the author concludes by observing how violence can be combatted in an honour-cultural context.

**Elden, A., ‘The Killing Seemed to be Necessary: Arab Cultural Affiliation as an Extenuating Circumstance in a Swedish Verdict’, *NORA*, (1) 2, (1998), 89-96.**

This article discusses a Swedish court's verdict in which the cultural affiliation of an Arab Christian man who had killed his own daughter was considered to be an extenuating circumstance. A discussion of the meaning of gender functions as a point of departure from which the court's description of Arab and Swedish culture as opposites is called into question. In the courts, ruling 'culture' is defined as a homogeneous unchanging entity which demarcates majority communities from minority communities. Arab communities are therefore deemed as the 'other' and cultural defences accepted in the legal process. The author challenges both the underlying assumptions adopted by the court and how violence within Swedish society is never discussed in gender norms but from an individualized perspective and thus fails to recognise the endemic problem of violence against women within Swedish society.

**Gill, A. ‘Domestic Violence’ *Community Care* 27 February 2003, Issue 1465, 42-44.**

This article focuses on understanding domestic violence within the UK, and acknowledges that whilst there have been increased studies on violence against women in recent years, fundamental definitional questions remain. In particular, various government departmental and agency definitions tend to be limited to a particular family relationship, namely between ex/partners or ex/spouses. The author’s research with South Asian women in East London identifies the problematic nature of this definition, identifying for example, cases where South Asian women encounter violence from members of their extended family, and where the actual violence may include forced marriage. The article argues that tackling the problem of domestic violence within South Asian communities requires that both policy makers and social workers understand that perceptions of violence are often related to issues of ‘shame’ and ‘honour’. These perceptions are often the cause of violence against women and practices such as ‘honour killings’ are ‘justified’ by men’s right to defend their honour ‘tainted’ by women’s behaviour. However when social workers and police intervene in such cases they need to be aware that those very notions also have a deep psychological impact and determine the way in which South Asian women respond to and make decisions concerning their abusive relationships.

**Giovannini, M. J, ‘Female Chastity Codes in the Circum-Mediterranean: Comparative Perspectives’ in Gilmore, D. D. (ed.), *Honor and Shame and the Unity of the Mediterranean* (Washington DC: American Anthropological Association 1987), No.2, 61-74.**

This chapter questions traditional Mediterranean ethnographies which define honour as a cultural construct which orders social relations between individuals as well as kinship groups. The category of ‘honour’, as employed by traditional anthropologists, has failed to examine the control of female sexuality. Instead, the term ‘female chastity’ is used to examine how it may operate as an indicator of social worth for all individuals and their respective kin groups. Analysis focuses on how the control of female chastity operates within the community/supra-local linkages, class relations and the politics of gender. ‘Female chastity’ is positioned within political, economic and ecological situations whereby kin groups compete

over land and other scarce resources. Virginity thus comes to symbolise the family's ability to protect its material boundaries. This approach, which links together the concepts of 'female chastity', material conditions and social worth, is based upon rational responses to objective conditions and seeks to avoid earlier ethnocentric models which focussed solely upon 'culture'. State and religious institutions legitimate, enforce and symbolically justify the cultural codes of female chastity.

**Harris, R., *Murders and Madness: Medicine, Law and Society in the Fin de Siècle* (Oxford: Clarendon Press, 1989), 285-332.**

This chapter outlines a historical analysis of how 'crimes of passion' in western countries have been defined around traditional constructions of masculinity. Men have claimed passion as the motive for the killing of wives, lovers or rivals in almost half of all murder cases. In turn the courts have probed deeply into attitudes towards marital duties and sexual behaviour, searching for credentials such as honourable intent, loyalty and devotion. The concepts of male honour, despair and outrage were thus couched in very different terms to women's use of them. The interpretation of a crime of passion varied considerably between women and men. The courts employed typologies of honourable and dishonourable masculinity to determine the guilt of men. Men were seen to kill to protect their honour and traditional ideas supported this.

**Herring, J., 'Provocation and Ethnicity"', *Criminal Law Review*, July (1996), 490-495.**

This article examines the relationship between ethnicity and the defence of provocation under English law, using the Australian case of *Masciantonio v Queen* [1995] A.L.J.R. 598 as a case study. Under English law, age and sex are the only two characteristics to be considered in assessing the response of a reasonable person to the alleged source of provocation. In *Masciantonio*, the defendant argued that the jury should have been directed to consider how a reasonable Italian man (rather than a reasonable Australian man) would have reacted to the provocation in question (M killed his son-in-law following a history of violence by the latter during his marriage to M's daughter). The High Court, following English precedent (*Camplin*), held that ethnicity is only relevant when considering the gravity of the provocation but is not relevant in determining how a reasonable person would have reacted. Therefore M had to show the level of self-control of the reasonable Australian and not the reasonable Italian. The idea of lowering the reasonable person standard in the name of "cultural pluralism", for example by not punishing particular manifestations of a 'cultural characteristic' such as honour, was rejected, although this argument raises the important point that the standard of the reasonable person should reflect the diversity of the cultures in the community and not just the dominant culture.

**Herzfeld, M., 'As in Your Own House: Hospitality, Ethnography and the Stereotype of Mediterranean Society', in Gilmore, D. D. (ed.), *Honor and Shame and the Unity of the Mediterranean* (Washington DC: American Anthropological Association, 1987), No.2, 75-89.**

Based upon anthropological work in a Greek village, this article examines the advantages of replacing the term 'honour' with that of 'hospitality' in researching Mediterranean societies. Arguing that 'honour' is semantically and logically suspect as a demonstration of circum-Mediterranean cultural unity, the concept of hospitality is presented as providing a more convincing basis for comparisons which could also be geographically extended. It is further argued that the more precise definition of hospitality, which involves reciprocity and proprietary rights, would permit escape from the well-worn generalisations about Mediterranean character and values. Hospitality can further be studied in its local, national and regional transformations and also forces anthropologists to consider their own part in constructing ethnographic generalisations which form the basis for social comparisons.

**Hossain, Sara and Turner, Suzanne, 'Abduction for Forced Marriage - Rights and Remedies in Bangladesh and Pakistan', *International Family Law*, (April 2001), 15-24.**

Forced marriage is defined and then placed into a regional context in which individuals of dual nationality, British and either Bangladeshi or Pakistani, are abducted from Britain to Bangladesh or Pakistan for the purpose of forced marriage. The article examines such cases of dual nationals and assesses the obligations of the United Kingdom under international human rights law to provide protection in the incidence of forced marriage. The first section of the article describes the nature and scope of the problem, with reference to a specific case of forced marriage and its outcome. The second section discusses the relevance and impact of addressing the issue within the international framework of human rights. Section three reviews and assesses available remedies in Bangladesh and Pakistan, which include judicial protection, writ petitions, habeas corpus petitions, criminal law and procedure family law, consular protection and obstacles to judicial and consular protection. Following an assessment of available remedies, proposals for change in policy and practice are discussed to ensure the effective realization of the human rights of individuals threatened or affected by forced marriage. The article reinforces the view that abduction for forced marriage is a violation of women's human rights, and that forced marriage is, in the context of Bangladesh and Pakistan, a violation of their Constitutional articles as well as their obligations under international law. It concludes by stating that proposed UK measures of developing a systematic approach to address the problem of abduction and forced marriage would go a long way to ensuring fulfillment of these obligations but that 'much remains to be done to implement these in practice'.

**Kurkiala, M., 'Interpreting Honour Killings: The story of Fadime Sahindal (1975-2002) in the Swedish Press', *Anthropology Today* (2003), February 2003, Vol. 19, No. 1, 6-7.**

This article examines the debates among scholars, academics and politicians that arose in Sweden in response to the killing of Fadime Sahindal, by her father, a Kurdish immigrant. The article articulates several of interpretations of Fadime's murder. The psychological interpretation (defending the father's actions by alleging his mental illness) and the universalistic interpretation (Fadime's murder was rooted in the universal patriarchal structure, which oppresses women worldwide) are particularistic interpretations presented by many Kurdish male intellectuals. The 'middle position' interpretations of Fadime's murder are also presented, holding that her murder was culturally motivated and sanctioned. The article notes the lack of cultural analysis of Fadime's murder in Sweden, which simultaneously denies the particular need for special protective measures. The article examines the implications of Fadime's murder, particularly in relation to the public perception of immigrants, and notes the lack of input from the anthropological community in the public debates. Lastly, the article comments on the risk of viewing Kurdish culture as more oppressive than Western culture, where women are killed by males who are their former sexual partners, as opposed to their male relatives such as their fathers, brothers and uncles.

**Longrigg, Clare, 'Vendetta', in Longrigg, Claire, *Mafia Women*, (Vintage, 1998), 72-88.**

The author presents an account of different forms of vendetta which occur in Campania Italy. The chapter begins with the story of Amalia, who leaves her marital home after having been sexually assaulted by her father-in-law, whom her father, 'urged by the dishonour done to his family', later shoots dead. Prison sentences such as those of Amalia's father's – who served two and a half years for 'avenging dishonour'-- are considered 'still very mild in Italy'. Amalia's personal vendetta, which later became an obsession, also extended to avenging the murder of her brothers, who suffered violent deaths at the hands of the local mafia. Other accounts of vendetta, accompanied by the perceptions of mafia women, include that of 'ritual vendetta', which was seen as a means for a man to prove his worth by avenging a wrong done to him or his family. This principle of 'a man who can prove his worth' was enshrined in the law until 1975, and entailed a sentence of 'only three to seven years: [because] a murder was justified if honour was at stake'. Discussing the role of mafia women, and the mafia culture in general, the author indicates that the ambivalent attitude of the mafia women to the law 'has its roots in Southern Italy's ancient mistrust of the government' and was created in the absence of mechanisms of the state to serve the people. Recognising that the law of vendetta did not acknowledge any other form of justice, the author discusses the redemption

of honour through which the traditional Calabrian blood feud was fought in defence of a family's honour. In addition to a blood feud, another way to end a feud between clans, and to subsequently restore peace, was through arranging a marriage between a girl and a boy from the warring parties.

**Manfredini, M.G., *La Posizione Giuridica Della Donna Nell'Ordinamento Italiano*, [Legal Status of Women in the Italian Legal Order] (Padova: CEDAM, 1979.)**

Chapter four of this book focuses on problems concerning the rights of women in the Italian legal system. At the time of publication, article 587 of the Rocco Code remained in force. Under this provision, a lenient sentence of 3-7 years was given to a person who murdered their wife, daughter, or sister or their paramour having discovered them in unlawful carnal relations and killing in them in a state induced by anger ("fit of fury") at the resultant offence to their or their family honour. The author traces the legal history of 'honour killings' beginning with the Roman Law, the pre-(Italian) unity codes and the 1889 codes up to 1942 – the date of entry into force of the Italian Penal Code (Rocco Code). Article 587 is criticised as archaic and contrary to fundamental articles of the Constitution, particularly article 3 prohibiting discrimination on the grounds of sex and article 29 which provides that the family is based on matrimony and that the latter is based on the "legal and moral equality" of women and men.

**Menski, W., 'South Asian Women in Britain, Family Integrity and the Primary Purpose Rule', in Barot, R., Bradley H. and Fenton, S. (eds.), *Ethnicity, Gender and Social Change* (London: Macmillan Press Ltd, 1999), 81-98.**

The primary purpose rule, until recently a part of British immigration law, singled out South Asian women in refusing entry clearance to their lawful spouses. This chapter argues that exclusionary immigration rules aimed at certain groups not only marginalise ethnic minorities in Britain, but also wilfully disregard the legitimate expectations and socio-psychological needs of Asian and other ethnic minority women in Britain. Exploring the consequences of such systematic disempowerment for Asian women, it is argued that while Asian women, as a class or social group, as well as individually, are being victimised and disadvantaged by the effects of British immigration laws, less prosperous Asian women in Britain are being further marginalised.

**Mojab, S., "Honor Killing": Culture, Politics and Theory', *Middle East Women's Studies' Review*, Vol. xvii Nos. 1/2 Spring/Summer 2002, available at <http://amews.org/review/reviewarticles/mojabfinal.htm>.**

Referring to the Swedish case of Fadime Sahindal, this article discusses and evaluates the underlying phenomena behind the honour killing of Kurdish women. The authors include concepts and presentations of culture, patriarchy, nationalism, racism, education and religion in their analysis of the phenomenon of 'honour killing' of Kurdish women and of how this phenomenon is approached and analysed by different parties.

**Mullick, Y. and Baker, M., 'Arranged Marriage and Own Choice Marriage: A Rationale for Both Types of Marriage Amongst Second-Generation Asian Women', *Clinical Psychology Forum*, (118) August, 33-36.**

The article is based on a study aiming to explore the meaning of marriage for women within the cultural value of inter-dependency, arranged marriage, and how the same women perceive the meaning of marriage within the cultural value of individualism, own-choice marriage. The twenty participants in the study were second-generation Asian Muslim women, all of whom were at an early stage of entering an arranged marriage. The 'laddering technique' of the Personal Construct Theory was administered in collecting the data, by asking each participant to imagine arranged marriage to be the preferred pole and own choice marriage to be the non-preferred pole, and vice-versa. The outcome of this applied methodology was suggestive of three outcomes, a preference for arranged marriage and interdependency, a preference for

own choice marriage and individualism and a preference for arranged marriage on the one hand and own choice marriage on the other. The article concludes by stating that by incorporating the present methodology into clinical practice, the management of exploring such areas would assist and allow a western-trained therapist to surpass a Eurocentric understanding of human behaviour and to gain information about the construction of reality for an individual of a different culture; in this case, a context for formulating an understanding for second generation Asian women's attitudes towards arranged marriages.

**Outtara M., Sen P., and Thomson M., 'Forced Marriage, Forced Sex: the Perils of Childhood for Girls' in *Gender and Development* (1998) volume 6(3), 27-33.**

This article forms part of the work of the Forum on the Rights of Girls and Women in Marriage, a group of five international non-governmental organisations formed to investigate how early marriage, forced marriage and marital rape affect girls and women. Investigating these terms of reference, the article draws on the work of Forum members and compares case studies from Nepal, West Africa and India, with particular focus on the experiences of the girl child. Bearing in mind the differences of each context, the authors conclude that in order to protect the human rights of girls and women, there must first be an assessment of existing traditional laws, including analysis of who creates and implements these laws. Such an assessment, the article argues, will identify the negative and positive effects of customs and practices, thereby facilitating a process of radical change to replace outdated laws with ones more appropriate to modern society. Such radical change should seek to reverse the under-utilisation of current human rights frameworks in protecting the rights of the girl child-child, such as those provided in the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

#### **NEW ENTRY**

**Payton, J., "Collective crimes, collective victims: a case study of the murder of Banaz Mahmood", pp. 67-79, in Idriss M. M. and Abbas T. (eds.), *Honour, Violence, Women and Islam*, Oxon: Routledge, 2011**

This chapter starts by focusing on the specific case of Banaz Mahmood and raises important points: deconstruction of honour into gender stereotype of feminine honour and male honour, identification of the death zone of victim and how police involvement is crucial at this stage. The author then goes on to identify various broad themes involved in the notion of honour killing. She accounts for how honour killing is different from spousal violence thus problematizing the approach of seeing honour crime as a form of domestic violence and requiring similar approaches. She affirms that honour is part of many societies' (in this case, Kurdish) history and familial structures but essentializing honour killing as part of a society's culture fails to do justice to dissenters as well as different voices. Similarly, the attachment of honour killings to minority groups, or Muslims in particular, also proliferates racist discourses and may create animosity in the majority community. The author concludes by observing how the names of the dead, such as Banaz, are employed to give a wider message to the community and to regulate the moral behaviour of girls.

**Pearl, D., 'South Asian Immigrant Communities and English Family Law: 1971-1987', *New Community*, Vol. XIV, No. 1/2, Autumn 1987, 161-169.**

Focusing on the matters of arranged marriages, polygamy and recognition of foreign divorce, this article traces developments in family law as they affected Asian immigrant communities from India, Pakistan, Bangladesh and East Africa in England during the 1970s and 1980s. The central theme is the ability of the general law to accommodate the cultural traditions of these communities. Underlying this is a discussion of the need to provide a coherent pattern of guidelines with respect to the implementation of policy. An analysis of the outcomes of several petitions brought for a decree of nullity demonstrates the difficulty in identifying 'proper' from 'improper' pressures employed when 'seeking' the individual's consent in the context of an arranged marriage.

**Pelaja, M. 'Il Cambiamento dei Comportamenti Sessuali' ['The Change of Sexual Behaviours'] in Bravo, A., Pelaja, M., Pescarolo A., and Scaraffia, L., (eds.) *Storia Sociale delle Donne Nell'Italia Contemporanea [Social History of Women in Contemporary Italy]* (Bari: Laterza, 2001).**

This chapter examines sexual discourses and practises shaping gender relations in 20th century Italy. The author argues that 'Mediterranean honour' is a 'cultural code' that 'despite appearances is not linked primarily to sexual behaviour, rather through sexual behaviour it finds a way of channelling a system of norms and values' (p.187). Therefore 'family honour' becomes a matter falling under public scrutiny, for example women's chastity is a symbol of respectability owned by the men in the family - father, brother, husband.

**Peristiany, J., 'Honour and Shame in a Cypriot Highland Village' in Peristiany, J. G. (ed.), *Honour and Shame: The Values of Mediterranean Society* (Chicago, 1966), 171-190.**

This chapter outlines a theoretical model defined as a 'common value language' to examine how the notions of 'honour' and 'shame' may operate within Greek Cypriot communities. It focuses on how the values of honour and shame are perceived and reflected within this framework, when these notions are invoked and which groups are most affected. Within the Greek Cypriot community there exist two value systems, the urban and the rural. The rural value system embodies constructions of Greek Cypriot identity; the influence of Greek Orthodoxy is also pivotal. The village is defined as the "unit of moral evaluation" and the family regulates the behaviour of individuals, outlining a set of rules, duties and obligations. It is within this unit that moral values take their most potent form and honour and shame operate most directly. The state has little significance in catalysing values and loyalties; it is the family which is all-important.

**Phillips, A., 'When Culture Means Gender: Issues of Cultural Defence in the English Courts"', *Modern Law Review*, Volume 66(4), (2003), 510-532.**

This article aims to address the dearth of literature in the UK on the use of the 'cultural defence', a topic which has been much discussed in the US context, particularly in feminist assessments of multiculturalism. The paper is concerned with the way culture is currently invoked in the UK criminal courts. Four general issues raised by the use of the cultural defence are highlighted: threatened undermining of legal universalism; the opportunistic misuse of the defence; continuance of male power; and the bolstering of stereotypical representations of the non-Western 'other' which diminishes both men and women. The article examines two categories of cases from the English courts, those where cultural context has been significant in interpreting the actions of female defendants, and those where 'culture' is invoked to explain severe acts of violence against women. Analysis reveals that for women to benefit from cultural considerations they must conform to stereotypical images of the subservient non-Western wife. Further, men have not on the whole been successful in using culture as a mitigation of crimes against women, though there are exceptions.

**Poulter, S., 'Ethnic Minority Customs, English Law and Human Rights', *International and Comparative Law Quarterly*, 36 (3), 1987, 589-615.**

This article presents a structure within which controversies between ethnic minority customs and English law may be systematically and coherently addressed, and proposes a "general theory" which may provide some principles and guidelines as to how English law should react when confronted with a wide variety of ethnic minority customs. It considers the parameters of a policy of cultural pluralism and legal toleration, and the impact of international human rights conventions as a reflection of English public policy. The issue of forced marriage is addressed as an instance of the application of the first principle of the "general theory". The author proposes that recognition or enforcement of the custom would run counter to human rights provisions and that there is room for judicial flexibility. Specific cases are referred to in order to show that English courts have demonstrated that they have considerable room for manoeuvre in deciding the kinds of pressures capable of amounting to duress.

**Poulter, S. M., *English Law and Ethnic Minority Customs* (London: Butterworths, 1986), 22-33.**

The analysis of social and legal policy in this book is based upon the premise that any satisfactory solution to conflicts between state and customary laws must depend upon finding a proper balance and some degree of compromise between them. In the chapter on marriage, a section deals with forced and arranged marriages. Having distinguished between the two, and identified forced marriages as those which are contracted under duress and where consent is not sought, and introduced various marriage alliance traditions, the author addresses aspects of English domestic law pertaining to the validity of marriage. Particular attention is given to what constitutes duress and the need for the English judiciary to properly understand the workings of ethnic minority familial structures. In conclusion, the author argues that for English courts to uphold forced marriages under the misapprehension that they are giving effect to the respectable custom of arranged marriages would be a great mistake. The book contains extensive references to caselaw and international conventions.

**Safilios-Rothschild, C. ‘Honour’ Crimes in Contemporary Greece’, *British Journal of Sociology* (1969) 20, 205-18.**

The first section of this article describes the traditional role of ‘honour’ (*philótimo*), which includes personal and family ‘honour’ and the related concept of ‘shame’ in Greek society. The second section questions whether the social changes which took place in post-World War II Greece (e.g. urbanisation, emergence of an urban middle class, and increased education) which directly affected and weakened men’s control over women, have led to a shift in what is considered ‘dishonorable’ and consequently whether there has been a shift regarding the circumstances in which ‘honour crimes’ are considered socially acceptable. To investigate this, the author reviewed media reporting of ‘honour crimes’ cases, and discussed the findings on the perpetrators and victims in terms of sex and age differences; rural–urban differences; occupation patterns and real and alleged motives. The article concludes that whilst social changes have led to some changes in the definition of what constitutes a dishonouring event and when an ‘honour crime’ is justified, particularly in urban areas, the ideal of ‘honour’ persists, and has been used a cover for criminal behaviour which has little to do with ‘shame’ or the restoration of ‘honour’.

**Schneider, J., ‘Of Vigilance and Virgins: Honour, Shame and Access to Resources in Mediterranean Societies’, *Ethnology*, 10 (1) (1971), 1-24.**

The author examines cultural codes in operation in traditional Mediterranean societies which embody the notions of honour and shame. Analysis focuses upon how these practices govern ‘family integrity’, controlling the virginity of young women and girls. Women define the honour of the social group and honour is linked to family status and property within the community. Inter-community conflict is central to community values and the concepts of ‘honour’ and ‘shame’ operate to restore familial and community relations. Shame is defined as the reciprocal of honour and is especially important when one of the contested resources is women. Male control therefore is seen as crucial in maintaining the virtue of women and families associate honour with the virginity of unmarried daughters and the chastity of these women after marriage. An unmarried girl’s loss of virginity brings unbearable shame on her family or lineage who, if they are to recover, must first kill the girl and then her lover.

**Siddiqui, H. ‘Forced Marriages: The Duty of Social Services’, *Community Care*, 8-14 July 1999, 20-23.**

The article addresses the issue of forced marriages in the UK, focussing upon the legal duties of Social Services to act in such cases. It draws upon the work of Southall Black Sisters, a black women’s organisation, which has dealt with the issue of forced marriages over a period of 20 years. It begins from the premise that all complaints of forced marriages should be taken seriously and defines what may constitute as a forced marriage. It outlines the legal duties of Social Services with particular emphasis on Part III of the Children Act 1989 and Part IV of the Family Law Act 1996. It concludes with a useful list

for social workers of 'signs' which may indicate a possible forced marriage, outlining what they should and should not do in such a situation.

**Siddiqui, H., "It was Written in her Kismet': Forced Marriage' in Gupta, R. (ed.), *From Homebreakers to Jailbreakers: Southall Black Sisters* (London: Zed Books, 2003).**

This chapter draws on the experiences of Southall Black Sisters in analysing and participating in reform of UK law and policy on forced marriage, such as the work of the Home Office Working Group on Forced Marriage, the actions of the Foreign and Commonwealth Office and the remedies for potential and actual victims of forced marriage provided by UK law. The author highlights a recent shift in the description of homicides which were once used to highlight forced marriages now being referred to as 'honour killings' – effectively finding that in many cases forced marriage has become a political football and a shorthand for condemning minority communities and increasingly strict immigration controls. The author advocates mainstreaming policy responses to forced marriage within the broader response to domestic violence to offset the risk of the issue being incorporated in racist agendas.

**Siddiqui, H., 'The Ties that Bind', *Index On Censorship*, No.1., 2000, 50-53.**

The case of Ruksana Naz, a young Asian woman from Nottingham in Britain, who was killed for 'shaming her family' sets the backdrop for this article. The author argues that this case, though at the extreme end of the spectrum, reflects how many Asian women in Britain face severe violence for refusing to conform to family expectations. Forced marriage in the UK is not confined to Muslim women but cuts across faith, age, class, caste and racial group. Discussion focuses upon the nature of a forced marriage and the different ways in which pressure to marry may manifest. It is a practice which can affect men but one which overwhelmingly affects women, whose 'sexual purity' represents the honour of the family. The practice is an abuse of women's human rights and reduces them to a position of sexual subservience. The author argues that the British Home Office, which set up a working party to report on the nature and scale of forced marriages in the UK, must listen to radical black women's organisations and not depend for resolution of the problem on community leaders, who are largely male, conservative and orthodox. The issue of forced marriage illustrates how racism and cultural relativism deny Asian women the right to universal rights.

#### **NEW ENTRY**

**Siddiqui, H., "There is no 'honour' in domestic violence, only shame!" Women's struggles against 'honour' crimes in the UK, pp. 263-281, in Welchman L. and Hossain S. (eds.), *'Honour': Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This chapter draws on the work of Southall Black Sisters in analysing 'crimes of honour' in the UK and the responses of state agencies to such abuses of women's human rights. The chapter begins with an analysis of 'honour', drawing on several 'honour crimes' case studies to demonstrate the dual purpose of this concept: as a rationale for men's violence against women, and as a barrier preventing women from leaving abusive relationships. 'Crimes of honour' are categorised as violence against women which is motivated, justified or mitigated by the perpetrators perspective of 'honour', thus a range of abuses are considered, including forced marriage and 'honour killings'. The chapter charts the development of responses by governmental and law enforcement agencies, firstly to forced marriage and then to 'honour killings'. In critiquing these responses the chapter criticises both the use of multiculturalism in underpinning certain policies and recourse to immigration-based strategies. The chapter concludes by calling for greater understanding of the inter-sectionality of racial and gender discrimination suffered by black and minority women victims of 'honour crimes'. In particular, it is argued that the debate surrounding black and minority women and gender violence needs to be relocated to the mainstream of law and policy on gender violence and into the wider issues of human rights.

**Singer, Sir Peter, 'When is an Arranged Marriage a Forced Marriage?', *International Family Law*, (April 2001) 30-34.**

Based on a paper given at a conference in Cape Town, 'The Trend from Parental Rights to Parental Responsibilities', the article discusses the problem of forced marriage as an under-recognised mode of human rights abuse as well as the abuse of parental power and one that affects children, primarily girls. The issue of forced marriage is mainly examined in the context of England, through the decision in the case of *Re KR* (see below), the involvement of politicians, press coverage and extensive reporting of the problem that led to the Home Office establishing a working group to investigate and report on recommendations for tackling the issue of forced marriage. An arranged marriage and forced marriage are subsequently distinguished on the premise of 'consent', the absence of which is identified in the latter situation. In addressing how societies must respond to cultural practices which are clearly not in a child's 'best interests', the author identifies, in the context of South Africa, the Constitution, the UN Convention on the Rights of the Child 1989, the African Charter, customary law and in general, the role of judges or politicians as key 'to assist in promoting better understanding of the reasons why the practice in question is to be regarded as undesirable or unacceptable'.

**Thompson, A. and Siddiqui, H., 'Clash of Cultures', *Community Care*, 8-14 July 1999, 21-24.**

This article questions at what point a long accepted practice may be considered to have become an abuse of rights for young girls and women from ethnic minority backgrounds. It raises the dilemmas which social workers may experience in dealing with cases which require cultural and religious factors to be taken into account. Social workers constantly come up against attitudes and practices of which they may disapprove, but when such cases also have an ethnic or cultural significance of which they may be ignorant, their actions and inaction can have serious implications. The murder of Ruksana Naz and cases of forced marriages illustrate the crucial role of social workers. A number of cases are presented which demonstrate how social workers must address this complex issue with sensitivity while recognising that the human rights of the individual must prevail in all circumstances.

**Timmerman, J., 'When Her Feet Touch the Ground: Conflict between the Roma Custom of Arranged Juvenile Marriage and Enforcement of International Human Rights Law', *Journal of Transnational Law and Policy* (2004), p. 475.**

This article focuses on child marriage in the Roma community, and highlights the case of Ana Maria and Birta Mihai in September 2003, which attracted substantial media coverage and condemnation from the international human rights community. The article examines three substantive areas implicated in the child arranged marriage specifically in the Balkan region. Firstly, it seeks to demystify myths and traditions surrounding Roma origin and marriage customs. The author notes potential human rights violations involved in this practice, and in the gender-based social roles within marriage, highlighting for example, that spousal relationships are overshadowed by the *mahrime* or *magherdoa* concept of purity and uncleanness associated solely with women. The next section, which describes child marriage as the start of a culturally embedded tradition of lifelong discrimination against Roma women, examines bodies of international human rights law which prohibit discrimination against (Roma) women. The following section examines the debates surrounding the imposition of individualist state law on collectivist Roma communities. The article concludes by noting that elimination of child marriage is not a cure-all that will obviate the need for further protection of Roma women. It suggests that the EU can use the opportunity of the accession process to not only ban arranged child marriage but to also seek to address the gender imbalances and discrimination to which Roma women are subject.

## **- Reports, Studies & Comments**

(PLEASE NOTE THAT IN SOME CASES BELOW, ANNOTATIONS HAVE BEEN COMPLETED, SO ONLY THE TITLE HAS BEEN INCLUDED FOR THE MOMENT)

### **NEW ENTRY**

Amnesty International, *Albania Violence against Women in the Family: it's not her shame*, AI Index: EUR 11/002/2006 – available at <http://www.amnesty.org/en/library/asset/EUR11/002/2006/en/fdc93ca4-d457-11dd-8743-d305bea2b2c7/eur110022006en.pdf>

### **NEW ENTRY**

Begikhani, N, Gill, A., Hague, G. and Ibraheem, K., *Honour-based Violence (HBV) and Honour-based Killings in Iraqi Kurdistan and in the Kurdish Diaspora in the UK*, Centre for Gender and Violence Research, University of Bristol (UK), Roehampton University (UK) in partnership with Kurdish Women's Rights Watch, 2010, available at <http://www.bristol.ac.uk/sps/research/projects/reports/2010/rw9038reportenglish.pdf>

### **NEW ENTRY**

Brandon, J. and Hafez S., *Crimes of the Community: Honour-based Violence in the UK*, Centre for Social Cohesion, 2008, London – available at <http://www.civitas.org.uk/pdf/CrimesOfTheCommunity.pdf>

British Home Office, Report of the Working Group on Forced Marriage, 'A Choice by Right', June 2000, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk).

In August 1999, the Home Office Minister for Community Relations, Mike O'Brien, established a Working Group to investigate to what extent forced marriage was a problem in England and Wales and to make proposals for tackling it effectively. Baroness Uddin of Bethnal Green and Lord Ahmed jointly led the Working Group. Its report defines a forced marriage as a marriage conducted without the valid consent of both parties and where duress is a factor. It also outlines a number of proposals to tackle the problem of forced marriages. It states that the All Party Parliamentary Group on Domestic Violence should take forced marriage as an issue within its remit and work programme; and that the Inter-Departmental Group on Violence Against Women should monitor the action across Government Departments. )

### **NEW ENTRY**

Crown Prosecution Service (CPS), *CPS Pilot Study on Forced Marriage and So-Called 'Honor' Crime – Findings*, Crown Prosecution Service, London, 2008 – available at [http://www.cps.gov.uk/publications/docs/findings\\_from\\_cps\\_pilot\\_on\\_forced\\_marriage.pdf](http://www.cps.gov.uk/publications/docs/findings_from_cps_pilot_on_forced_marriage.pdf)

### **NEW ENTRY**

Crown Prosecution Service (CPS), *CPS Recommendations on Future Work on Forced Marriage and So-Called 'Honor' Crime*, Crown Prosecution Service, London, 2008 – available at [http://www.cps.gov.uk/publications/docs/forced\\_marriage\\_and\\_honour\\_crime\\_recommendations.pdf](http://www.cps.gov.uk/publications/docs/forced_marriage_and_honour_crime_recommendations.pdf)

**NEW ENTRY**

Dustin, M., *Gender Equality, Cultural Diversity: European Comparisons*, Gender Institute, London School of Economics, 2006, London – available at [http://www.lse.ac.uk/genderInstitute/pdf/NuffieldReport\\_final.pdf](http://www.lse.ac.uk/genderInstitute/pdf/NuffieldReport_final.pdf)

Eldén, Å., *Heder på liv och död: Våldsamma berättelser om ryken, oskuld och heder [Life-and-death Honour: Violent Stories about Reputation, Virginity and Honour]*, Acta Universitatis Upsaliensis, Uppsala [Dissertation presented at Uppsala University 26 September 2003]. [Swedish]

This publication discusses how reputation, virginity and honour interact in the lives of Arab and Kurdish women, and how they are connected with understandings of culture and religion by drawing on empirical research conducted through interviews with ten Arab and Kurdish women and analysis of seven Swedish legal cases involving honour related violence. The dissertation is divided into five chapters and five published articles. The first chapter demonstrates how honour, virginity and reputation emerged as main themes in the empirical findings. Chapters two to four discuss the author's methodological, ethical and theoretical choices. The fifth chapter presents the main themes of the articles, focusing on the interconnectedness of concepts of culture, religion, gender, gender identity and violence in the empirical findings.

Englund, C., *Migrants between Culture and Society: A Case Study of a Changing Social Climate after the Murder of Fadime Sahindal* (Stockholm: Expo Foundation, 2002).

This publication focuses on the murder of Fadime Sahindal, labeled an 'honour killing' and the considerable debate it triggered in Swedish (as well as Norwegian and Danish) society and media. The paper is divided into several sections which address the media reporting of the murder of Fadime; the response of the authorities; the work of NGOs regarding women's issues, and violence against 'migrant' women; and the role and agenda of political parties in this debate. The author concludes that whilst 'honour killings' are a difficult phenomenon to explain, the confusion caused by trying to explain the label obscures the realisation that these are murders and should be treated as such. The paper concludes with recommendations regarding the nature of media reports on the issue, scrutiny of media reporting, and, given the lack of responsible mainstream reporting, the need to support 'migrant' newspapers and magazines.

**NEW ENTRY**

Gangoli, G., Razack, A., McCarry, M., *Forced Marriage and Domestic Violence among South Asian Communities in the North East England*, University of Bristol and Northern Rock Foundation, 2006, Bristol – available at <http://www.bris.ac.uk/sps/research/projects/completed/2006/rj4334/rj4334finalreport.pdf>

**NEW ENTRY**

Government Offices of Sweden, Ministry of Justice and Ministry for Foreign Affairs, *Report from the International Conference: Combating Patriarchal Violence Against Women – Focusing on Violence in the Name of Honour*, Stockholm, 7th – 8th December 2004 – available at <http://minmedia.minheder.nu/2011/05/konferensrapportHedersvald2009.pdf>

**NEW ENTRY**

Government Offices of Sweden, Ministry of Justice, *Expert meeting on violence in the name of honour*, Stockholm, 4th – 5th November 2003

**NEW ENTRY**

Government Offices of Sweden, Ministry for Integration and Gender Equality, *Against violence and oppression: Combating men's violence against women, violence and oppression in the name of honour and violence in the same-sex relationships*, Stockholm, 2009 – available at <http://www.government.se/content/1/c6/13/59/14/87be121a.pdf>

**NEW ENTRY**

Government Offices of Sweden, Ministry of Integration and Gender Equality, *Action Plan for combating men's violence against women, violence and oppression in the name of honour and violence in same-sex relationships*, Stockholm 15 November 2007 – available at [http://www.coe.int/t/pace/campaign/stopviolence/Source/sweden\\_actionplan\\_en.pdf](http://www.coe.int/t/pace/campaign/stopviolence/Source/sweden_actionplan_en.pdf)

**NEW ENTRY**

Hellgren, Z. and Hobson, B., “Intercultural Dialogues in the Good Society: the Case of Honor killings in Sweden”, paper presented at *Gender Equality, Cultural Diversity: European Comparisons Conference*, Vrije Universiteit Amsterdam, 8th – 9th June 2006

**NEW ENTRY**

Home Affairs Committee, *Domestic Violence, Forced Marriage and 'Honour-Based Violence'*, House of Commons Home Affairs Select Committee, Sixth Report of Session 2007-08, The Stationery Office, London, 13 June 2008 – available at <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmhaff/263/263i.pdf>

**NEW ENTRY**

Institute of Equality, *Honour Based Violence, Greece: Status Report*, EU Daphne 2003 Financed Project, Athens, 2004 – available at [http://ec.europa.eu/justice\\_home/daphnetoolkit/files/projects/2003\\_048/greece\\_report\\_honour\\_based\\_violence\\_2004.pdf](http://ec.europa.eu/justice_home/daphnetoolkit/files/projects/2003_048/greece_report_honour_based_violence_2004.pdf)

**NEW ENTRY**

IPCC, “IPCC concludes investigation into MPS and West Midlands Police dealing with Banaz Mahmud”, Independent Police Complaints Commission, 2nd April 2008

**NEW ENTRY**

Khanum, N., *Forced Marriage, Family Cohesion and Community Engagement: National Learning Through a Case Study of Luton*, Equality in Diversity, 2008, Bartham Press, Watford - [http://www.reducingtherisk.org.uk/cms/sites/reducingtherisk/files/folders/resources/hbv\\_forced\\_marriage/FM\\_family\\_cohesion\\_community\\_engagement.pdf](http://www.reducingtherisk.org.uk/cms/sites/reducingtherisk/files/folders/resources/hbv_forced_marriage/FM_family_cohesion_community_engagement.pdf)

**NEW ENTRY**

Kvinnoforum/Foundation of Women's Forum, *Honour Related Violence Within a Global Perspective: Mitigation and Prevention in Europe*, European Conference Report, Stockholm 7-8 October 2004, – available at [http://ec.europa.eu/justice\\_home/daphnetoolkit/files/projects/2003\\_048/kvinnoforum\\_honour\\_related\\_violence\\_conference\\_report\\_2004.pdf](http://ec.europa.eu/justice_home/daphnetoolkit/files/projects/2003_048/kvinnoforum_honour_related_violence_conference_report_2004.pdf)

**NEW ENTRY**

Kvinnoforum, *Shehrazad: Combating Violence in the Name of Honour*, EU Daphne Programme, Sweden, 2005

Larsson, S. and C. Englund (eds.), *Debatten om Hedersmord - Feminism eller Rasism [The Debate on Honour Killings - Feminism or Racism]* (Stockholm: EXPO Foundation and Svartvitts Förlag, 2004) [Swedish text]

This anthology examines the intense integration debate that began after the murder in January 2002 of Fadime Sahindal, a young woman of Kurdish origin brought up in Sweden. The anthology brings together nine voices (Idris Ahmedi, Gufran Al-nadaf, Cecilia Englund, Masoud Kamali, Stieg Larsson, Diana Mulinari, Bernita Nuñez, Javeria Rizvi, Tara Twaana) from diverse backgrounds including academic, journalistic, practitioner, public officials and individuals, all of whom have participated in or are affected by the debate on honour killings following Fadime's murder. The voices deviate from the mainstream tendency in Swedish public debate of viewing honour killing as a 'particular' manifestation of certain given 'cultures', usually typified as Kurdish or Middle Eastern cultures. These voices share their views on the debate, which was largely polarized between two standpoints: seeing Kurdish culture as the underlying factor for the murder on the one hand, or as a manifestation of men's violence against women on the other. The contributions in the book reiterate that the debate was dominated by culturally racist and ethnocentric notions of 'us' and 'them' as well as the notion that there is a moral difference between 'Swedish men' and men from middle eastern cultures.

**NEW ENTRY**

Metropolitan Police Sikh Association, *A brief guide to Honour Based Violence*, Chairperson Palbinder Singh, 2010 – available at [http://www.sikhpolice.org/MPSA%20Repository/Articles/Honour\\_Violence\\_Booklet.pdf](http://www.sikhpolice.org/MPSA%20Repository/Articles/Honour_Violence_Booklet.pdf)

**NEW ENTRY**

Oberwittler, D. and Kasselt, J., *Honour Killings in Germany*, Freiburg, Max Planck Institute for Foreign and International Criminal Law, 2011 – available at [http://hbv-awareness.com/wp-content/uploads/2011/11/HonourKillingsGermany\\_ExecSummary.pdf](http://hbv-awareness.com/wp-content/uploads/2011/11/HonourKillingsGermany_ExecSummary.pdf)

**NEW ENTRY**

Phillips, A., "Consent, Autonomy and Coercion; The UK Experience", paper prepared for *Workshop on Multiculturalism, Autonomy and the Law: Forced Marriage And Exclusion From Marriage as Contested Legal Fields in the UK, Austria and Turkey*, Vienna, Austria, 16th May 2008

**NEW ENTRY**

Samad, Y., Eade, J., *Community Perceptions of Forced Marriage*, Community Liaison Unit, Foreign and Commonwealth Office, 2003, UK

**NEW ENTRY**

Siim, B., "The Danish Approach to Migration, Integration and Gender Equality – Gendered Debates About Forced Marriage and Arranged Marriages and the Veil", paper presented at *Gender Equality, Cultural Diversity: European Comparisons Conference*, Vrije Universiteit Amsterdam, 8th-9th June 2006

**Southall Black Sisters, 'Forced Marriage -- an Abuse of Human Rights. One Year After "A Choice by Right"', (London: Southall Black Sisters, July 2001).**

The report marks the first anniversary of the UK Home Office Working Group on Forced Marriage's Report, "A Choice by Right", and raises concerns about policy, efforts to monitor developments and the call for further reform, concluding with a summary of current recommendations. Divided into five sections, the first section addresses patterns and trends of forced marriage as domestic violence and child abuse, cutting across communities, to the realization of the scale of the problem, its nature as a crime of honour against women and girls and addressing it as a world problem. The second section explores the problem of forced marriage from a community perspective, through interactions with the media, government ministers and members of parliament, the law and community leaders themselves. The third section, 'the voice of women', refers to the submission made by SBS to the Home Office Working Group on Forced Marriage, which now forms a part of this report, and supported by other black, minority women's and community groups, calling for 'an end to ignoring the problem in the name of religion and culture and the practice of mediation in abusive situations'. The fourth section, 'the state response', outlines current practice and responses to the issue of forced marriage from government and non-governmental organisations in the UK and abroad, in light of human rights standards, mediation and reconciliation, mainstreaming, funding, minimum national standards, confidentiality and security, public information and education and monitoring and enforcement. Finally the report presents 'issues and recommendations affecting specific government and non-government agencies' to the Home Office and the Foreign and Commonwealth Office, in the areas of criminal justice, civil justice, social services, education, health, housing and welfare benefits. The report concludes with points that members of SBS raised at the United Nations in June 2001 and a summary of recommendations.

**NEW ENTRY**

**SURGIR, *Combating Honour Crimes in Europe, Manual for policy-makers, institutions and civil society*, 2011-2012 – available at <http://www.surgir.ch/userfiles/file/surgir-brochure-honor-crimes-en.pdf>**

**Svenberg, J. and Hulden, G., *Violence Against Women with Foreign Background* available at [http://www.roks.se/kvinnotryck/kt2\\_02\\_flickor.html](http://www.roks.se/kvinnotryck/kt2_02_flickor.html) [Swedish text].**

This article discusses the various problems that young women in Sweden have faced in relation to the fear or threat of 'honour crimes'. During 2001, 66 young women sought protection at different women's centres, because the violence they faced within the family had become so unbearable that their only choice was to escape to a new city and adopt a secret identity. To safeguard themselves, they were compelled to cut off any ties with their families. However, at times the longing for their mothers, or guilt, compelled them to return to potentially dangerous situations. The article argues that it is imperative that those working in such centres are familiar with the various cultural pressures that such women are under, and that they understand the cultural barriers which may exist between Swedes and non-Swedes. It criticises the failure of local authorities to realise that more than simple dialogue is necessary, and also highlights existing flaws in the system, which can result in some young women being found by the families from which they are escaping. However, the article also acknowledges that the women's centres have contributed to a greater understanding of violence against women with non-Swedish backgrounds, which is partly attributable to the fact that many women working in these centres have themselves escaped violent family situations.

**NEW ENTRY**

**Thapar-Björkert, S., "State policy, strategies and implementation in combating patriarchal violence, focusing on 'honour related' violence", *Integrationsverket* (2007) – available at [http://www.mkc.botkyrka.se/biblioteket/Publikationer/stencilserie/2007-04\\_Honourrelated\\_violence.pdf](http://www.mkc.botkyrka.se/biblioteket/Publikationer/stencilserie/2007-04_Honourrelated_violence.pdf)**

## **NEW ENTRY**

**Women Against Fundamentalist and Southall Black Sisters, *Joint Submission to the Commission on Integration and Cohesion*, 2007, London**

### **d) Middle East/North Africa**

#### **- Books & Articles**

**Abduh, J., *The Crime of Family Honour* (Cairo: Cairo Institute for Human Rights Studies, 1999) [Arabic Text].**

With an introduction by Nadia Abdel Wahab, this short book looks at the phenomenon of the 'crime of family honour' in Palestinian Arab society inside Israel. Separate chapters set the phenomenon in its socio-economic and historical context, showing how the concept of 'family honour' changes and considering: the status of women in the British Mandate and the Nakba of 1948; women in popular culture; the position of this part of Palestinian society regarding the issue of 'family honour'; the women's movement as an agent of change; and state policy regarding violence against women. An appendix sets out the programme of Al-Badeel (The Coalition against the Crime of Family Honour).

**Abu Odeh, L., 'Crimes of Honour and the Construction of Gender in Arab Societies' in Yamani, M., (ed.), *Feminism and Islam: Legal and Literary Perspectives* (London: Ithaca Press, 1996), 141-194.**

This article discusses crimes of honour in the Arab world. A paradigmatic crime of honour is "the killing of a woman by her father or brother for engaging in, or being suspected of engaging in, sexual practices before or outside marriage". The article attempts to identify the role that these crimes play in the production and reproduction of gender relations in contemporary Arab life. It contends that these relations are the outcome of a complex triangular interaction between social violence, the crime of honour itself and state violence. The legal field through codification has had the effect of modernising the traditional practice of crimes of honour by defining the limits of its practice, sanctioning it in certain cases, and penalising the violators in others. The article also argues that Arab legal systems have aimed to contain the practice of crimes of honour whilst recognising the emergence of subservient sexual types. Court rulings from Egypt and Jordan are examined to cast light on the interpretation of statute, and the different statutory provisions in Arab penal codes are considered in terms of 'crimes of passion' and 'crimes of honour'.

**Al-Fanar, 'Developments in the Struggle against the Murder of Women against the Background of so-called Family Honour', *Women Against Fundamentalism Journal*, 6, (1995), 37-41.**

This article discusses the practice of honour crimes within Palestinian society inside Israel. Family honour is defined as an entire social behavioural code imposed on women for the purpose of enforcing their inferiority and preserving male supremacy. It is argued that the Israeli state affords crimes of honour 'special treatment' attempting to portray them as part of Arab folklore and tradition in order to control the communities. The state is directly linked to the continued perpetration of 'honour crimes and killings', as women who attempt to escape are handed over by the authorities to the family or community leaders. Thus this policy of preserving a retrogressive patriarchal tradition is part of the policy of political control over the Palestinian population. Therefore, it is argued, the feminist struggle against tradition is an inseparable part of the struggle for equality and national liberation. The article also provides a case study of the practice of honour crimes within the Druze community in Palestine, through the illustration of a local youth colluding with the police to ensure that those who commit honour killings are not brought to justice. It discusses a demonstration by women against such killings and its condemnation by religious leaders and highlights the increasing failure of the state to take such killings seriously.

**Al-Khayyat, S., *Honour and Shame: Women in Modern Iraq* (London: Saqi Books, 1993), 21-78.**

These chapters examine how female behaviour is regulated in Iraqi society through the concepts of honour and shame, which impact upon all aspects of a female's socialisation. Negative attitudes to the birth of a girl are noted and connected to the concept of honour. As honour demands that girls be watched closely and controlled, their upbringing is considered difficult. Honour crimes occur more frequently in rural and Bedouin areas and among less educated families. A man who avenges his dignity by killing a woman will be considered a hero by his fellow men and friends. Quotes from a variety of Iraqi women are used to illustrate attitudes concerning family relationships, education, menstruation and marriage.

**Antoun, R. T., *Arab Village: A Social Structural Study of a Trans-Jordanian Peasant Community* (Indiana University Press, 1977).**

This book provides an anthropological study of the Kufr al-Ma village in the Ajlun district in Jordan. The book examines the relationship between the structural nature of the community and the operation of its specific norms and values. It goes on to consider what impact cultural and social processes operating within the community may have upon its members. Two central themes discussed in the book are the issue of social control and the impact of social change due to economic changes. Kinship descent and relations are central to the formation of the community and play a pivotal role in the relationship between community members and wider society. This process is crucial to the control of marriage and sexual relations and those who wish to challenge such customs are often killed or made liable to pay compensation to the injured party. The concept of 'honour' operates to maintain strict segregation between the sexes. Unofficial legal bodies defined as 'consultation groups' regulate such behaviour and thus aim to maintain strict social codes relating to family, social and community relationships. These groups, made up of male members of the community, are often implicated in honour killings but their behaviour is sanctioned by the community. They are therefore seen as moral guardians of the community. A number of case studies illustrate that women are more likely than men to become victims of 'honour killings' and that the community condones such a practice.

**Antoun, R.T., 'On the Modesty of Women in Arab Muslim Villages: A Study in the Accommodation of Traditions', *American Anthropologist*, 70 (4) (1968), 671-697**

Prevalent in both the 'great' tradition of Islamic law and Quranic ethics and the 'little' tradition of village custom and belief, the modesty code is deemed here to be perhaps the most fundamental and pervasive cultural pattern in Middle Eastern peasant culture. In substantial detail this paper analyses the accommodation that occurs in both thought and action between these two traditions, an accommodation made necessary by the difficulty in conforming to the code due to the peculiar conditions of peasant life. It examines various historical, psychological, and structural explanations for the prominence and persistence of the value of modesty, discussing how the group's honour is conceptualized in terms of its women's modesty and upheld through the seclusion, punishment and control of women.

**Araji, S. K. and Carlson, J., 'Family Violence including Crimes of Honor in Jordan', *Violence Against Women*, Vol. 7 no 5, May 2001, p. 586-621.**

This article focuses on the findings of a survey by Universities in Jordan and Philadelphia, USA in 1994-1995. The survey was carried out using students in Jordan to assess perceptions surrounding the seriousness of domestic violence, including 'honour killings'. The survey revealed that more than 55 % of students felt child abuse, spouse abuse, emotional abuse and 'honour killings' were a serious problem in Jordan. According to the research the attitudes of the students related to their parent's level of education and status, i.e., those students whose parents had a strong educational background or higher social status saw violence and 'honor killings' as a serious problem as compared with those from lower classes and those with less education. The paper also discusses 'honour killings' within the context of domestic/family violence, seen as a cultural phenomenon, whether occurring in the Middle East or America. The paper concludes that this

research may offer support to those campaigning in Jordan for legal and social reforms related to domestic violence, and specifically ‘honour killings’.

**Arin, C., ‘Femicide in the Name of Honour in Turkey’, *Violence Against Women*, July 2001, pp.821-825.**

This article discusses ‘honour killings’ in Turkey, beginning with several descriptive case studies. The article analyses the incidents that constitute ‘honour killings’ or ‘customary murders’, noting the historical roots of such practices in a specific area of Turkey but arguing that labour migration throughout Turkey and the rest of the world no longer makes this an issue of ‘the other’. The author notes that women are not seen as individuals but as the property of their families, who in some instances are willing to forgo the life of female members to restore ‘honour’. In examining the minimal protection afforded to women by the law, including colluding in the defence of the murder of women, the author notes that out of 24 court decisions researched by her between 1988-1999, all of the accused benefited from the application to them of Article 52 of the Turkish Criminal Code which allows for mitigation of sentence where a crime is committed under provocation. The author concludes by endorsing the campaign of many women’s groups to amend Turkish law to allow human rights NGOs to become a party to proceedings regarding violence against women. However she warns that making this participation dependent on family consent would be paradoxical given that family members are often implicated in or themselves the perpetrators of the crime.

**Arnold, K. C., ‘Are the Perpetrators of Honor Killings Getting Away with Murder? Article 340 of the Jordanian Penal Code Analyzed under the Convention on the Elimination of All Forms of Discrimination Against Women’, *American University International Law Review*, Vol. 16 (2001), 1343-1409.**

This article begins with a historical background of ‘honour killings’, explaining the practice and its problems, identifying the lack of legal deterrence as a major problem. The article focuses on the case study of Jordan and discusses the Jordanian government’s approach to addressing the practice of ‘honour killings’. The article examines Jordan’s compliance with its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and determining whether Jordan has met its requirements, finding that this country fails in many regards. The article provides recommendations on how Jordan and CEDAW could address the practice of ‘honour killings’ and the gender-discriminatory treatment of women.

#### **NEW ENTRY**

**Baron, B., “Women, Honour and the State: Evidence from Egypt”, *Middle Eastern Studies*, Vol.42, No.1, 2006, pp. 1-20**

This article explores the link between state-building and the regulation of ‘honour’, as represented in women’s sexual behaviour. In the 19th and early 20th centuries, as the Egyptian state increasingly sought to regulate private conflicts and extend its monopoly over violence, it introduced criminal codes placing honour crimes within the public domain. The codes defined the conditions under which honour would be considered compromised (such as through adultery or prostitution), regulated the permissible responses of male relatives, and established the jurisdiction of state courts. Modern professional groups were enlisted to support the transfer of honour from private to public regulation: lawyers drafted the new codes, doctors conducted virginity tests, and police investigated cases. The author argues, in what she acknowledges is a preliminary study, that these professional groups did not seek to erode the notion of honour or offer women greater protection. Instead, they contributed their expertise to enshrine customary notions of honour within the state-building project. Popular ballads and case reports dealing with honour crimes show the continuity of these notions. Family honour as an idea and set of practices was thus reinforced, even while women’s progress was placed rhetorically at the heart of the nationalist agenda.

**Bates, D. G. and Rassam, A., *Peoples and Cultures of the Middle East* (Prentice-Hall, Inc., 1983), 211-239.**

This chapter discusses the concepts of honour and shame as values that inform aspects of individual behaviour and impart meaning to the lives of people in the Middle East. Crucial to these values is the idea that a man's honour is predicated largely on his ability to control the behaviour, especially sexual, of his womenfolk. This control involves a code of sexual modesty and the seclusion of women. Institutions that foster male domination and sexual segregation have accordingly become fundamental to the social order. While concepts of honour and shame are widespread among numerous Mediterranean peoples, what distinguishes them in the Middle East is the extent to which they are reflected in social institutions and form an explicit basis for social action.

#### **NEW ENTRY**

**Begikhani, N., "Honour-based violence among the Kurds: the case of Iraqi Kurdistan", pp. 209-229, in Welchman L. and Hossain S. (eds.), *'Honour': Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This chapter focuses on gender relations in Iraqi Kurdistan, as articulated through the phenomena of honour-based violence. The chapter draws on newly conducted field research carried out in the spring of 2004 in the three main cities of Iraqi Kurdistan - Erbil, Dihok and Suleimany – and the surrounding areas. Data is drawn from key actors in the field of enquiry, in particular women activists, victims, legal, human rights and media representatives, law enforcement agents together with leading governing political parties. The first section of the chapter introduces the current state of the law, in terms of its statutory provisions, systems of operation and enforcement. In outlining the present, the historical antecedence of the legal system is brought into view. In addition, the reader is provided with a sketch of the social structures and cultural reference points that combine to shape gender relations and provide the setting for 'honour killing'. The main body of the chapter considers the judicial system, its functioning, its approaches and interpretation by agents of the law and official bodies. The chapter highlights the dominant cultural and belief systems that must be flagged when analysing the discourse and approach of the representatives of the governing administrations in Erbil and Suleimanya to the issue of 'honour'-based crime. It then focuses on representations in the Kurdish media and the spectre of relativism in international media discourse when considering 'honour killing' amongst the Kurds. This leads to discussion about Kurdish cultural norms, the role and perception of community members and the work and methods of the various civil society and women's groups in addressing 'crimes of honour'.

**Brand, A. L., *Women, the State and Political Liberalization, Middle Eastern and North African Experiences* (New York: Columbia University Press, 1998), 132-139.**

This chapter summarises experiences of women's organising and the evolution of women's legal status in Jordan. Early women's organisations were primarily limited to charitable work and were viewed as apolitical and less threatening by a male dominated society. Women's issues were further considered secondary due to the focus on the Palestinian national struggle. The chapter outlines various laws which discriminate against women and transmit the message that economic, social and political control rests with men. It details external influences, particularly concerning women's right to vote and the funding of women's empowerment projects. The article also details reports of honour crimes, which appear to be rising in number and for which lenient sentences are generally given. It postulates that honour crimes in fact often have economic motives, or are committed to hide incest. Efforts to address domestic violence and honour crimes come primarily from unofficial circles and include regular coverage of these issues in the English-language press and activities by women's NGOs.

**Brooks, G., *Nine Parts of Desire: The Hidden World of Islamic Women* (London: Penguin Books Ltd, 1995), 49-53.**

This book examines the position of Muslim women in Muslim majority countries focussing upon their rights, duties and responsibilities. It questions how Islam defines notions of equality and justice and considers whether Muslim women are 'equal' within the family, community and wider society. The issue of honour killings is addressed to illustrate how Muslim women are subject to customary norms and values which control female sexuality and sexual behaviour. Honour killings are practiced in order to wipe away the shame a woman may impose on her family by committing adultery or transgressing familial norms and customs. Such killings transcend class divisions: for example, a princess in Saudi Arabia was killed for resisting an arranged marriage. The practice however tends to be most prevalent among the poorer and less educated families.

#### **NEW ENTRY**

**Centre for Egyptian Women's Legal Assistance (CEWLA), "Crimes of honour' as violence against women in Egypt, pp. 137-159, in Welchman L. and Hossain S. (eds.), *'Honour': Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This chapter begins with a description of the work of CEWLA, particularly in relation to 'honour crimes'. The first section of the chapter sets out the social context against which 'crimes of honour' are committed in Egypt. The second section focuses on the legal system in general, noting the gender bias in the law, and in particular article 17 of the Penal Code which provides for judicial discretion to reduce punishment in certain circumstance, an article which is frequently used in cases of 'honour killings'. In contextualising the legal system's approach to the perpetrators of 'honour killings' this section of the chapter also highlights the gender-discriminatory nature of relevant provisions of Egyptian law, particularly those which relate to the sexual behaviour of women and the control afforded to men. The following section provides a view from the former Head of the Supreme Constitutional Court - His Honour Awad al-Morr -- which analyses a selection of criminal prosecutions of perpetrators of 'honour killings'. The next section of the chapter provides a view from the media, regarding the occurrence and reporting of cases of 'honour crimes' in Egyptian and other Arabic and English language newspapers. Finally this chapter concludes with several recommendations for future work, drawing on the outcomes of several conferences held by CEWLA in Egypt.

**Dodd, P. C., 'Family Honor and the Forces of Change in Arab Society' in *International Journal of Middle Eastern Studies*, 4 (1973), 40-54.**

Discussion focuses upon how the notion of honour, termed as 'ird', operates within Arab society, especially in rural areas. It is based on a secular value rather than a religious one and is an attribute both of individuals and a group. A man is considered to have honour but this is in large part a reflection of the honour of his family and his lineage. The precise limits of the lineage of honour are not defined, although it is clear that it is traced exclusively through male kin. Male members of the family and extended family enforce the norms of honour. One major process of change, that of urbanisation, appears to have had relatively little impact on the valuation of honour. Other processes of change, such as political revolution and military warfare, result in the suspension of the honour code but not in its abolition. However, education appears to promise substantial changes in the valuation of honour.

**Fadia Faqir, 'Intrafamily Femicide in Defence of Honour: the Case of Jordan' 22/1 *Third World Quarterly*, 2001, No.1, 65-82.**

The author draws on a number of studies and reports produced by Jordanian governmental agencies, non-governmental organisations and newspaper reports to present an overview of the reported extent and nature of violence against women in Jordan. Her approach to 'honour killings' as a particular type of intrafamily femicide in defence of honour is set within a 'neopatriarchal' analysis of Jordanian society and gender

violence, as well as within the relevant international human rights framework. Statistics are presented (with reservations expressed as to the inadequate documentation of 'honour killings') and case examples are provided to illustrate, for example, the role played by rumour and reputation, and the 'reasons behind honour killings.' An overview of Jordanian law is accompanied by a short review of some of the relevant Islamic law principles. In a review of the positions taken by various groupings in the parliamentary debates on the subject, Faqir notes that "the majority of Members of Parliament perceived the bill as an attempt to legalise obscenity and encourage women to act immorally." Among her conclusions is that the debate around amendment of the Penal Code in regard to 'crimes of honour' demonstrates a critical intersection of 'traditional, national and fundamentalist' discourses, "as Islamism and tribalism have adapted Arab nationalism to their discourse, contributing to the subordination of women."

**Glazer, I. M. and Ras, W. A., 'On Aggression, Human Rights, and Hegemonic Discourse: The Case of a Murder for Family Honor in Israel', *Sex Roles*, Vol. 30, Nos. 3/4 (1994), 269-288.**

This paper provides an ethnographic account of a family 'honour killing' in an Arab village in Israel. Analysis of the case study on the "honour killing" of Jamila in the village of Masdar Al Nabea, focuses on the role of gossip and intra-familial power dynamics. The article argues that feminist anthropological perspectives need to re-conceptualise the assumed positive role of gossip. It is asserted that gossip is a product of male hegemonic discourse of cooperating East and West male intellectual elites, and an instrument by which they control and subordinate women and feminist discourse. The State however, plays a role in perpetuating these murders in the name of family honour, through lenient punishment for the perpetrators of these crimes, and poor investigation. This article argues that anthropological support for tradition is improper when cultural tradition denies some citizens human rights that should be universal.

**Hammad, Suzanne H., 'Essay: the Eradication of So-called "Honour Killings" in Jordan' *7/84 Civil Society* 1998, 17-20.**

Setting her article within the definition of gender-based violence provided in the 1993 UN Declaration of the Elimination of Violence Against Women, the author notes a range of forms of coercion against women that might be considered to be forms of gender-based violence in the context of the Arab world. These include female genital mutilation (FGM), forced early marriage and 'crimes of honour', as well forms of 'systems abuse' in the area of health and well-being. The "impermeable sanctity of the family, in addition to the dearth of gender-desegregated data, has made it all the more difficult to assess the current status of women in the Arab world – let alone address the sensitive issue of gender-based violence at the national level." Within this broader framework, Hammad reviews information from a number of conference papers and UN reports, as well as newspaper articles, to provide a consideration of "honour killings" in Jordan, including the meaning of "honour" the efforts of women's non-governmental organizations both in regard to survivors and in regard to policy issues and public opinion; and structural developments such as specialized training within the police. Her conclusions include a call for the "reinterpretation and redefinition of the notion of honour" and the establishment of an adequate legal framework: "The law has a dual symbolic role of mirroring prevailing attitudes, but also the power to shape and enforce a new set of societal values for the long term."

#### **NEW ENTRY**

**Hassan, R. A. and Welchman L., "Changing the rules? Developments on 'crimes of honour' in Jordan", pp. 199-208, in Welchman L. and Hossain S. (eds.), *'Honour': Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This chapter begins by noting that Jordan is often spotlighted by the international community when dealing with 'honour crimes'. The title, 'Changing the Rules?' reflects the different bodies of 'law' that impact on the efforts to eliminate 'crimes of honour' in Jordan: the rules of legal texts, the rules of judicial interpretation in the courts, and the unwritten rules in different communities and sections of our society that have equal if not greater impact on the lives and freedoms of women and girls. The chapter highlights specific examples

of strategies of response, including the National Jordanian Campaign to Eliminate So-Called 'Crimes of Honour' which aimed to secure the repeal of the above-mentioned article 340 of the Penal Code. The chapter notes that despite the little use made of article 340 in the Jordanian courts, its repeal has been the target of sustained efforts by Jordanian human rights and women's rights groups, and the government itself which enacted a temporary law reforming the article (later rejected by the Parliament). The chapter concludes by noting the controversy surrounding the book *Forbidden Love*, by Norma Khoury and the harmful impact of the affair to the work of those combating 'honour crimes' in Jordan.

#### **NEW ENTRY**

**Hoyek, D., Sidawi, R. R., and Mrad A. A., "Murders of women in Lebanon: 'crimes of honour' between reality and the law", pp. 111-136, in Welchman L. and Hossain S. (eds.), *'Honour': Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This law-based chapter, drawing on a research study of the Lebanese Council to Resist Violence Against Women, explores the extent to which perpetrators rely on the pretext of 'crimes of honour' to seek reduction in sentences as compared to conviction of deliberate and intentional murder, and the attitude of the courts in such cases. As the chapter demonstrates, the Lebanese judiciary rarely, if ever, rely on the article of the Penal Code which specifically deals with 'crimes of honour' – article 592, which, following amendment in 1999 now provides for a reduction in sentence rather than no penalty, in certain circumstances. However, other more general articles of the Penal Code are applied to reduce sentences in cases of 'honour killings', including articles 252 and 193. The study, which reviews cases decided up until 1999, is also compared to two previous studies on the Lebanese courts (conducted in the 1960s and 1980s) allowing examination of any changes that may have occurred, as well as assessment of the situation since the change in the law.

**Ilkcaracan, P., 'Exploring the Context of Women's Sexuality in Eastern Turkey', *Reproductive Health Matters* 6 (12) (1998), 66-74.**

This article describes customary and religious laws and beliefs and their impact on both rural and urban women in Eastern Turkey. In an unusual move in 1926, the Turkish Civil Code banned polygyny and granted women equal rights in matters of divorce, child custody and inheritance. However, based on a study of 599 women from Eastern Turkey, this article concludes that early marriage and polygyny are still prevalent, religious marriage takes place earlier than civil marriage (although the former is not legally binding), forced marriages occur and arranged marriages are predominant. More than half of all married women surveyed are subject to domestic and sexual violence. The fear of honour killing is prevalent and a majority of women surveyed thought they would be killed by their husbands and/or families if suspected of improper sexual behaviour.

#### **NEW ENTRY**

**Johnson, P., "Violence all around us. Dilemmas of Global and Local Agendas Addressing Violence Against Palestinian Women, an Initial Intervention", *Cultural Dynamics*, Vol. 20, No. 2, 2008, pp. 119-132**

The article represents the initial phase of the author's research project, provoked by the publication of the 2006 Human Rights Watch report "Violence Against Palestinian Women and Girls", a project which aims to trace the local and global discourse on violence against women in the Palestinian context from 1990 to the present. The author makes a critique of the 2006 Human Rights Watch report, arguing that it raises some questions of general interest as to how the international human rights framework functions in addressing violence against women in situation of prolonged political violence and colonial conflict, to what extent international human rights instruments are appropriate in addressing such violence and how the local voices take on, contest or interact with, these frameworks. In doing so, the author also focuses on the 2007 report by a network of local Palestinian NGOs, the Palestinian Violence Against Women Forum. The author notes that the HRW report presents a number of analytical and empirical problems. In particular, she underlines the report's tendency to make serious crimes against women emblematic of Palestinian society

as a whole, supporting a view of all Palestinian women as potential victims of 'honour' crimes. Such a view, according to the author, seems to preclude wider community mobilization to address and prevent such crimes. In addition, the pervasive colonial violence faced by Palestinian women (men and children) from the Israeli occupation and siege is largely absent and its effects on social and family relations have not been included in the report. As a result, it isolates domestic violence and gender relations from the context in which they function. In contrast, the 2007 report by the Palestinian Violence Against Women Forum attempts to find patterns but, by adopting a community-based approach, it refrains from invoking broad stereotypes. It focuses on the community and family involvement, noting that by no means all family and community members support such crimes. The author concludes that to combat these crimes a mapping of community responses, recognizing diversity as well as consensus, is crucial because, as she points out, crimes of 'honour' are stamped by community involvement and need to be combated by the same.

**Joseph, S. 'Gender and Relationality Among Arab Families in Lebanon', *Feminist Studies*, 19 (3) (1993), 465-486**

Based on work with Arab families in an urban working-class neighbourhood in the metropolitan area of Beirut, this article suggests that it is because of the dynamic "patriarchal connectivity" that families exerted such powerful influence over their members and that honour and shame could moralize and energize Arab families. The dynamic is effective because both men and women were socialized to view themselves relationally while men and women, adults and children psychologically subscribed to the demands of compliance with gendered and aged hierarchies. Extending the feminist reconstruction of object relations theory and challenging generalizations across social and cultural boundaries, the author attempts to problematize the psychodynamics of family life with a language that aims to neutralize the ethnocentrism of Western versions of the self.

**Kandiyoti, D. A., 'Emancipated but Unliberated? Reflections on the Turkish Case', *Feminist Studies*, 13(2) (1987), 317-338.**

This article explores the inadequacies of 'western' feminism as applied to Muslim women on the one hand, and how the experiences of Muslim women have not been used to evaluate 'western' feminism on the other. The author states that, "...different cultural modes of control of female sexuality create different subjective experiences of femininity." We are reminded, as well, that Islam is not a single ideology and that "the Islamic nature of a society can only be evaluated with reference to its broader political project..." Turkey is described as a "unique case" among Islamic societies. It was never colonised and has not felt a need to maintain cultural traditions simply as a reaction or refusal to concede to a coloniser. Turkey "addressed the question of women's emancipation early, explicitly, and extensively" with legal reforms in the 1920s and 1930s for voting, divorce and custody rights. These reforms seem to have been based solely on political aspirations for greater engagement with western democracies, but the recruitment of women into professional positions for political and social expansion created its own momentum in advancing women's status and provided role models for younger generations of Turkish women. The author maintains, however, that a "double standard of sexuality and a primarily domestic definition of the female role [remain] virtually untouched." Three cultural controls which influence the internalisation of gender are examined in detail: (1) "corporate control over female sexuality", in which everyone in the community takes an interest in the control, giving women a great deal of "negative power" and an inalienable femininity, in contrast to a more impermanent sense of masculinity among the men that must be achieved and always maintained. Men in this society seek to "neutralise" women's sexuality, thereby distorting women's "essential humanity" while reinforcing their femininity. (2) sex segregation forms strong bonds and networks among women that actually seem to increase their sense of independence from men. (3) female life-cycle characteristics (e.g., early marriage, son preference, sharp age hierarchy) socialise women from a very early age to be subordinate. This "socialization is at every stage overseen by other women whose authority [the younger women] may covet, [which] leads to a thorough internalization and reproduction of this particular form of patriarchy.'

**Koçturk, T., *A Matter of Honour: Experiences of Turkish Women Immigrants* (London: Zed Books, 1992), 33-58.**

This chapter discusses how Islam defines the role and position of women within contemporary Turkish society. It first provides a historical overview of the development and evolution of Islam and outlines the conflict and diversity within Muslim communities, thus providing a contextual background to the practice of Islam in Turkey today. The second part of the chapter then focuses on the position of women within Islam. The public/private dichotomy is fiercely maintained and male members of the Muslim household are obliged to determine acceptable patterns of behaviour for women members. Islamic law affords women limited choice and autonomy, and the system of patriarchal control it maintains is backed up by the 'honour ethic'. This ethic, though it may be traced back to the pre-Islamic period, continues to remain in force and operates to control female sexuality. The honour of the male members of the community is considered to be directly linked to the chastity of women. Obedient women are accorded respect and admiration. The honour ethic is so valued that male members of the family resort to murder to protect its practice. Women internalise this 'ethic' and recognise that to challenge its practice would bring a loss of respectability for themselves and their families. They are complicit in its survival and a case study of a Turkish case is provided to illustrate this point. The remainder of the book examines the changing contemporary roles of women in Turkey among different socioeconomic groups, Turkish immigration patterns and experiences in Europe, and a case study of Turkish families in Sweden.

**Kulwicki, A. D. 'The Practice of Honor Crimes: A Glimpse of Domestic Violence in the Arab World', *Issues in Mental Health Nursing* (2002) 23, 77-88.**

This article presents the research findings of the author in examining the incidence of violence against women in Jordan. The research methodology involved reviewing all available court files of women murdered during 1995 and then looking at the cultural context in which such murders occur. Of the 89 homicide cases reviewed, 38 involved female victims, 23 of which were reported as 'honour crimes'. The article examines 16 of these 23 cases, providing statistical data on the victims (including age, education and socio-economic status) and perpetrators (including motive for killing, relationship to victim and sentences received). In discussing the cultural context of these killings, the author identifies patrilineal system norms related to female sexual behaviour in Arab states, including Jordan, which is linked to 'honour' and 'shame'. Whilst there are some similarities with western patriarchal norms of male dominance and control of female sexual conduct, there are significant differences, particularly in relation to consideration of which males can control female sexual behaviour. In patrilineal societies where 'honour' and 'shame' are pivotal in determining female-male relations, male control of females can be exerted by a women's husband and natal family (e.g. father, brother, son etc.) who all benefit from social and legal advantages in cases of 'honour killing'; whereas in patriarchal societies, such as the USA, only (ex-) husbands or sexual (ex-) partners benefit from legal reduction of penalties in cases of homicide.

**Kuraner, E., 'Celebrations of Love: Women Denounce Honour Killings in Turkey', *Off Our Backs*, (March-April 2002), 28-29.**

This article explores the origins and contemporary practice of 'honour killings' in Turkey, identifying the practice's origins in the South-Eastern/Eastern regions. 'Honour killings' have "deeply embedded historical and cultural roots within an oppressive context of women's sexuality" (p.28), and are integrated with other gender-discriminatory practices such as forced and/or child marriage. Several pertinent issues are raised. Firstly, the increasing occurrence of suicide among young women in Turkey has revealed 'forced' suicides as a new form of 'honour killing'. Secondly, whilst there are no official statistics on 'honour killings', it is clear from media and other sources that the killings are usually preceded by a family assembly and are usually perpetrated by minor male family members. Thirdly, whilst 'honour killings' are a cultural practice they are located within a legal framework which is gender discriminatory and a system where public officials often reinforce gender discriminatory traditions and have little awareness of violence against women as the context against which 'honour killings' are committed.

**Kressel, G. M., 'Sorricide/Filiacide: Homicide for Family Honour', *Current Anthropology*, 22(2) (1981), 141-158.**

This article comprises a survey of anthropological literature on honour-related homicide and suicide in Arab Muslim culture and an analysis of the same in Israel and the Occupied Territories. It includes a survey of press reports from 1973 to 1977, a number of case studies examining the issue among a variety of classes and circumstances, and an outline of characteristics of these killings that in the author's view distinguish them from other types of murder: "Intrafamily murder for the sake of family honour is not explicable in terms of the anthropological theories used to explain murders of other kinds." Case studies are analysed to illustrate the importance of status as "the line between excusable and inexcusable deviation" which "is blurred unless matters are viewed against the background of the status of the family that is redeeming its honour." The author argues that such killings may be more likely when the family is seeking upward social mobility and finds new opportunities for status threatened by a perceived loss of honour. It is also asserted that in the author's research context, the material examined for this study "points to [a] special relationship with the fabric woven of Arabism and Islam." The article is followed by a collection of seven comments from other academics reviewing and critiquing the author's methodology and conclusions, and a reply from the author.

#### **NEW ENTRY**

**Madek, C. A., "Killing Dishonor: Effective Eradication of Honor Killing", *Suffolk Transnational Law Review*, Vol. 29, No. 1, 2005, pp. 53-77**

The article starts out by briefly outlining the history of honour killing as well as the provisions and enforcement mechanisms of CEDAW. This is followed by an examination of current law on honour crimes in Jordan and Pakistan and argues that the state law in each country violates CEDAW. Nonetheless, the author goes on to assert how CEDAW itself contains many flaws which prevent it from achieving its goals. The author concludes by suggesting that, for the prevention of honour killing as well as effective enforcement of CEDAW, it is important for countries to amend their existing internal laws and legal practices.

**Marcus, M., 'Horsemen are the Fence of the Land: Honor and History among the Ghiyata of Eastern Morocco' in Gilmore, D. D. (ed.), *Honor and Shame and the Unity of the Mediterranean* (Washington DC: American Anthropological Association 1987), No.2, 49-59.**

This article uses historical data to shed light on the conception of honour among the Ghiyata, an Arabic-speaking tribe of eastern Morocco. The Ghiyata elaborated an ideology of honour that involved aggression as a principle for governing and legitimising the allocation of strategic resources. While not wishing to minimise the importance of the honour and shame complex to Mediterranean male dominance and codes of sexual behaviour, the author emphasises its relationship to wealth and 'fiscal sexuality.' With the early 20th century disappearance of the Ghiyata's quasi-feudal relations of production and ensuing changes in tribal organisation, their conception of honour changed to emphasise generalised moral imperatives over feuding. This article argues that it is inaccurate to posit for the Mediterranean region a timeless and universally applicable definition of honour and its modes of realisation. Instead, more historical work is required to specify the social purposes that people have represented to themselves as the pursuit of honour.

**Moghaizel, L., 'The Arab and Mediterranean World: Legislation Towards Crimes of Honor' in Schuler, M. (ed.), *Empowerment and the Law: Strategies of Third World Women* (Washington DC: OEF International, 1986), 75-78.**

This article examines legislative measures dealing with crimes of honour in the Arab world (Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Syria and Tunisia) and five Mediterranean countries (Spain, Italy, France, Portugal and Turkey). Penal codes in Jordan, Lebanon and Syria completely absolve a person who surprises another in the act of adulterous *flagrante delicto* from the penalty of his subsequent actions, including

murder. Other Arab countries do not provide absolute defences 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’, thus permitting a man accused of murdering his wife or sister to claim in mitigation that her actions had marred the family honour. The Spanish, Portuguese and Turkish penal codes also provide a partial excuse for crimes of honour, while similar measures earlier applicable in Italy and France have since been abolished. The article concludes that as these measures discriminate against women and are in violation of international law, they must be abolished.

**Nanes, S. E. ‘Fighting Honor Crimes: Evidence of Civil Society in Jordan’**, *Middle East Journal*, Volume 57 No. 1 (2003), 112-129.

This article analyses the extent to which political liberalization has occurred in Jordanian civil society by examining the state practice of co-opting voluntary organisations, focusing particularly on the ‘Campaign to Eliminate so called Honour Killings’. The article considers the campaign’s focus on a mass petition for the repeal of article 340 of the Jordanian Penal Code and the resulting dynamics between international attention, the Jordanian government, parliament and the campaign. The article argues that the case study of the campaign illustrates that while democracy is expanding in Jordan, the nature of the political liberalization that occurs – from above -- means that progress is always limited.

**Pearson, M.L., ‘A Blemish on the Modern Face of Turkey: The Historical Background and Social, Legal, and International Implications of Virginity Testing in Turkey’**, *North Carolina Journal of International Law and Commercial Regulation* (2003), 663-699.

This article discusses the practice of virginity testing in Turkey, beginning with an overview of the now repealed law which permitted the virginity testing of schoolgirls suspected of having premarital sex. Part I charts the rise of the republic of Turkey. Part II discusses Mustafa Kemal, first president of the Modern Turkish Republic and his role in defining and implementing programs to bring social, political, and legal equality to the women. Part III analyses Islam and its impact on the treatment of women in modern Turkish society. Parts IV, V and VI analyse the concept and origins of virginity testing, a practice developed to ensure that girls/women were virgins, because women/girls must remain chaste in order to uphold their family ‘honour’ and to ensure their marriageability. Part VII discusses how the practice of virginity testing affects the rights and welfare of Turkish women and analyses how the Turkish civil and criminal codes sustain the control men exert over female sexual autonomy. Part VIII argues that virginity testing is contrary to many human rights agreements to which Turkey is a party. The article concludes by providing recommendations and suggesting remedies available to Turkish women that have been tested and those that are likely to face testing.

**Pervizat, L., ‘Honour Killings in Turkey: A Scapegoat: Article 462’**, *Fempower*, No. 3 (2001) 10-11.

This article is based on the author’s qualitative research of 200 cases involving honour killings in four cities in Turkey, analysed from a gender-sensitive perspective. The results demonstrate that whilst Turkish law does not explicitly refer to ‘honour killings’, there is widespread impunity granted to the men committing such crimes, and thus ‘honour killings’ are a form of extra-judicial execution. The article examines debate surrounding the use of article 462 of the Turkish Penal Code, finding that the article is in fact rarely used in practice. The article highlights an underlying cause of impunity for the perpetrators of ‘honour killings’: the tendency of the judicial system to justifying these crimes by reference to women’s sexuality. The article also draws attention to propose changes to Turkish law put forward by members of parliament.

**Pervizat, L., “Honour Killings” in Turkey: Stories of Extra-Judicial Executions’, *International Children’s Rights Monitor*, Vol. 15, No. 1 (January 2002) 18-21.**

This article is based on the author’s qualitative research of 200 case involving honour killings in four cities in Turkey, analysed from a gender sensitive perspective. The article provides background information on ‘honour killings’ in Turkey, which include the killing of women by their male relatives in the name of honour, murder of newborns by their mothers because of the dishonour of conceiving out of wedlock, forced suicides and forced abortions. Since there is lack of investigation in the cases related to honour killings, the article asserts that the whole justice system fails to use due diligence. The article argues for gender-sensitisation of the judiciary.

**Pervizat, L., ‘In the Name of Honour’, *Human Rights Dialogue: Violence Against Women*, 2.10 (Fall 2003).**

This article focuses on the experiences of the author working to address ‘honour killings’ in Turkey (within the non-governmental organisation KA-MER and independently), and begins by highlighting the case of Semse Allak, who died seven months after being stoned by male family members, due to the ‘dishonour’ of her alleged extramarital sexual relations. The misconception concerning Islam and honour killings is emphasised – ‘honour killings’ are customs with no religious foundations. At the core of the issue is the pervasiveness of patriarchal norms and values, which are often upheld by the State, particularly through judicial application of the law. KA-MER advocates a two-pronged approach. At the community level, the organisation uses cultural discourse to change those cultural norms responsible for the continued acceptance of ‘honour killings’, particularly notions of masculinity and ‘honour’. This cultural discourse utilises positive Turkish cultural norms which enable men to avoid violent responses. At the governmental level, a human rights framework has proved an effective tool for achieving official recognition that honour killings are a form of extra-judicial killing.

**Arat, Zehra F. ‘A Struggle on Two Fronts’, *Human Rights Dialogue: Violence against Women* 2.10 (Fall 2003).**

*[This article is a response to Pervizat, L. ‘In the Name of Honour’, Human Rights Dialogue: Violence Against Women 2.10 (Fall 2003) – summary above]*

This article concurs with the article "In the Name of Honour" regarding the core obstacles in the fight against ‘honour killings’ - imbedded cultural patriarchal norms which result in discrimination against women. The article highlights that ‘honour killings’, as extra-judicial executions, undermine the rule of law, but the state upholds the cultural value attached to ‘preserving honour’ by remaining silent on the issue, and by introducing separate legal categories of sexual assault against women which are deemed crimes against public decency and family order, rather than abuses against the individual’s rights. When it comes to the strategies to combat honour killings, the author shares the idea of using multiple strategies with different audiences and that a human rights framework can be an effective framework when dealing with government officials and bodies in order to support legislative change and to lobby the government to take positive action to change cultural discriminatory attitudes. Whilst Arat agrees that in theory cultural discourse is the most effective method of changing discriminatory values, in practice this requires the utmost care particularly where hierarchical relationships are involved, as the traditional authority reinforced to help women today may in the future be the source of renewed repression.

**Ruane, R. A., ‘Murder in the Name of Honor: Violence against Women in Jordan and Pakistan’, *Emory International Law Review*, Vol. 14 (2000), 1523-[? ].**

This article focuses on the ‘honour killing’ of Samia Sarwar in Pakistan to reflect on the present position of ‘honour crimes’ in Pakistan, and makes a cross-cultural comparison with Jordan, revealing that similarities in legal and institutional systems, as well as society, have legitimised and enabled the continued practice of crimes in the name of honour. The article examines law-based strategies to address honour killings in both

Jordan and Pakistan, finding that legislation in Pakistan has not convicted any perpetrator of this crime since the 1990s, and that proposed legislation in Jordan has failed to gain parliamentary approval, despite royal support. The article notes the need for continued international pressure, but argues that only culturally appropriate and contextually driven efforts will succeed in reducing the level of violence against women in Pakistan and Jordan.

**Ruggi, S., ‘Commodifying Honour Killings in Female Sexuality: Honour Killings in Palestine’, *Middle East Report*, Spring 1998, available at: <http://www.merip.org/mer/mer206/ruggi.htm>**

This article explores the issue of ‘honour killings’ in the West Bank and Gaza, Palestine and the efforts of NGOs to address the practice. The article begins by discussing estimated figures on the occurrence of ‘honour killings’ in the West Bank and Gaza in the late 1990s. In noting the importance of the family in Palestinian society, the author argues that family status is largely dependent upon ‘family honour’, which is seen within the family as being maintained by the respectability of daughters – actual or perceived ‘inappropriate’ sexual behaviour can irreparably damage ‘family honour’ and may result in violence, including ‘honour killing’. The work of NGOs on the ‘crimes of honour’ have taken two routes: 1) focus on providing support services to the actual or potential victims of ‘honour crimes’ such as refuges and counselling; and 2) focus on developing a gender-sensitive society and administration by working with officials through training workshops and referrals as well as lobbying for legislative changes to end discriminatory laws.

**Sahin, C., ‘Torelerin Etkisiyle Islenen Adam Oldurme Suclarinin Ceza Hukuku Acisindan Degerlendirilmesi’ [‘Evaluation of Murders Committed by the Influence of Customs under Criminal Law’] in *Tore Cinayetleri [Customary Killings]* (Ankara: Kadinin Sorunlari ve Statusu Genel Mudurlugu, 1999) [Turkish text].**

This article examines ‘honour killings’ in Turkey, and in particular criticises the legal protection available to perpetrators of such crimes in articles 462, 453 and 472 of the Turkish Penal Code. The article analyses the effects of these offences in terms of preventing the crime, finding that relatively lenient punishments provided by the Penal Code, coupled with the lack of effective investigation of such offences, fail to deter the commission of ‘honour killings’.

**Sarihan, S., ‘Namus Cinayetlerinde Avukatlarin Sorumlulugu’ [‘Responsibility of Lawyers in Honour Killings’] in *Tore Cinayetleri [Customary Killings]* (Ankara: Kadinin Sorunlari ve Statusu Genel Mudurlugu, 1999) [Turkish text].**

This article analyses domestic violence as a form of violence against women, relying on the definitions of the Universal Declaration of Human Rights and the UN Declaration on the Prevention of Violence against Women. The article examines patriarchal family structures accepting women as property, as the underlying cause of ‘honour killings’. The feudal structure, economic conditions of the community and traditional laws have made southeast Turkey the centre of the incidences of honour killings, in which women are always the victims. The article argues that since the law enforcers are mostly men and have a traditional approach towards honour killings, women lawyers are the only major group working for the prevention of ‘honour killings’.

**Sev’er, A., ‘Culture of Honour, Culture of Change: A Feminist Analysis of Honour Killings in Rural Turkey’, *Violence Against Women: An International and Interdisciplinary Journal*, Vol. 7, No. 9 (1999), 964-999; <http://citd.scar.utoronto.ca/sever/pubs/honorkillings.html>.**

This article analyses honour killings in rural Turkey from a feminist perspective, basing the arguments on patriarchal patterns of violence against women, rather than linking the issue with particular religious systems. The article first defines ‘honour killings’ in Turkey and the general reasons for the killings. area

Marxist analysis then points to the contradiction between the modernisation of Turkey and its traditions with regards to women's rights. The article points to state responsibility for the lack of effective investigation and low sentences in cases of violence against women, and recommends measures to address such cases.

**Shalhoub-Kevorkian, N., 'Crimes of War, Culture and Children's Rights: The Case of Female Palestinian Detainees Under Israeli Military Occupation' in Douglas, G. and Leslie, S. (eds.), *Children's Rights and Traditional Values* (Dartmouth: Ashgate, 1988), 230-250.**

This paper examines the issue of Palestinian girl children detainees under Israeli military occupation, particularly during the Intifada (popular uprising). In discussing the relationship between children's rights and social justice, and its implementation within certain cultural contexts, it emphasises the connection between gender, patriarchy and the political activism of Palestinian girls. Girls as well as women took part in the national struggle against Israeli occupation, thereby challenging the social and cultural definition of female roles within Palestinian society and contradicting traditional beliefs concerning the need to preserve and protect women's honour. This study introduces empirical data and case studies of Palestinian girl children arrested by Israeli authorities, who exploited the traditional Arab notion of female sexual purity as a political weapon against the former. Upon their release from prison, girl children frequently faced cautious and suspicious social reactions and some families took measures to limit the dangers to which they felt their daughters were exposed. This resulted in a drop in marriage age for girls and attempts by various segments of the community to protect women by hiding them away and curbing their activities.

**Shalhoub-Kevorkian, N., 'Femicide and the Palestinian Criminal Justice System: Seeds of Change in the Context of State Building?', *Law & Society Review*, Vol. 36 (2002), 577-599.**

This article focuses on men's codification of 'honour killings' as an example of asserting control in political and cultural processes and in private matters. The article analyses the notion of honour and purity in Arab families, qualities which form the bases of social status. It then examines the number of murders carried out in the name of honour, providing extended analysis of six cases of 'honour killings'. The article provides comparative analysis of the treatment of 'honour killings' in the Jordanian Penal Code. It suggests that Palestine, as a new state, should not follow in the footsteps of other countries but instead eliminate gender-discriminatory practices and make men accountable for their actions in committing 'honour killings'.

**Shalhoub-Kevorkian, N., 'The Politics of Disclosing Female Sexual Abuse: A Case Study of Palestinian Society', *Child Abuse & Neglect*, Vol.23, No.12, 1999,1-19.**

This article argues that by understanding the socio-cultural and political context within which disclosure or non-disclosure of sexual abuse takes place, we are better able to develop an analytical framework that might shape culturally sensitive social policy towards sexual abuse and thereby reduce its incidence. The data for this study was extracted from records available on 38 cases of sexually abused Palestinian girls and interviews conducted with victims and their parents. The data revealed that acknowledgement of sexual abuse took place only in situations where the abuse was extremely traumatic, publicly apparent, and the victim was absolved of blame. Disclosure resulted in approximately 10% of the cases in the killing of the victim. Responses involving measures such as hymen reconstruction, marriage to the rapist, and abortion were used by family and society to 'nullify' sexual abuse. The intricacies bearing on the decision to disclose or not disclose sexual abuse are discussed within a socio-cultural and political frame of reference.

**Shalhoub-Kevorkian, N., 'Re-examining Femicide: Breaking the Silence and Crossing "Scientific" Borders', *Signs: Journal of Women in Culture and Society*, Vol. 28, No. 2 (2002) 581-608.**

This article focuses on redefining femicide as moving beyond the narrow medico-legal definition of the actual killing of a woman and towards a broader definition which encompasses the preceding factors. It draws on the author's experience of working as a female therapist with abused women (femicide victims) in Palestinian society. The article argues that this particular socio-political environment demonstrates that femicide is not just a cultural or traditional practice but rather is a part of a socio-political and economic legacy that reflects a hidden machinery of oppression. For example, the Palestinian women living in the West Bank face the oppression of two systems: the patriarchal (socio-cultural) and Israeli occupation (political). The main manifestation of femicide in this context is 'honour killing', thus the article deconstructs 'honour', analyzing it as a cultural and traditional product of the Arab-Islamic society and as 'an ideology of power'. The article demonstrates that an expanded definition of femicide would facilitate the construction of a new language to deconstruct and challenge dominant power relations and knowledge. In this context, femicide is not only a gender issue but also a political issue which must develop strategies to break down the door of injustice and oppression.

**Shalhoub-Kevorkian, N., 'Towards a Cultural Definition of Rape: Dilemmas in Dealing with Rape Victims in Palestinian Society', *Women's Studies International Forum*, Vol. 22, No.2, 1999, 157-173.**

Although rape is a cross-cultural crime, stemming primarily from patriarchal ideologies and gender power, the analysis of its effect on victims from various cultural groups remains to be unveiled. This study analyses dilemmas that face mental health workers when dealing with rape victims within a specific cultural context, namely that of Palestinian society. It demonstrates the multidimensionality of the crime and the intricacy of social relations to rape, the rape victim, and the abuse of women, deriving from a socio-cultural need to protect and/or control victims. This in-depth analysis suggests that socio-cultural determinants, such as the need to silence attempts to speak out about the occurrence of the rape, preserve female virginity, and privatize the crime in order to safeguard family honour and reputation, revictimize and weaken the victim. This article argues that there is no universal method of dealing with rape victims and that professionals who are assisting victims of rape need to anchor their efforts within the cultural context, while at the same time treating each victim as a world unto herself. This calls for rethinking at both the socio-political and the individual levels.

**Shalhoub-Kevorkian, N., 'Law, Politics and Violence Against Women: A Case Study of Palestinians in Israel', *Law & Policy*, Vol.21, No.2, April 1999, 189-209.**

This study examines the utility of law enforcement in the context of violence against women and emphasises the relationship between gender, culture and politics. It points to the difficulties arising from the shift from private, traditional methods of dealing with violence against women to a more public approach characterised by the intervention of the state and the criminal justice system. It argues that the enforcement of the 'Israeli Law against Family Violence' among the oppressed and discriminated Palestinian minority generates new conflicts within the group, exacerbating control and abuse and re-victimising women. Interviews with officials reveal their perceptions and attitudes regarding the applicability of such a law. An attempt is made to show that application of the law without prior preparation and understanding of its socio-cultural and political ramifications may produce adverse effects at the victim's expense. Unless power struggles, cultural pressures and political priorities are taken into consideration, criminal strategies that seek to eliminate abuse may prove to result in further harm to women.

#### NEW ENTRY

**Shalhoub-Kevorkian, N., “Researching women’s victimization in Palestine: a socio-legal analysis”, pp. 160-180, Welchman L. and Hossain S. (eds.), *‘Honour’: Crimes, paradigms and violence against women*, London: Zed Books, 2005**

The author begins by asking whether in Palestine, during the current politically formative period of state-building and of resistance to various forms of oppression, the Palestinian legal system (both formal and informal) can be reconstructed to promote legal and social human rights and protect victims of domestic violence from "legalised" violence. In discussing this question, the chapter conceptualises domestic violence against women and children, including concepts of 'honour', concluding that in contemporary Palestine, there are formidable obstacles to the construction of humane victim-sensitive reactions to sexual abuse. The chapter then presents two field studies to illustrate the way these concepts are expressed in the legal system, the first analysing official statistics on femicide and the second assessing interviews with police and tribal personnel and social workers, concluding that the criminal justice system and its professionals are failing the victims of violence. The chapter concludes with several recommendations, including training for physicians, medical and legal; holistic reform of the law, especially of civil codes, penal codes and personal status codes; and the need for both inter and intra networking to develop successful strategies for promoting sexuality and bodily rights as human rights.

**Soyaslan, D., ‘Tore Cinayetlerinin Onlenmesi’ (‘Prevention of Customary Killings’) in *Tore Cinayetleri [Customary Killings]* (Ankara: Kadinin Sorunlari ve Statusu Genel Mudurlugu, 1999) [Turkish text].**

This article analyses the traditional community and the structure of the family within Turkey. It then summarises the role of women within family structures in Turkey, linking the practice of ‘honour killings’ to this patriarchal system. The article suggests recommendations for actions to be taken to prevent and address ‘honour killings,’ such as serious punishment of the crime, education of security forces, and creating refuges for women in danger.

**Tezcan, M., ‘Ulkemizde Aile Ici Tore Ya da Namus Cinayetleri’ (‘Honour or Customary Killings by Families in Our Country’) in *Tore Cinayetleri [Customary Killings]* (Ankara: Kadinin Sorunlari ve Statusu Genel Mudurlugu, 1999) [Turkish text].**

This article begins by defining the concept of honour in Turkey, and links it to the sexual innocence of women. The article then examines the roots of the notion of honour, utilising a sociological approach, arguing that it derives from Turkish culture, which has its roots in agricultural society. It summarises information regarding the general reasons for ‘honour killings’, the nature of the perpetrators, and the methods used in committing such crimes. Finally, the article examines explanations of ‘honour killings’ that legitimize the practice in Turkish society.

#### NEW ENTRY

**Touma-Sliman, A., “Culture, national minority and the state: working against the ‘crime of family honour’ within the Palestinian community in Israel”, pp. 181-198, Welchman L. and Hossain S. (eds.), *‘Honour’: Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This chapter documents a long process of progress in the struggle conducted within the Palestinian community in Israel against 'honour crimes' and begins with a case study of a victim of an honour killing. The political context is set, noting that under the minority struggle seeking unity of the community at any price, women's issues – including 'crimes of honour' as violence against women - were marginalised and ignored for the sake of the general cause. The chapter outlines the ways in which activists challenged the taboo, and the strategies they adopted to address the issue within their own particular socio-political reality. The chapter examines how the Palestinian community in Israel, particularly the political, social, and religious leadership, approach 'crimes of honour'; how the police deal with cases of Palestinian women

whose lives are threatened; how the legal system, including the prosecution and the judiciary, deals with cases of femicide and 'honour crimes'; the nature and modalities of 'honour crimes' among the Palestinian community inside Israel, including an examination of the profiles of perpetrators; and the effects of activism by women's and human rights groups in the last decade on preventing such crimes. The chapter further reviews selected Arabic and Hebrew newspapers exploring the nature of press coverage of cases, victims and murderers, any statements made by public figures, and assessing the level of importance attached to the issue. The work of al-Badeel, a coalition of organisations combating 'crimes of honour' initiated in 1993, is also discussed. The chapter concludes by noting that whereas al-Badeel was a catalyst for action in the 1990s, the impetus has significantly decreased since 2000 due to the Israeli reinvasion of Palestinian territories and the difficulty of maintaining the coalition itself. However, the coalition and the work of others has ensured that there is considerable ground to build on.

**Tucker, J. E., *In the House of Law: Gender and Islamic Law in Ottoman Syria and Palestine* (California: University of California Press, 1998), 148-178.**

This chapter examines the Islamic legal discourse on sexuality in Ottoman Syria and Palestine. This discourse focused on ways in which female sexuality could be regulated, reproduction controlled and transgressions punished. Sexual desire was to be curbed by eliminating situations in which illicit relations could develop and through the imposition of heavy sanctions for transgressions. Unlawful intercourse that could result in illegitimate births was condemned; the control of sexuality was thus exercised to minimize social conflict and above all, to oversee reproduction. The identity and paternity of children were seen as being key components of a strong patrilineal family and social system. The *muftis* denied family members any defined role in the punishment of a woman for sexual crimes, which were defined as crimes against religion and not an offence against the family. However, the virtual absence of court cases on this issue demonstrates that a family's monopoly over the sexuality and reproduction of its women, which underlined most political and economic arrangements, was not usually surrendered to the courts.

**Warnock, K., *Land Before Honour: Palestinian Women in the Occupied Territories* (London: Macmillan, 1990), 19-34.**

This chapter explores how women in traditional Palestinian society were viewed within a framework of an ideology of family, honour and chastity. Within this framework, men were expected to protect female family members from dangers, especially sexual impurity. Society's ideal of honour, its perception of women and the requirement for female sexual modesty were seen to be connected. The honour of families, particularly the virtue of their women, was accepted as being the responsibility of the entire community. Since this honour was a matter of external appearance, it consisted precisely in what other people said and was therefore open to continuous public scrutiny and judgement. While women's freedom was thus limited, they had a respected place in a viable social system that could not have survived so long without the women themselves internalising this ideology of honour.

#### **NEW ENTRY**

**Warrick, C., "The Vanishing Victim: Criminal Law and Gender in Jordan", *Law and Society Review*, Vol. 39, No. 2, 2005, pp. 315-348**

This article argues that Jordanian criminal law is gendered in ways that disadvantage women while maintaining a social order in which female victims 'vanish'. For example, marital rape remains legal, and extramarital rape may be expunged through the 'marriage loophole' when the victim marries their attacker. Until 2001 the criminal law allowed the courts to excuse male relatives who committed 'honour killings' of women and courts continue to grant sentence reductions for these offences as crimes of justified passion. Thus, rape victims disappear, to be replaced by wives, and honour killing victims become instead the provokers of their own punishment. This gendering reflects a preference for perceived cultural authenticity over human rights considerations; a tenuous position for the Jordanian state, which seeks to derive legitimacy from both culture and its avowed commitment to human rights and democracy. While the royal

family has sought to bolster the rights argument, it has met resistance from Parliament and other defenders of a claimed traditional identity. Thus, the topic of gender and criminal law has implications which go to the heart of the Jordanian political system.

#### **NEW ENTRY**

**Welchman, L. "Honour and Violence in a modern *Shar'i* discourse", HAWWA 5, 2-3 (2007), pp. 139-165 – available at [http://eprints.soas.ac.uk/7665/1/Welchman\\_in\\_HAWWA\\_2007\\_pre-publication.pdf](http://eprints.soas.ac.uk/7665/1/Welchman_in_HAWWA_2007_pre-publication.pdf)**

The article discusses the public intervention against 'murder as revenge or in defence of honour' made by the Chief Islamic Justice of the Palestinian Authority in 2005, by investigating the legal and social arguments it invokes and analyzing both commonalities and differences in the Palestinian *Qadi al-Qudah's* and women's rights activists' positions on the issue of 'honour based violence.' The author begins by defining the intervention as one of a number of public responses to the situation of increased external and internal violence, including an apparent rise in 'honour killings' against young women in the West Bank, witnessed in the Occupied Palestinian Territories from the beginning of 2005. Before considering the intervention, the author sets the document in context. She outlines the developments of the Islamic criminal law and the current statutory law in relation to 'honour killings', the intervention resonating both with the rulings of classical Islamic law and with the advocacy of civil society activists regarding the current statutory criminal provisions defences available to perpetrators of such a crime in the Palestinian West Bank. The author argues that the Chief Islamic Justice of the Palestinian Authority is in line with women's rights activists when he points out that such killings violate the rulings of the *shari'a* and are a relic of tribalism and pre-Islamic times, as well as when he recalls the principle of equal liability of men and women and when he tackles the controversial theme of suspicion. Like rights activists, he also underlines the role of the State in the protection of women from private violence, and his critique of the statutory provisions on 'honour killings', taken from European laws and providing for a reduction in penalty, has resonance in the women's rights discourse in the region stressing their western origins. But, according to the author, this leads to a significant difference in Palestinian *Qadi al-Qudah* and women's rights activists: he calls for an increase in penalty for perpetrators of 'honour killings' by invoking the classical jurisprudential consensus on the liability to *qisas* for intentional homicide. In such a point, he differs from rights activists who are far from endorsing calls for the expansion of the capital punishment liability.

**Welchman, L., 'Jordan: Capacity, Consent, and Under-Age Marriage in Muslim Family Law', *The International Survey of Family Law*, (2001), 243-263.**

The article examines the position of present day Muslim family law and court practice in Jordan in the areas of marriage registration, the age of marriage, the effects of a void or invalid marriage, the implications of consent and duress and concluding with proposals for future change. Defining duress, the Jordanian Civil Code states that it is 'unlawfully forcing (*ijbar*) someone to do something without their consent; it may be physical or mental'. Whilst the JLPs explicitly envisages foreseeable situations of duress, that would render a marriage irregular, there is no explicit mention of the nature of consent required to conclude the parties' marriage valid. It is within this context of duress and consent that 'the phenomena of forced marriage' and remedies under Jordanian law are discussed. The article is based on the texts of relevant laws and on published cases from the Shari'a Court of Appeal in Amman. Finally, the article addresses proposals made by civil society groupings for amendments to the current law, in the areas of the spouses' capacity at the time of marriage and clarifying the role of the guardian; and the age of marriage.

Zied, A. A. M., 'Honour and Shame among the Bedouins of Egypt' in Peristiany, J. G. (ed.), *Honour and Shame: The Values of Mediterranean Society* (Chicago: University of Chicago Press, 1966), 243-260.

Honour and shame are closely associated with kinship relations within the Bedouin community in Egypt. These concepts only have specific meanings if they are understood within the context of the community in which they operate. Thus, for example, the Bedouin community is patriarchal and the notion of honour is closely associated with the strong powerful male. It is men who occupy the dominant social position in all aspects and activities of life. A study of the 'bonds and values' embedded within kinship highlights the importance of such notions of 'honour' and 'shame'. Male pride and the maintenance of lineage embody the concepts of honour and shame and ensure its survival. Women preserve the honour of the community and therefore play a vital role in its operation. The reputation of a woman and the community depends mainly on her willingness to observe the rigid rules governing sexual relationships and her ability to preserve her chastity.

### **- Reports, Studies & Comments**

(PLEASE NOTE THAT IN SOME CASES BELOW, ANNOTATIONS HAVE NOT BEEN COMPLETED, SO ONLY THE TITLE HAS BEEN INCLUDED FOR THE MOMENT)

#### **NEW ENTRY**

**Amnesty International, *Israel and the Occupied Territories: Conflict, Occupation and Patriarchy; Women Carry the Burden*, AI Index: MDE 15/016/2005 – available at <http://www.amnesty.org/en/library/asset/MDE15/016/2005/en/623916bd-f791-11dd-8fd7-f57af21896e1/mde150162005en.pdf>**

**Amnesty International, *Turkey: Violence Originating in the Family* (London: AI, 2004) AI Index: EUR 44/013/2004 - available at: <http://web.amnesty.org/library/index/engeur440132004>**

This report examines the causes behind violence against women within the family in Turkey; narrates cases of individual women who are victims of such violence; identifies the perpetrators; and acknowledges the work of women's non-governmental organisations in addressing the issue. In particular the report examines forced marriage (including child/early marriage) and other 'honour crimes', including 'honour killings', noting that in some alleged suicides, women have actually been killed or forced to kill themselves by family members. Amnesty notes its concern over government failure to ensure effective implementation of existing legislation, as well as highlighting fears that the possibility for further reform will be resisted by some sectors of the criminal justice system, including the courts. The report concludes with a number of recommendations to the government of Turkey.

**Antonelli, A., 'Crimes Not Stories', *Palestine Report*, May 22, 1998, 22-24.**

This article traces the work of the Women's Centre for Legal Aid and Counselling in the Palestinian West Bank on the issue of violence against women. Although the number of women killed in the name of 'honour' remains hidden from official statistics, research carried out by the Centre indicates an annual rise in killings. The restoration of 'family honour' through the murder of young women is not considered unusual social behaviour within Palestinian communities and the Centre provides legal and educational training seminars and workshops to challenge such attitudes. Women activists face an uphill struggle whilst existing legislation serves to protect men who kill in the name of honour and also fails to recognise the experience of female victims.

**Benninger-Budel, C., *Implementation of the Convention on the Elimination of All Forms of Discrimination against Women by Egypt* (OMCT – World Organisation Against Torture, 2001), pp. 21-25.**

The domestic violence section of this alternative report considers early marriage and ‘honour crimes’ in Egypt. The ‘honour crimes’ subsection begins by noting the difference in penalties applied to men and women who murder their spouse upon discovering adultery (i.e. leniency for men and severity for women) which is sought to be justified by the widespread attitude that a man’s ‘honour’ is dependent on his wife’s virtue. Further, even though the Penal Code permits such pleas for mitigation by husbands, the courts often permit general provocation/mitigation provisions to be applied where members of the women’s natal family are the perpetrators of the killing. The report highlights eleven case studies and discusses statistics on the incidence of ‘crimes of honour’ in Egypt. The subsection on early marriage, in criticising the difference in the age of marriage between girls (16) and boys (18), notes that this provision is rarely enforced and that marriage of girls younger than 16 is common. The report notes the health and human right implications of early marriage, particularly early sex/pregnancy and highlights the Beijing Platform for Action which urges governments to enact and strictly enforce laws concerning the minimum ages of consent and marriage, and to raise them where necessary.

**Berktag, A., Anil, E. and Ilkcaracan, P., *The New Legal Status of Women in Turkey*, (Turkey: Women for Women’s Rights – NEW WAYS, April 2002), available at <http://www.wwhr.org/images/newlegalstatus.pdf>.**

This booklet provides an explanation of the legal status of women in Turkey following the adoption of a new Civil Code in November 2001, which abolishes the supremacy of men in marriage. The publication highlights the positive developments of the new Civil Code in terms of equality between men and women. However, these legal reforms do not fully combat the abuse of women’s human rights as many women in Turkey are subjected to honour crimes, forced marriage and other abuses. The section of the booklet addressing ‘honour crimes’ notes that whilst there is no specific reference to honour crimes in the Turkish Penal Code, certain articles are systematically used to reinforce the traditional notion that women who have dishonoured their family deserve punishment, including death.

#### **NEW ENTRY**

**Bilefsky, D., “How to Avoid Honor Killing in Turkey? Honor Suicide”, *New York Times*, 16 July 2006 – available at [http://www.nytimes.com/2006/07/16/world/europe/16turkey.html?\\_r=0](http://www.nytimes.com/2006/07/16/world/europe/16turkey.html?_r=0)**

**B’Tselem, ‘Morality, Family Honour and Collaboration’ in *Collaborators in the Occupied Territories: Human Rights Abuses and Violations*, B’Tselem - The Israeli Information Center for Human Rights in the Occupied Territories, (January 1994), 89-99.**

This chapter documents how during the first Intifada members of certain PLO affiliated groups, acting as a kind of ‘morality police’, took action against those who were deemed to have transgressed ‘traditional social norms’ in the Occupied Palestinian Territories. Prostitution was seen as corrupting society and playing into the hands of the Israeli authorities. During the six-year period of the Intifada, over a hundred women were killed on suspicion of collaboration and ‘immoral behaviour’. The concept of ‘family honour’ thus took on a national significance. Women whose behaviour was considered immoral were accused of damaging both the family and national honour and thus weakening the national struggle. The report also includes five testimonies relating to women killed during the Intifada for transgressing traditional norms and values.

**CEWLA, *Honour Crimes: An Analysis and Future Prospects* (Cairo: CEWLA, 2002) [Arabic text].**

This booklet provides a brief outline of CEWLA's (Centre for Egyptian Women's Legal Assistance) work in general and in relation to 'honour killings'. The organisation is committed to a human rights based approach in its work on 'honour killings'. The booklet contains three papers commissioned by CEWLA. The first, "An Assessment of Verdicts in Honour Crime Cases" written by Awad El Morr, the Former President of the Constitutional Court, examines the treatment of 'honour killings' by Egyptian courts. The second paper, "Honour Crimes in the Egyptian Press" written by journalist Kareema Kamal, analyses newspaper articles on honour killings from the Egyptian press and other Arabic press, including UK based media, finding that media handling of 'honour killings' often implicitly condones the practice. The third paper "A Woman's Honour in Religious Discourse", written by Khaled Montassir, addresses the relationship between women and honour in Islamic religious discourse. The publication also contains annexed information on conferences and workshops convened by CEWLA which address 'honour killings'.

**NEW ENTRY**

**Foster, A.M., "Sexuality in the Middle East: Conference Report", Middle East Centre, St. Anthony's College, Oxford, 2001**

**NEW ENTRY**

**Geneva Centre for the Democratic Control of the Armed Forces (DCAF), *Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure*, 2010 – available at <http://www.dcaf.ch/Publications/Palestinian-Women-and-Security>**

**NEW ENTRY**

**Ghosh, P. R., "Honor killings: The Scourge of Turkey", *International Business Times*, 10 July 2011 – available at <http://www.ibtimes.com/honor-killings-scourge-turkey-part-1-297361>**

**Goodenough, P., 'Blood and Honour', *Middle East Digest*, February 1995, 1-5.**

This article discusses a number of cases in the Palestinian West Bank and Gaza, where women who have attempted to flee violent families have been killed. Local police agents are reported to collude with male members of the community to murder women. For example, Yasser Arafat's Fatah faction includes 'decency squads' who assume the role of enforcers of family honour, searching for and often inventing pretexts for dealing with women perceived as 'troublesome'. Women are killed in the name of honour for a variety of reasons, including rumours of an illicit romance or impropriety, 'immodest' behaviour or dress, associating with men suspected of collaborating with the Israeli authorities, or divorce and pre-marital relationships with men. Often little evidence exists against the women but only the death of the woman is seen to restore the family honour.

**Hamzeh-Muhaisen, M., 'Violence against Women: Who Will Stop the Men?' *Palestine Report*, October 10, 1997, 18-10.**

This article documents the rise of violence against women in the Palestinian West Bank including the refugee camps. It presents a number of case studies to illustrate the inability of victims to report crimes such as rape and sexual assault due to threats of violence and the very real danger of victims being murdered. Existing legislation is seen to be largely ineffective in prosecuting those who murder in the name of 'honour', and is in fact designed to protect those who kill. Those working to eliminate violence against women argue existing laws themselves embody notions of honour.

**Human Rights Watch, *A Matter of Power, State Control of Women's Virginity in Turkey*, (Human Rights Watch: June 1994), available at <http://www.hrw.org/reports/1994/turkey/>.**

This report is based on the findings of a HRW mission to Turkey in 1993 and focuses on the imposition of virginity control exams on women by police and other state agents. It also notes concern at the Turkish government's lack of action in discouraging private individuals from initiating virginity exams or stopping state doctors from participating in the practice.

**NEW ENTRY**

**Human Rights Watch, *A Question of Security: Violence Against Palestinian Women and Girls*, November 2006, Vol. 18 No.7 (E) – available at <http://www.hrw.org/reports/2006/opt1106/opt1106webwcover.pdf>**

**Human Rights Watch, 'Honoring the Killers: Justice Denied for "Honor" Crimes in Jordan', Volume 16, No 1, (April 2004) pp. 1-37.**

This report investigates the killings and attempted murders of women in Jordan by male family members who claim they are defending 'family honour.' The first section provides the social context in which these crimes take place, including an overview of the low status accorded women in law and custom, the underreporting of statistics on domestic violence and the lack of shelters for women. The next section presents case studies of women who have been threatened with 'honour crimes', and who have consequently been held in prison for years in 'protective custody'. After reviewing the relevant legal provisions under the Jordanian penal code (Article 340 and Article 98), the report then demonstrates the deference accorded by officials such as the police, the family protection unit, the ministry of social development, the ministry of justice and the judiciary to men who commit these 'honour crimes'. Finally, the report makes detailed recommendations to the Government of Jordan, the United Nations and the international community, including international organizations, donors and governments regarding necessary responses to domestic violence.

**Humeidan, G. and Habash, V, 'Crimes of Honour', Al-Hayat Organisation, <http://www.ecouncil.ac.cr/about/contrib/women/youth/english/honour1.htm>.**

This article looks at two cases of honour killings in Jordan, reviews police statistics on such crimes through the early 1990s, examines the legal framework of Jordan relating to honour crimes, and makes proposals for action. The authors identify factors such as poverty, illiteracy, overpopulated areas, Muslim laws and practices, the increasing numbers of working women, and legislation as having a bearing on honour killings. They conclude that "honour" crimes accounted for the majority of murders of women in Jordan during this period, and that these victims were mostly killed on suspicion of 'immoral behaviour'. The Jordanian legal framework favours reductions of penalty for male-only perpetrators of honour crimes. In the social framework, crimes of honour are taboo and lobbying campaigns by organizations and activists meet with a variety of obstacles.

**NEW ENTRY**

**Husseini, R., "Initiative seeks to change mindset on so-called honour crimes", *The Jordan Times*, 11 February 2011 – available at <http://jordantimes.com/initiative-seeks-to-change-mindset-on-so-called-honour-crimes>**

**International Women’s Rights Action Watch, *IWRAW Country Reports: Turkey* (IWRAW: January 1997), available at <http://iwraw.igc.org/publications/countries/turkey.htm>.**

This is a shadow report produced by IWRAW in response to Turkey’s second periodic report to CEDAW; it therefore reviews the protection and/or violation of the human rights contained within CEDAW. The report notes that most forced virginity testing is thought to involve private families. Concern about the pervasiveness of violence against women is shared by all groups, including Islamic, secular, and feminist organisations. Although their methods and objectives are very different, they have all sought to place violence against women very high on their agenda of needed reforms. The reports noted the apparent increase in honour killings as a concern, although this may be due to increased reporting rather than increased occurrence. Honour killings in Turkey are often carried out by young males against their female relatives at the instigation of older male family members. The report notes the concern of women’s rights groups at the courts’ prosecution of only the young men who receive lighter sentences due to their age, and the non-prosecution of the older male decision-makers in such cases.

**NEW ENTRY**

**Khafagy, F., “Honour Killing in Egypt”, Centre for Egyptian Women’s Legal Assistance (CEWLA), 2005 – available at <http://www.un.org/womenwatch/daw/egm/vaw-gp-2005/docs/experts/khafagy.honorcrimes.pdf>**

**NEW ENTRY**

**LANDINFO (The Country of Origin Information Centre), *Honour killings in Iran*, 22 May 2009 – available at [http://www.landinfo.no/asset/960/1/960\\_1.pdf](http://www.landinfo.no/asset/960/1/960_1.pdf)**

**NEW ENTRY**

**Mikdashi, M., “Honouring the Law: Honour, Gender and Crime in the Lebanese Penal Code”, *Jadaliyya*, 11 September 2011 – available at [http://www.jadaliyya.com/pages/index/2598/honoring-the-law\\_honor-gender-and-crime-in-the-leb](http://www.jadaliyya.com/pages/index/2598/honoring-the-law_honor-gender-and-crime-in-the-leb)**

**Moghaizel, F. and Abdelsatir, M., *Crimes of Honour: A Legal Study* (Beirut: Joseph and Laure Moghaizel Institute, 1999) [Arabic Text].**

This study, with special reference to the previous work of Laure Moghaizel on this subject, details the developments in Lebanese law regarding ‘crimes of honour’ -- culminating in the 1999 amendment to the Penal Code. After setting out relevant extracts from the penal codes of other Arab states, the study examines 36 ‘honour’-related rulings from Lebanese courts in the period 1995 - April 1998; an appendix sets out the text of the draft law amending the Penal Code.

**NEW ENTRY**

**Naval, R., “Women told: you have dishonoured your family, please kill yourselves”, *The Independent*, 27 March 2009 – available at <http://www.independent.co.uk/news/world/europe/women-told-you-have-dishonoured-your-family-please-kill-yourself-1655373.html>**

**NEW ENTRY**

**Shiyoukhi, N. and Lau, K., “Palestinian Women Aya Baradiya’s ‘Honor’ Killings Sparks Tougher West Bank Law”, *Huffington Post*, 19 May 2011 – available at [http://www.huffingtonpost.com/2011/05/19/palestinian-woman-aya-bar\\_n\\_864430.html](http://www.huffingtonpost.com/2011/05/19/palestinian-woman-aya-bar_n_864430.html)**

**The Palestinian Human Rights Monitor, *Killing of Women on the Basis of Family Honor* (The Palestinian Human Rights Monitoring Group: 2002) Vol. 6, Issue No. 4, August 2002, available at <http://www.phrmg.org/monitor2002/Aug2002.htm>.**

This article begins by locating women's rights in the Arab world, acknowledging that whilst advances have been made, women still experience social discrimination and violence, which in some instances manifests itself in the phenomenon of honour killing. The article analyses the results of research into how the local community view and deal with the practice and incidences of honour killings, finding that people perceive the practice as part of an "inherited culture" which continues to dominate, control and influence the views of members of society. It was found that this inherited culture affected positive law, with the result that in such cases courts pronounced a lighter sentence or found the killer innocent, subsequently releasing him. Moreover, people also seek an alternative in the tribal judiciary, where again, judges attempt to conceal the crime to avoid a scandal for the family. The study concludes with some indications of developments that demonstrate that a high percentage of both men and women consider the practice of 'honour killings' to be a serious social problem.

#### **NEW ENTRY**

**The Palestinian Non-Governmental Organization Against Domestic Violence Against Women (Al Muntada), *Crimes of Women's Killing in Palestine in the period 2004-2006*, March 2007 – available at [http://www.sawa.ps/Upload/Reports/CrimesofWomensKillinginPalestine\\_arabic.pdf](http://www.sawa.ps/Upload/Reports/CrimesofWomensKillinginPalestine_arabic.pdf)**

**Women for Women's Human Rights, NGO Report on the Implementation of CEDAW in Turkey, (Women for Women's Human Rights, January 1997), available at [http://www.undp.uz/GID/eng/TURKEY/NGO/ngo\\_report.html](http://www.undp.uz/GID/eng/TURKEY/NGO/ngo_report.html).**

This is a shadow report produced by the Turkish NGO Women for Women's Human Rights in response to Turkey's second periodic report to the Committee on the Elimination of All Forms of Discrimination against Women. It reviews the implementation of Turkey's obligations under CEDAW. It also asserts that 'honour killings' in Turkey are based on discrimination between women and men and therefore the failure of the state to take action in response to such incidents, violate articles 1, 5(a) and 14 of CEDAW. Finally, the Report provides examples of 'honour killings' and critiques the way they are handled by state officials, including the police, the prosecutors and judges. The report contains several proposals for reform which the CEDAW Committee could recommend to Turkey.

#### **NEW ENTRY**

**Women's Centre for Legal Aid and Counselling (WCLAC), *No 'honour' in murder*, 1 September 2012- available at <http://www.wclac.org/english/etemplate.php?id=1138>**

#### **NEW ENTRY**

**Women's Centre for Legal Aid and Counselling (WCLAC), *Women without name: Report on Femicide in the Name of Honor in Palestinian Society 2007-2010*, 2010 – available at <http://www.wclac.org/userfiles/Women%20inside%20preview.pdf>**

**Yirmibesoglu, V., 'Sacred Family Killing' in a report by *Ozgur Gundem*, 31 December 2002 [Turkish text].**

In this media report, lawyer Yirmibesoglu summarises her research findings based on a study of 300 cases of 'honour killings' in Turkey. The study found that: (1) both victims and perpetrators were minors aged between 11 and 17; (2) 'honour killings' are encouraged and permitted by Turkish law; (3) virginity examinations play a significant role in some of the killings; (4) the state is not taking any measures to stop the killings; (5) the media does not play the role of guiding and educating the population, instead

broadcasting populist programs for their ratings; and (6) the law makers and law enforcers appear to think in a similar manner to the murderers.

**Yurdakul, G., *Violence of Honour against Women in Turkey*, University of Toronto, 28-31 May 2000 (CSAA: University of Alberta, 2000), available at <http://www.chass.utoronto.ca/~gyurdaku/presentation2.html>.**

This paper aims to show how social values and constructions perpetuate violence against women. It analyses 'honour killings' by examining the relationship between male 'honour' and female virginity in Turkey. Further, it argues that virginity is associated with honour and purity, and that a man's honour (and consequently his social standing) is vested in the sexual purity of his female relatives. Failure by a woman to protect a man's honour through her conduct, including remaining a virgin until marriage, will result in male family members punishing her to cleanse their honour, and in some cases such punishment will result in honour killing. The article notes that honour killings occur not only in rural areas, but also in urban areas, among the middle class, consequently such crimes are not only a class issue but also an outcome of a patriarchal society.

#### e) Asia/South Asia

##### - Books & Articles

**Ali, S. S., 'Is an Adult Muslim Woman *Sui Juris*? Some Reflections on the Concept of 'Consent in Marriage' without a *Wali* (with particular reference to the Samia Waheed case)', (1996) 3 *Yearbook of Islamic & Middle Eastern Law*, 30-43.**

The article discusses the question arising from the Saima Waheed judgment in Pakistan regarding the capacity of an adult Muslim woman to enter into a valid contract of marriage without the consent of her guardian. Issues addressed include whether parents have a right to be obeyed and whether this right of obedience is judicially enforceable, whether marriage in Islam is a civil contract or not and whether permission of the guardian is necessary for a valid *nikah* (Islamic marriage). An overview is provided of the definition of the institution of marriage in Islam, and the nature, capacity, form and requisites of a valid contract of marriage. A section is devoted to the concept of guardianship in marriage in Pakistan and the related right of *khiyar ul-bulugh* (option of puberty) and how statute law has impacted on the traditional Islamic rules. Also discussed is the interaction of Islamic law, statutory law and customary norms and practices in relation to the issue of equality within marriage. It is argued that black letter law is not the sole determinant of what, when and how women's rights are recognised and conceded in a legally pluralistic society such as Pakistan and that customary practices and societal norms hold sway over and influence dispute resolution, whether formal or informal.

**Bagchi, J., 'Female Sexuality and Community in Jyotirmoyee Devi's *Epar Ganga Opar Ganga*' in Thapan, M. (ed.), *Embodiment Essays on Gender and Identity* (Delhi: OUP, 1997), 74-89.**

This article provides a new voice to Jyotirmoyee Devi's *Epar Ganga Opar Ganga* (1968), and reveals how the themes in the novel of 'female sexuality' and 'community' are relevant today. Referencing other feminist scholars, issues of multiple assault, sexuality, East vs. West perspectives and the community as a patriarchy are examined. Josodhara Bagchi examines how hypocritical obsession with women's sexual purity marks the patriarchal foundation of the hegemonic class in India. She notes how in the early days of the second Anglo-American feminist critique, sexuality is a marked domain of women's oppression and how communal 'honour' for nation-building is gained through violation of female sexuality. She then examines the controversies surrounding the enactment of three major pieces of legislation including the

banning of *Satidaha* or widow immolation (1829), the Hindu Widow Remarriage Act (1856) and the Age of Consent Bill (1891) which helped determine the class and gender boundaries of the elite in Bengal. The author concludes that the issues of female sexuality and the marginalization of women by a class-driven community, as raised by Jyotirmoyee Devi, still need to be examined and addressed.

**Bangash, M. A., 'Administrative Justice in the Tribal Areas', in *Journal of Law & Society* Vol.XVIII, No. 30, (July 1997), 39-59.**

This article outlines the three primary and interrelated components of justice administration in Pakistani tribal areas: the *jirga* system, political authority and the 1901 Frontier Crimes Regulation (FCR). The *jirga*, an indigenous arbitration body composed of respected community members, resolves disputes according to local custom requiring satisfaction of the aggrieved rather than punishment of the aggressor. Promulgated by the British, the FCR legally institutionalised the *jirga* and made both its composition and decisions subject to approval by political officers. This concentration of judicial and executive functions with a political officer was intended to establish a strong government and ensure cooperation with the colonial authorities. It is argued that the *jirga* is a useful medium which provides a sense of community participation in the relatively quick and inexpensive attainment of justice. However, it lacks external supervision and accountability while tribal affinity, required for its successful functioning, is disappearing. The article concludes that ordinary laws which safeguard fundamental human rights should apply in parallel to this existing system of justice.

**Bannerji, H., 'Age of Consent and Hegemonic Social Reform' in Midley, C. *Gender and Imperialism* (Manchester: Manchester University Press, 1998).**

This book examines the age of consent debate as part of the growing body of scholarship on contesting indigenous and colonial patriarchies in India. This article discusses how the reorganization of gender relations was central to the establishment of British imperial hegemony in India. The British colonial state sought to legitimise its rule by codifying personal law, which dealt with areas such as marriage. In doing so Indian religions and customs were portrayed as "backward", and the colonial state "protected" women by banning the practice of *sati* and raising the age of consent for girls to marry. Controversy surrounding the age of consent debate emerged in the 1890s and opinion among Hindu nationalists was divided. In comparison to other areas, the British colonial State was flexible in the implementation and enforcement of "personal law matters" - such as marriage. This flexibility was underpinned by the colonial State's desire to advance its homogenizing agenda and was achieved by co-opting local religious and economic elites. Eventually, the British colonial powers enacted legislation to curb child marriage as a marker of a modern democratic society where the equal status and rights of women are accepted as a norm.

#### **NEW ENTRY**

**Baxi, P., Rai, S.M. & Ali S. S., "Legacies of Common Law: 'crimes of honour' in India and Pakistan", *Third World Quarterly*, Vol. 27, No. 7, 2006, pp. 1239 – 1253 – available at [http://www2.warwick.ac.uk/fac/soc/pais/people/rai/legacies\\_of\\_common\\_law.pdf](http://www2.warwick.ac.uk/fac/soc/pais/people/rai/legacies_of_common_law.pdf)**

While tracing 'crimes of honour' in India and Pakistan, the authors delineate a complex nature of interaction between tradition and modernity at the local, national and global levels of governance. This relationship is shown by two axes of the governance of polities, such as the state statutory bodies, as well as the governance of communities, such as caste panchayats and jirgahs. The authors illustrate how the governance of polities and communities is not only embedded in the landscape of honour-related violence against women but also overlaps to regulate the sexuality of women. Thus, justice appropriated by caste panchayats and jirgahs in India and Pakistan marks increasing tension between the governance of polities and communities through an attempt to regulate de-centralised economies. Similarly, state institutions such as the courts and the police also reflect the tense relationship between tradition and modernity. Taking the discussion a step further, the authors' analysis of appellate judicial judgements show how the newly-found human rights language and rhetoric has been incorporated into the discourse of women's rights. The essay,

thus, highlights that the interpreters of legal regimes and their challengers negotiate and contend over the meanings attached to laws as well as their wider social importance.

**Butalia, U., 'Abducted and Widowed Women: Questions of Sexuality and Citizenship During Partition' in Thapan, M. (ed.), *Embodiment: Essays on Gender and Identity* (Oxford: Oxford University Press, 1997), 90-106.**

Focusing on questions of sexuality and citizenship, this article examines the experiences of women who were abducted or widowed during the 1947 Partition of India. India's Central Recovery Operation was mounted to locate, recover and rehabilitate the approximately 33,000 Hindu and Sikh women abducted or forcibly married in Pakistan after 1 March 1947. India also established a women's section of the Ministry of Relief and Rehabilitation to aid these women and the 75,000 women widowed because of the Partition. What differentiated these two groups was the former's sexual contact with men of the 'other' community, perceived as resulting in a loss of male honour in the family, community and nation. The Central Recovery Operation was a relative failure (only 8,000 women were returned) primarily due to the refusal of many families to accept the women back, now seen to be polluted from this contact, and the children resulting from these mixed unions. This sexual chaos reflected the chaos experienced by the nation and it became imperative to restore order, either by regulating female sexuality within the family or by the state. Women now became crucial, for by protecting them, the state was perceived as protecting its national honour. Women were thus seen as constructed differently from men; not as citizens in their own right, but as mothers, sisters and wives who had to be both protected and rehabilitated.

#### **NEW ENTRY**

**Chakravarti, U., "From fathers to husbands: of love, death and marriage in North India, pp. 308-331, in Welchman L. and Hossain S. (eds.), *'Honour': Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This chapter reviews a number of case studies relating to incursions on women's right to marry by the family and community within Uttar Pradesh and Rajasthan in India. It sets out the legal and social context against which violations of a woman's right to exercise choice if, when and whom to marry are committed. In noting the legal context, reference is made to the various family, constitutional and criminal laws which protect women's right to exercise choice. This is complemented by an analysis of relevant case law, revealing inconsistencies in the application of the law. In noting the social backdrop against which interferences with the right are committed, the chapter draws on statistical analysis of the occurrence of violations, disaggregation of those perpetrators and victims involved, and includes examination of the role of the family, community and state in perpetuating violations.

#### **NEW ENTRY**

**Cheema, M. H., "Judicial Patronage of 'Honor Killings' in Pakistan: The Supreme Court's Persistent Adherence to the Doctrine of Grave and Sudden Provocation", *Buffalo Human Rights Law Review*, Vol. 14, 2008, p. 22**

This article focuses on how the superior judiciary of Pakistan has historically dealt leniently with honour killings by exercising all available discretion (in sentencing) to the benefit of those accused of such crimes. The author starts by elaborating on the judicial approach, dating from colonial times, which focuses on lenient treatment of honour killing through allegiance to the doctrine of grave and sudden provocation in Pakistan. He then outlines the Islamized provisions of the Qisas and Diyat legislation introduced in 1990 and the approach adopted by Pakistan's courts towards these laws. The author specifically points out two cases which, he argues, opened the gate for judicial accommodation of honour killings. Although the author acknowledges the attempt by the Criminal Law (Amendment) Act of 2004 to withdraw judicial discretion in sentencing for murder cases in the name of honour, he notes the shortcomings in the Act which obstruct the ameliorative effect of the Act. He concludes by observing how the Supreme Court's

differentiation between honour killing and the grave and sudden provocation doctrine sidesteps the legislation.

**Chowdhury, P., 'Enforcing Cultural Codes, Gender and Violence in Northern India', in Jayawardena, K. and de Alwis, M. (eds.), *Embodied Violence, Communalising Women's Sexuality in South Asia* (India: Kali for Women, 1996), 332-367.**

This chapter deals with gender-based violence and the complexity of the caste system in the rural Northern Indian area of Haryana through an analysis of community norms and attitudes. Such violence often manifests itself because of the taboos against inter-caste marriages whereby a woman of higher caste 'defiles' her family and her caste honour by marrying a man of a lower caste. Similarly, there is a taboo against certain intra-caste liaisons, which are considered incestuous. In both cases, the family and, quite often, the community, react to these transgressions by levying punishments ranging from various forms of social boycott to physical attacks often resulting in the death of one or both people. The violence tends to be gender-oriented and is carried out because of a perceived injury to the honour of the family or clan by the transgression of the woman, since honour is seen as connected to control of female sexuality and reproductive labour. The existence of repression and of honour crimes based upon repression is further underscored by a lack of interest or initiative by the authorities who do not interfere in the matters because the crimes are so deeply rooted in history and cultural practices.

**Coomaraswamy, R., 'Identity Within: Cultural Relativism, Minority Rights and the Empowerment of Women', *George Washington International Law Review*, (2002), 1-16.**

This article examines the multi-faceted concept of identity within the context of cultural relativism and empowerment of women. The author argues that feminists in the "third world" encounter difficulty in pursuing the empowerment of women, particularly as Western imperialism has historically been considered the champion of "third world" women in Asia and Africa. Consequently, any struggle for women's rights may be seen as the domain of Western imperialism, highlighting the controversially modern dilemma between the universalism of human rights and the particularity of cultural experience. She questions how the fight for women's rights can be detached from complicity in the racism and prejudice that characterizes many Northern attitudes toward Southern countries or the majority-minority dynamics within particular societies. Such "ideological" tension is highly visible in mis-labelled "cultural" practices affecting women which have become the focus of international human rights campaigns, such as female genital mutilation (FGM). However, the author argues that FGM is part of a genre of violations against women that deserve international attention framed in terms of the rights discourse, such as honour crimes practiced in amongst others many Arab and Mediterranean societies. These practices are closely linked to the control of female sexuality and movement and are violations of women's right. The article concludes that sensitivity to cultural relativism does not equate with negotiating away women's hard won rights. What must be seen as negotiable are the strategies of enforcement and implementation and not the quintessential concept of a woman's freedom and equality.

**Das, V., 'National Honour and Practical Kinship: Of Unwanted Women and Children' in *Critical Events: An Anthropological Perspective on Contemporary India* (Oxford: Oxford University Press, 1995), 53-83.**

This chapter focuses on how concepts of purity and honour function in the sphere of kinship as well as in constituting the nation. The basis of the analysis is the stories of women who were abducted and sexually violated during the widespread riots accompanying the Partition of India in 1947. The sexual and reproductive violence to which women were subjected cannot be understood as belonging only to the discourse of family: it has to be understood as doubly articulated in the domains of kinship and politics. The author puts forward two questions: firstly, does the state produce its own codes of honour and shame, or purity and pollution, when it comes to undesirable children and secondly, are these codes then adopted by the order of the family as the codes of Indian society? This fragment of South Asian history points to the

fact that, in periods of collective violence such as war, insurgency and widespread communal riots, women can come to the centre of consciousness as an abstract category and the regulation of their sexuality and reproductive functions can become visibly a matter of state.

**Derné, S., 'Hindu Men Talk about Controlling Women: Cultural Ideas as a Tool of the Powerful', *Sociological Perspectives*, 37(2) (1994), 203-225.**

Interviews with Hindu men as part of the author's research reveal their self-conscious embrace of particular gender structures of Indian society which maintain their power and self-interest. Hindu men benefit from women's subordination by actively promoting and enforcing rituals which restrict the movement and interactions of Hindu women. The author states that "While it is often argued that people are unaware of how the social structure is maintained in day-to-day interactions... Hindu men seem to know that gender inequalities are maintained by their day-to-day talk." The men believe that restrictions on the movement and interactions of Hindu women decrease "negative public opinion" and help maintain the family or community honour, which is essential to the professional lives of the men. These restrictions drastically limit the participation in women's public, political or professional spheres. Strategies employed by the women to challenge their domination are still constrained within these gender structures, and so amount to no more than "a patriarchal bargain" in which the women "deliberately assume the feminine role... in order to manipulate patriarchal authority." In this way, the women's strategies (e.g. feigning incompetence, criticizing other women) reinforce gender stereotypes.

**Dhagamwar, V., *Law, Power and Justice* (New Delhi: Sage Publications, 1992), 303-310.**

This chapter discusses the extent to which courts in India appear to take into consideration the 'character' and 'sexual ethics' of women victims in determining sentences in homicide cases. Analysis of three murder cases illustrates how the Indian Supreme Court often commutes the death penalty in favour of a life sentence if a man alleges that he has killed due to loss of his 'honour'. Analysis of case law further reveals patriarchal attitudes towards women, and implicit acceptance of the notion of family honour as residing in the body and behaviour of women.

**Dube, L., *Women and Kinship: Comparative Perspectives on Gender in South and South East Asia* (United Nations University Press, 1997).**

This book examines the complexity of institutions that make up the structural and cultural dimensions of a kinship system and the impact it has upon women's lives and on sustaining a specific ideology of gender. Aspects of family and kinship are examined in communities in Bangladesh, India, Indonesia, Malaysia, Nepal, Pakistan, Philippines and Thailand within a comparative perspective. Across these countries, honour operates as an important mechanism in maintaining the seclusion of women within the private domain of the family household. Yet the extent to which this operates is relational to class, caste, ethnic and community differences. Women's sexuality is deemed a threat and as needing to be controlled through their invisibility. Marriages are mostly arranged and used to ensure that the honour and status of the family is maintained.

**Geetha, V., 'On Bodily Love and Hurt' in John M. and Nair J. (eds.), *A Question of Silence? The Sexual Economies of Modern India* (New Delhi: Kali For Women, 1998), 304-331.**

This chapter examines 'woman battering' within the family and outlines how this practice embodies notions of honour and female sexuality. 'Battering' is symptomatic of the sexuality of everyday life as women experience it in the context of marriage and the family. Drawing upon the experience of women from the district of Snehidi in India, it is argued that constructions of female sexuality and honour operate to determine the subordinate position of women. Understanding masculinity is central to understanding how husbands represent their familial, economic and social status and power within the family. Suspicion

within marital relationships is used by men to control female independence. A husband may accuse his wife of promiscuity, call into question her 'honour', her competence as a good, chaste wife and dutiful mother and keep the children away from her. Women are often killed in the name of honour in order for men to assert their superiority both within the community and family.

**Gottesman, E., 'The Re-emergence of Qisas and Diyat in Pakistan' *Columbia Human Rights Law Review*, Summer (1992), 433-?.**

This article examines the impact of the *Qisas* and *Diyat* Ordinance within the criminal legal system of Pakistan. It reveals how these concepts have been used and abused by successive Pakistani governments and the judiciary. Furthermore, it provides a historical account of the roots of the concepts of *Qisas* and *Diyat* and their usage and acceptance in pre-Islamic Arabia before explaining the Islamic law of *Qisas* and *Diyat* as applied in Pakistan. In considering the impact of the *Qisas* and *Diyat* Ordinance on the Pakistani courts, the article highlights three issues. Firstly, there are obvious practical difficulties in implementing *diyat* where a poor offender may not be able to pay. Secondly, there may be legal problems where the victim or her/his heir completely waives their right for compensation thereby allowing for a full pardon. Finally, there is the possibility of the state imposing punishment in addition to *diyat* to protect the interests of the community (*ta'zir*), which undermines the rationale of *diyat* itself.

**Haeri, S., 'The Politics of Dishonour: Rape and Power in Pakistan' in Afkhami, M., *Faith and Freedom: Women's Human Rights in the Muslim World* (London: I.B. Tauris, 1995), 161-174.**

This chapter discusses how notions of 'honour' and 'shame' operate in Pakistan to prevent women from reporting incidents of rape to the police. It examines a number of cases of rape which are historically located and defined as culturally specific to the socio-political context of Pakistani society. 'Political rape', the term given to highlight this phenomenon is defined as a modern improvisation on the theme of 'feudal' or 'honour rape'. It is argued that rape is used as a political tool against women to dishonour and shame the whole family. One case study reveals how rape victims are unable to report crimes due to the fear of political persecution and that justice is sought by resorting to the tribal *jirga*, a practice condoned by the state. Once the rape has taken place, the notions of 'honour' and 'shame' are seen to come into play in their most extreme form, as male members of the family and community encourage the victim to commit suicide, as death is seen as the only way in which the honour of the family can be salvaged. As women's honour is seen to be inextricably linked to family honour, rape is used against rival political factions to 'dishonour' and humiliate the whole family. The concepts of 'honour' rape and 'political' rape are thus shown to be inextricably linked.

#### **NEW ENTRY**

**Hussain, M., " 'Take My Riches, Give me Justice': a Contextual Analysis of Pakistan's Honor Crimes Legislation", *Harvard Journal of Law & Gender*, Vol. 29, No.1, 2006, pp. 223 – 246 – available at <http://www.law.harvard.edu/students/orgs/jlg/vol291/hussain.pdf>**

The article has a particular focus on Pakistan honour crimes legislation and strives to highlight the government resistance to reform. The author commences with an overview of the problem of honour crimes and reflects on the cultural context as well as economic motives promoting honour crimes. She then addresses three different types of laws, related to honour crimes, codified in various Muslim countries: Honour crimes exculpation/mitigation laws, crime of passion provisions and qisas and diyat ordinances. These are juxtaposed with the author's assertion that honour crimes are not an Islamic conception and that Islam can be alternatively constructed as a vehicle for female empowerment. As the paper's focus is on legislative responses to honour crimes in Pakistan, the author elaborates succinctly on the 'Honour Killings Bill' of 2004 as well as on the subsequent proposed amendments to the Bill. The article concludes with an analysis of Pakistan's obligation to work towards eliminating honour crimes and outlines reasons for its failure to effectively do so.

**Hussain, N., 'The Narrative Appropriation of Saima: Coercion and Consent in Muslim Pakistan', in Hussain, N., Mumtaz, S., and Saigol, R. (Eds.) *Engendering the Nation-State*, (Simorgh Women's Research and Publication Centre, 1997).**

This chapter examines the contentious legal debate surrounding the Saima Waheed case of 1996 regarding consent to an adult Muslim woman's marriage. In particular it examines the process of "narrativisation" amongst various groups from the tales told by the media to the court rooms, which all influenced the three judgments relating to Saima's case, where her marriage became symbolic of the wider class and ideological struggles being waged in Pakistan. When put in context, Saima's case illustrates how the state apparatus, social institutions and the community colluded in the interests of maintaining both legal and social control over women's sexuality. Whilst the case was publicised as raising issues about the preservation of cultural identity in the face of east/west and tradition/modernity influences, in reality it was underpinned by the political struggle between an upwardly mobile fundamentalist orthodoxy and women who represent a mixture of the old elite and the rising social class.

**Jillani, T. H., 'Implementing the Right to Marry – A View from the Pakistan Courts', *International Family Law*, (April 2001), 25-29.**

This article discusses the right of women to marry in Pakistan. The debate is firmly located within the international human rights framework, with particular attention to the notion of equality between men and women as enshrined in CEDAW. In Pakistan women may be killed in the name of 'honour' for demanding the right to choose their own spouse as reflected in Humaira Mahmood's case. The author discusses three main areas central to this issue. Firstly, the sociological and historical issues central to this debate; secondly, how Islamic principles and jurisprudence affect the right of women to marry and finally, the constitutional provisions and the role of the courts in Pakistan. The author argues that education and human rights work will see a change in attitudes over time. Most importantly, however, the Superior Courts in Pakistan are playing a central role in interpreting the tenets of Islam in regard to marriage in a more dynamic, liberal and progressive manner. This approach is in consonance with the Islamic ethos of Pakistan, the constitutional commitment on gender equality and the underlying principles of CEDAW.

**Manan, A., 'Child Marriage in South Asia and its Dialectic Relationship with Law and Society', *Journal of Law and Society*, Vol. XVIII, No.30 (1997), 79-84.**

This article examines the issue of child marriage in South Asia, noting the frequent incidence of such marriages and highlights some of reasons for this practice, including social and economic factors, such as keeping property within a family, or to maintain the chastity of daughters, and therefore the *izzat* ('honour') of the family. Whilst the author notes that the age of marriage in India and Pakistan appears to be gradually rising in light of legislation (the Child Marriage Restraint Act 1929 and Muslim Family Law Ordinance 1961, respectively) and public education programmes, it is argued that legal reforms in Pakistan are not exclusively responsible for the decrease in child marriages, as economic growth, urbanization and education have also contributed in decreasing the practice. The author concludes with several recommendations for combating child marriage in the South Asia region, including raising the minimum age of marriage to 16 for girls/women and 18 for boy/men, as in Pakistan; to make legislation more educative in nature; and to promulgate the relevant laws on a much wider scale.

**Mandelbaum, G. D., *Women's Seclusion and Men's Honor: Sex Roles in North India, Bangladesh and Pakistan* (Tucson: The University of Arizona Press, 1988).**

This book outlines how the practice of 'purdah' and honour operate to control female sexuality. 'Purdah' is described as the physical covering of women within an enclosed space. The public and private domains are thus clearly marked with women being largely confined to the private space and being perceived as weak and vulnerable and in danger if they enter the public space alone. Women are seen to embody male honour

and their behaviour can result in enhancement or loss of honour. Rape or illicit sex can lead to women being killed as their paternal family or husbands are seen to have suffered a grave dishonour. Women are therefore encouraged to remain in the private arena to avoid any possible loss of honour. The practice of 'purdah' can only be maintained by notions of honour. Honour is constantly reaffirmed in practice, reinforced in action and defended against in challenge. Marriage ensures that both honour and 'purdah' remain intact and that women remain confined within the private space.

**Menon, R. and Bhasin, K., 'Abducted Women, the State and Questions of Honour' in Jayawardena, K. and de Alwis, M. (eds.), *Embodied Violence, Communalising Women's Sexuality in South Asia* (India: Kali for Women, 1996), 1-31.**

This article examines the Partition of India through the hitherto absent voices of women made destitute by the event. More specifically, this article reviews the Central Recovery Operation of India, carried out between 1948-1956, which recovered approximately 30,000 women who had been abducted, forcibly converted and married during the upheaval, and restored them to their families and countries, for example, India and Pakistan. Material is presented in the voices of the government, the women themselves and the social workers involved in the rehabilitation and resettlement of the recovered women. It is argued that the state, in its articulation of gender identity and public policy, underlined the primacy of community identity and departed from its neutrality in assigning values to the 'legitimate' family and community 'honour' and that it did so through a regulation of women's sexuality. The construction of woman first and foremost defined her as member of a community and invested her with full responsibility for upholding community honour. It also denied women autonomy by further defining them as victims of a transgression that violated the most critical site of patriarchal control – their sexuality. The article additionally questions why the matter of national honour was so closely bound up with the bodies of women and children born of what were seen as 'wrong' marriages.

#### **NEW ENTRY**

**Moore, E. P., "Honor: South Asia", pp. 216-218, in S., Joseph (ed.), *Encyclopedia of Women and Islamic Cultures, Vol. II: Family, Law and Politics, Leiden-Boston: Brill, 2005***

This entry discusses how honour is defined in South Asia. The author draws on a range of literature to examine the value and concept of honour in different South Asian communities, how these vary between men and women, and the ways that men and women are reacting to changes affecting how these concepts are worked out in daily life. Examples considered by the author include the impact on the repayment of women's microcredit loans in rural Bangladesh, and among female garment workers in Dhaka, how family honour is "reinterpreted in terms of factory honour".

**Palmer, M., 'The People's Republic of China: Problems of Marriage and Divorce' in *Journal of Family Law, Volume 27, No.1(1988-89), 57-79.***

In the post-Mao era, the Chinese State has assigned an increasingly important social role to the family and sought to intrude deeply into family life. However China's economic policies have led to an increased conflict between traditional and modernist positions, defined as a conflict between 'bourgeois liberalism' and 'feudalism'. In the light of social and economic developments, the authorities have been more prepared to revise family law rules. It has been difficult to apply existing family law rules in the rural areas. Marriages contracted below the required minimum ages and forced marriages are considered to be the most important problems. Local state officials collude with family members by withholding marriage certificates. Such practices rarely attract punitive measures, and the continue largely unnoticed. Women embody the honour and prestige of the family and community and may be killed if they are considered to have failed to comply with accepted norms and customs. Discussion of the laws of divorce, property rights, custody and the pressure on women to bear sons (through the one child family programme) illustrate the problematic position of women in China.

#### NEW ENTRY

**Palo, S., “A Charade of Change: Qisas and Diyat Ordinance allows Honor Killings to go Unpunished in Pakistan”, *U. C. Davis Journal of International Law and Policy*, Vol. 15, No.1, 2008, pp. 93-109 – available at <http://jilp.law.ucdavis.edu/issues/Volume%2015.1/Palo%20PDF.pdf>**

This chapter focuses on the Qisas and Diyat Ordinance in Pakistan and asserts that, in order to prevent discrimination against women as well as heinous murders from going unpunished, the Qisas and Diyat Ordinance must be revoked. The author starts by placing the Ordinance within Pakistan’s parallel secular and Islamic legal systems, and then goes on to trace the historical development and birth of this Ordinance., including considering how Islam is invoked in the perpetuation of the Ordinance as well as how the Ordinance affects the treatment of honour killings. The author concludes by elaborating not only how the Ordinance runs counter to the constitution of Pakistan but also violates international law.

**Quraishi, A., ‘Her Honour: an Islamic Critique of the Rape Laws of Pakistan from a Woman-Sensitive Perspective’, *Michigan Journal of International Law*, Volume 18 (1997), 287.**

This article critiques the rape laws of Pakistan from an Islamic gender-sensitive point of view. The author argues that the Hudood Ordinance and the Zina Ordinance, which criminalise extra-marital sexual relations, do not follow the gender-egalitarian spirit of Islamic laws, but rather are tainted by cultural patriarchy. The author examines and compares the Zina law and the legal prescriptions and definition of illegal sexual relations according to the Qur’an, finding that whilst the Qur’an does criminalise extra-marital sexual relations, the heavy evidentiary burden required should prevent easy and abusive attacks on women’s ‘honour’, but in practice the Zina Ordinance does not respect these evidentiary burdens nor are punishments instituted where this burden is not discharged, as per the Qur’an. Further, the author argues that to subsume rape (*zina-bil-jabr*) into the Zina Ordinance encourages the judicial practice of converting rape cases into Zina cases which condemns the victims rather than the perpetrator of the crime. The author argues that contrary to what the Pakistani legislation would suggest, Islamic jurisprudence has categorised rape as a separate criminal offence even allowing for civil compensation to rape victims.

**Sarkar, T., ‘Scandal in High Places: Discourses on the Chaste Hindu Woman in Late Nineteenth Century Bengal’ in Thapan, M. (ed.), *Embodiment: Essays on Gender and Identity* (Oxford: Oxford University Press, 1997), 34-73.**

This chapter explores the social history of an infamous scandal in Bengal in 1873: Elokeshi, a young wife, was seduced and raped by the *mohunt* of Tarakeswar (a Hindu Shaivite pilgrimage site), and subsequently killed by her husband Nobin due to her loss of ‘honour’. Nobin, upon confessing, was pardoned, in line with mass public petitions, and the *mohunt* was sentenced to three years rigorous imprisonment and a fine. The chapter analyses how this event was narrated and debated in a variety of media, including newspapers, plays, poetry, paintings and songs and farces, through themes of love, violence and betrayal, and as an example of the disintegration of conjugal order from which neither traditional holy men nor the new middle classes are exempt. The article documents the political order of the time, from the 1870s and the upsurge of nationalism which led to less self-criticism and the emergence of nationalistic positions based on defence of Hindu patriarchy, as the last remaining non-colonised space.

**Sarwar, B., ‘...On Suspicion of Illicit Relations’ in Davis, M. (ed.), *Women and Violence* (London: Zed Books, 1994), 220-222.**

This short chapter discusses honour killings in Haripur, Sindh in Pakistan. It focuses on a discussion with a local lawyer and his defence of a man who killed a young woman on suspicion of her having an illicit relationship. It discusses the position of women within the area and the strong patriarchal traditions embedded within local society. Women have few educational opportunities and the public/private dichotomy is enhanced and strictly maintained. If women choose to challenge social norms they may face

the risk of death. The state fails adequately to address such cases, and often family and friends conspire to protect the murderer.

**Sen, S., 'Offences Against Marriage' in John, M. E. and Nair, J. (eds.), *A Question of Silence? The Sexual Economies of Modern India* (New Delhi: Kali For Women, 1998), 77-110.**

This chapter traces the development of criminal laws relating to marriage in India from the early twentieth century. It examines the relationship between economic developments, customary laws and imperial control. The first section of the paper deals with some of the issues involved in the definition and categorisation of plural marriage practices in India. The second section deals with the problems faced in implementing the criminal provisions that were codified in the mid-nineteenth century. The third section discusses the overlap between criminal/penal enforcement of the marriage contract and immigration legislation. The prioritisation of the marriage contract placed many restrictions on women's mobility. In both penal and immigration law, the marriage contract was privileged in favour of the husband, and wives were denied the right to escape unhappy marriages by flight, divorce or migration.

**Shah, N., 'Faislo -- The Informal Settlement System' in Shirkat Gah, *Shaping Women's Lives: Laws, Practices and Strategies in Pakistan* (Lahore: Shirkat Gah, 1998), 227-252.**

Based on research carried out in interior Sindh, this chapter looks at the traditional forum of settlement, *faislo*, prevalent in the area. The paper details the structure and mode of functioning of the *faislo* institution, apparently one of the strengths of the tribal system. Over the years the *faislo* system has not only survived, but has adapted to changed circumstances, impacting on both the state justice system, and the communities which use the informal settlements. The chapter, which includes case studies, looks at how women are used in the settlement and how the concept of honour is used in the tribal definition of crime and compensation, as well as at the background of the relationship between women and honour and its association with women's bodies.

**Shah, N., 'Role of the Community in Honour Killings in Sindh' in Hussain, N., Mumtaz, S. and Saigol R. (eds.), *Engendering the Nation-State* (Lahore: Simorgh Publications, 1998), 242-259.**

This chapter examines how the community operates and facilitates the practices of honour killings in parts of the Upper Sindh, Uttardi. These killings are encoded in the ancient custom of *karo kari* where men and women are killed on suspicion of adultery or pre-marital sexual relations. This practice may however also be used to get rid of unwanted women and for settling tribal or familial scores. Tribal honour and tribal feuds are linked to land where women are treated like property and are often the chief victims of property disputes among men. Within the community, *karo kari* murders are not perceived as a crime and those who are suspected of committing adultery or commit adultery are defined as the criminal. Women are more susceptible to a *karo kari* killing as these are often committed within the private space of the family and household. The article outlines a number of case studies detailing the practice of *karo kari* and illustrates how community elders, local police and politicians are in collusion with the practice. The community asserts its supremacy and autonomy over the state and the state has in turn delegated its role to the communities and given them the authority to settle community issues according to their own tradition.

**Shaheed, F., 'Engagements of Culture, Customs and Law: Women's Lives and Activism', in Shirkat Gah, *Shaping Women's Lives: Laws, Practices and Strategies in Pakistan* (Lahore: Shirkat Gah, 1998), 61-80.**

This chapter argues that both customs and law are intricately linked to culture and flow from existing structures of power. Though distinguishable one from the other, culture, customs and law operate in a linked fashion and together define the space and rights available to women. Drawing on the experience of the Shirkat Gah Women's Resource Centre, this chapter looks at the implications of this understanding for activism. It argues that converting women's struggles for survival into workable strategies for transforming

a patriarchal society into a more gender-equitable one requires more than small initiatives. These initiatives must be pursued on a much larger scale in order to address the political framework within which this process takes place. Networks can accelerate this process by sharing successful strategies for change. Women's and human rights groups can provide mutual support to each other, including by generating an increased awareness of both common and diverse situations confronting women.

**Shaheed, F., 'The Experience in Pakistan' in Davis, M. (ed.), *Women and Violence* (London: Zed Books, 1994), 213-219.**

This chapter documents the use in Pakistan of specific legislation, in particular the Hudood laws, and the law of Qisas and Diyat, to erode women's human rights and the independence of the judiciary. Analysis of different types of gender specific violence is provided, including discussion of the use of rape as a political tool to dishonour male political opponents. It is argued that the state has consistently failed to protect women's human rights and at times condoned and perpetrated the violence through inaction and collusion with local communities.

#### **NEW ENTRY**

**Siddiqui, D. M., "Of consent and contradiction: forced marriages in Bangladesh", pp. 282-307, in Welchman L. and Hossain S. (eds.), *'Honour': Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This case study reviews the law and practice on forced marriage within Bangladesh. It focuses on the questions of consent and coercion in relation to marriage and examines the practice of forced marriage largely among the Muslim community. Through an analysis of case law, legal provisions, police records and interviews with key actors such as activists, lawyers and judges, the chapter reflects the limitations within the existing legal system in protecting the right to marry. In particular, the chapter considers the use of culture, traditional or customary practice and family or kinship ties to deny women's rights to free choice and mobility; the interface of patriarchy and minority fears which act as constraints on women's autonomy in multi-religious and multi-cultural societies; and the cultural meaning of consent and free choice in marriage.

**Viswanath, K., 'Shame and Control: Sexuality and Power in Feminist Discourse in India', in Thapan, M. (ed.), *Embodiment: Essays on Gender and Identity* (Oxford: Oxford University Press, 1997), 313-333.**

Focusing on the concepts of honour and shame, this chapter analyses feminist discourse in India regarding the understanding of the female body. Anthropological studies have examined the female body and sexuality within symbolic systems, demonstrating how male and family honour is dependent upon control of female sexuality, perceived as insatiable and dangerous, and the spaces women can occupy. These discourses view honour and shame from the point of view of men and women as merely sites or symbols. The focus is thus not on shame as an individual emotion but as a principle of social organisation and relationships. The women's movement has dealt with female sexuality primarily through the issues of rape and sexual violence. A woman who has been raped is seen as having completely lost her honour, and the honour of her family. In colloquial usage, women do not use the explicit Hindi word for rape (*balaatkaar*), using instead the phrase *izzat lootna* (losing one's honour). Feminist discourse locates shame as a form of patriarchal power that is imposed upon women from outside and which must be resisted. However, this article argues that shame becomes part of a woman's understanding or definition of self. The women's movement could sharpen its politics if it incorporates an anthropological understanding of shame and honour as centrally defining women's sexuality.

#### **NEW ENTRY**

**Warrich, S. A., “‘Honour killings’ and the law in Pakistan”, pp. 78-110, in Welchman L. and Hossain S. (eds.), *‘Honour’: Crimes, paradigms and violence against women*, London: Zed Books, 2005**

This chapter reviews case law on 'honour killings' in Pakistan, where under the Qisas and Diyat Ordinance heirs of a victim of murder are entitled to pardon the murderer. The chapter reflects, through an in-depth analysis of case law, criticisms made of the legal system and the judiciary in the failure to extend the protection of the law to women in these circumstances. The chapter begins with an examination of the historical and socio-legal context of 'honour crimes' in Pakistan, including consideration of the British colonial power's endorsement of patriarchal tribal values in the Penal Code of 1860 and judicial interpretations of these provisions until their repeal in 1990. Next the chapter discusses the current provisions of the Pakistan Penal Code and the Criminal Procedure Code 1898 applicable to cases of 'honour crimes', discussing problems in prosecuting such cases arising from the limitations of statutory laws and judicial decisions. Particular problems are highlighted, notably those arising in the investigation and prosecution of 'honour crimes' and the state's failure to proactively utilise provisions in the new law to prevent 'honour crimes.' The final section of the chapter provides an overview of the responses to 'honour crimes' in civil society, and analyses state rhetoric and the continued duality of the higher judiciary on 'honour crimes' issues.

#### **- Reports, Studies & Comments**

(PLEASE NOTE THAT IN SOME CASES BELOW, ANNOTATIONS HAVE NOT BEEN COMPLETED, SO ONLY THE TITLE HAS BEEN INCLUDED FOR THE MOMENT)

**Ali, R., *The Dark Side of ‘Honour’: Women Victims in Pakistan* (Lahore: Arqam, 2001).**

This publication provides an extensive account of women's human rights in Pakistan. From the outset, by highlighting the practice of 'honour killings', the booklet stresses the lack of awareness, glaring statistics and inadequate media coverage that the custom of *karo kari* receives. The publication provides details of recent cases of honour killings in Pakistan. It comments on the inadequacies and positive sex discrimination that exists in the Pakistani legal system, as follows: the *Zina Ordinance* and the *Qisas and Diyat* laws have hampered equality and development for women; the courts continued recognition of the defence of provocation despite the formal repeal of provocation legislation; and the lack of full and proper police investigation of honour crimes. In light of these findings, the report proposes a way forward through modern legislative reform, educational programmes and enforcement of international conventions which advance the protection and development of women.

**Amnesty International, Afghanistan: ‘No one listens to us and no one treats us as human beings’: Justice denied to women, October 2003, AI Index: ASA 11/023/2003**

This report documents Afghan women's concerns about widespread violence against women, including domestic violence and forced and child marriage. The report begins by outlining Afghanistan's international human rights obligations to protect women's rights. Next the report highlights the violence which women are subject to in the home, by the community and by armed groups. Subsequent sections describe how women in Afghanistan have no recourse to justice because whilst legal rules restricting freedom of movement have been removed, societal and community barriers in many areas prevent women from seeking redress. Further, in those cases where women are able to approach the police or the criminal justice system, the report argues that they face extreme discrimination. The report concludes with a number of immediate steps the Afghanistan government and international community should take to ensure that women receive justice.

**NEW ENTRY**

**Amnesty International, *Pakistan: Honour Killings of Girls and Women*, AI Index: ASA 33/18/99 – available at <http://www.amnesty.org/en/library/asset/ASA33/018/1999/en/9fe83c27-e0f1-11dd-be39-2d4003be4450/asa330181999en.pdf>**

**NEW ENTRY**

**Amnesty International, *Pakistan: Insufficient Protection of Women*, AI Index: ASA/33/006/2002 – available at <http://www.amnesty.org/en/library/asset/ASA33/006/2002/en/b734002a-d873-11dd-9df8-936c90684588/asa330062002en.pdf>**

**Amnesty International, *Pakistan: No Progress on Women's Rights, September 1998*, AI Index: ASA 33/13/98.**

This report is an update to Amnesty International's previous report of March 1997 (see above). Despite the passage of another year, the Government of Pakistan appears not to have acted upon its commitments. This report outlines developments relating to the status of women during the year and a half following the earlier report. It calls on the Government of Pakistan to consider urgently the report issued by the Commission of Inquiry for Women which it had established. It also describes the lack of progress in women's political participation, in employment and education. The report then looks at the abuses suffered by women in the custody of the state, in the family and in the wider social context. In the period under review, torture, including rape in police custody, remained widespread but under-reported, under-prosecuted and under-punished. Domestic violence continued to be viewed as a domestic affair; only in cases of particularly extreme cruelty did the media report it and police take action. Many women in Pakistan became victims of criminal violence, including rape. Dozens of women were killed on the mere allegation of harming the family's or clan's honour. Others were harassed and sometimes criminally prosecuted and/or killed for choosing their own marriage partners; the killings were sometimes sanctioned by tribal councils or *jirgas*. Police frequently failed to register complaints of rape, honour killings, domestic violence and other forms of abuse. In some instances, they concealed evidence and turned a blind eye to perpetrators threatening their victims into dropping charges. Judicial decisions sometimes reflected insensitivity to women's issues and contributed to a climate in which women's rights continue to be abused with impunity.

**NEW ENTRY**

**Amnesty International, *Pakistan: The Tribal Justice System*, AI Index: ASA/33/024/2002 – available at <http://www.amnesty.org/en/library/asset/ASA33/024/2002/en/293987eb-d812-11dd-9df8-936c90684588/asa330242002en.pdf>**

**Amnesty International, *Pakistan: Violence against Women in the Name of Honour, 22 September 1999*, AI Index: ASA 33/17/99.**

This is a full report on honour killings in Pakistan, setting out the context in which honour killings occur. The report states that every year in Pakistan hundreds of women, of all ages and in all parts of the country, are reported killed in the name of honour. Many more cases go unreported. Almost all go unpunished. The lives of millions of women in Pakistan are circumscribed by traditions which enforce extreme seclusion and submission to men. Male relatives virtually own them and punish contraventions of their proprietary control with violence. For the most part, women submit to traditional male control over every aspect of their bodies, speech and behaviour, but exposure to media, the work of women's groups and a greater degree of mobility have seen the beginnings of women's rights awareness seep into the secluded world of women. But if women begin to assert their rights, however tentatively, the response is harsh and immediate: the curve of honour killings has risen parallel to the rise in awareness of rights.

**Amnesty International, *Pakistan: Women's Human Rights Remain a Dead Letter: No Progress Towards the Realization of Women's Rights After the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women*, March 1997, AI Index: ASA 33/07/97.**

This report notes that Pakistan ratified the Convention on the Elimination of All Forms of Discrimination on 12 March 1996, with the reservation that no provision which conflicts with the Constitution of Pakistan would be adopted. Despite the international obligation to amend or repeal domestic laws which conflict with the Convention and to ensure the end of discriminatory practices, the Government of Pakistan has taken no effective steps to end discrimination against women. The report also lists the measures that were to have been adopted to improve the status of women in 1996, but which had still not come into force at the time the report was prepared. The report also discusses the Zina Ordinance of 1979 which encompasses *zina*, rape and abduction for the purpose of committing a sexual offence. *Zina* and rape attract different punishments according to the evidence on which the conviction is based. The Zina Ordinance clearly breaches requirements of the Convention. Charges of *zina* and rape may also be brought wrongly against couples in Pakistan on the basis of discriminatory interpretations of the family law and lead to imprisonment, cruel punishment or even a death sentence. The report calls on the Government to abolish the Zina Ordinance, to ensure that legal safeguards available under the law to women in custody are implemented and to abolish all cruel, inhuman and degrading punishments including the death penalty for women as a step towards the eventual abolition of the death penalty.

**Commission of Inquiry for Women, Report, Government of Pakistan (August 1997), 87-88.**

This Commission was set up in 1997 by the then Government of Pakistan to review all existing laws in Pakistan which are discriminatory to women and affect their rights as equal citizens of Pakistan. A section of the report analyses how customary practices oppress Pakistani women, and how such practices are condoned both by local communities and the state. The report notes that the practice of *karo kari* (whereby any man or woman who has an illicit relationship is considered to dishonour the tribe and must be punished with death) often targets women, and refers to research in the Sindh province indicating that the police rarely arrest and convict offenders in such cases. It notes that honour killings are rooted in the cultural and patriarchal perceptions of the ownership of women and that a woman's body is seen as the repository of family honour. The report recommends that there should be no mitigation of sentence in cases of 'honour killings'.

**Human Rights Watch, *Crime or Custom? Violence against Women in Pakistan* (August 1999), 30-31 & 40-45.**

The report is based on research conducted in Lahore and Karachi and documents how the state in Pakistan fails to protect the rights of women victims of violence and denies them justice. Violence against women is treated as an accepted custom rather than a serious crime. Honour killings are documented as a form of intra-family violence which is condoned by the state. The report notes that in such cases, the police fail to arrest suspects and the courts pass lenient sentences whilst embodying notions of morality, honour and shame in their judgements. It calls for widespread reforms within the police and the judicial system to ensure that violence against women in Pakistan is addressed by the state, ensuring changes to domestic law and implementing international human rights standards.

**Knudsen, A. 'License to Kill: Honour Killings in Pakistan' *CMI Reports* WP 2004:1 available at: <http://www.cmi.no/pdf/?file=/publications/2004/wp/wp2004-1.pdf>.**

This paper examines 'honour killings' in Pakistan within the framework of "traditional/tribal justice", focusing specifically on the author's research in the North West Frontier Province of Pakistan. The author finds that customary law prevails over jural law, which encourages the offended party to seek private justice. Contrary to much literature, he argues that most perpetrators of 'honour killings' do not go unpunished, because although murderers frequently escape prosecution they often become targets of

revenge killings that may claim their lives or those of family members. He argues that these killings are therefore different to 'honour killings'. Further, if revenge rather than 'honour' is the primary motive, more stringent state prosecution of perpetrators of 'honour killings' would satisfy the demand for justice and discourage resort to private justice.

**NEW ENTRY**

**Prajnya, *Gender Violence in India*, The Prajnya Trust, 2009 – available at <http://www.prajnya.in/gvr09.pdf>**

**Shah, H. Q., *There is no 'Honour' in Killing. Don't Let them Get Away with Murder (Booklet on Criminal Procedures)* (Lahore: Shirkat Gah, 2002).**

This publication provides a comprehensive guide to analysing 'crimes of honour' in Pakistan from both a practical and academic perspective. This booklet provides information on the relationship between Islam and 'crimes of honour', and the inconsistent and ineffective actions of the Pakistani justice system in these crimes. Recent case summaries, academic arguments, and statistics are provided, revealing reasons for the continuation of *karo kari*, such as the silence in society that surrounds the inhumane practice, and reduced sentences based on the English law creation of 'provocation' (which although technically defunct continues to be recognised by the courts). The investigation and preliminary procedures into reported cases of honour crimes are scrutinised and suggestions to aid victims to report honour crimes are provided.

**Shirkat Gah/Women Living Under Muslim Laws, 'Chart of Customary Practices in Pakistan in Comparison with Statutory Law', *Women & Law Pakistan Country Project* (Lahore: S.P Creative Design, 1995).**

This manual provides a detailed analysis of the operation of both customary and statutory laws related to women in Pakistan. It aims to raise women's legal awareness and options by outlining practical solutions. Part III of the manual deals with violence against women, addresses 'honour killings' and sets out a number of examples are put forward to illustrate how men may murder in the name of 'honour' to avoid legal or social persecution.

**NEW ENTRY**

**UNAMA – OHCHR, *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan*, Kabul, 2010 – available at [http://unama.unmissions.org/Portals/UNAMA/Publication/HTP%20REPORT\\_ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/Publication/HTP%20REPORT_ENG.pdf)**