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Feminist Perspectives on Physical and Sexual Violence Against Women: Pakistan as a Case Study

Perspectiva feminista en la violencia física y sexual contra la mujer: el caso de Paquistán

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Abstract: Extreme forms of physical and sexual violence perpetrated by men against women such as honour-killings, acid-attacks, and rape continue to plague Pakistani society despite countrywide resistance by women's rights groups, civil society activists, and continued pressure on successive governments to address the menace, and introduce stringent laws into the criminal justice system to check the situation.

As this menace continues unabated, it is pertinent to examine the underlying male mindsets that cause these acts of violence to be committed. This paper presents feminist perspectives on male attitudes and mindsets that instigate male physical and sexual violence against women.

In conclusion, the paper discusses the various activist organizations and measures that have been instrumental in highlighting violence against women in Pakistan, and the need for stringent measures to curtail the menace, and keep checks on the gender-biased law-enforcement system.

Keywords: Pakistan, feminist perspectives, sexual violence, honour-rape, honour-killing, patriarchy, *Sharia* laws, *Jirga, panchayat*.

Resumen: Las formas extremas de violencia física y sexual perpetrada por los hombres contra las mujeres, tales como homicidios causados por la defensa del honor, ataques con ácidos y violaciones, continúan extendiéndose por la sociedad paquistaní, al margen de la resistencia ejercida por todo el país por grupos en defensa de los derechos de las mujeres, y por los activistas de la sociedad civil, que continúan presionado a los sucesivos gobiernos para que se enfrenten a la amenaza e introduzcan leyes estrictas en el ámbito de la justicia criminal para terminar con la situación.

Como esta amenaza continúa avanzando, es pertinente examinar la mentalidad masculina que origina que estos actos de violencia sean cometidos. Este trabajo presenta una perspectiva feminista de estas actitudes y mentalidades masculinas que instigan la violencia física y sexual de los hombres contra las mujeres.

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En resumen, este estudio trata sobre las distintas organizaciones activistas y sus medidas que han sido fundamentales en la lucha contra la violencia ejercida contra las mujeres en Paquistán, y la necesidad de medidas estrictas que terminen con las amenazas y que se incluyan como parte del sistema legal con sesgo de género.

Palabras clave: Paquistán, perspectiva feminista, violencia sexual, honor-violación, honor-homicidio, patriarcado, ley de Sharias, jirga, panchayat.

Introduction

Violence against women is a worldwide issue that overrides racial, cultural, ethnic, religious, class and economic differences and factors. Gender-specific violence occurs across class and race in the developed world as it does in orthodox and backward societies. Even though such violence spans social, cultural, and geographic divides, yet it centers on patriarchal domination in one form or the other. It can also seriously impact women's rights and legal status as equal citizens on the pretext of religious doctrines, as can be the case in various Islamic societies governed by *Sharia* laws that marginalize and subordinate women to men.

Various forms of gender-specific physical violence prevalent against women globally include sexual violence, acid attacks, stove-burning, rape, and honour related crimes such as honour-killing and honour-rape.

In Pakistan, extreme forms of physical and sexual violence perpetrated by men against women such as honour-killings, acid-attacks, and rape continue to plague society despite countrywide resistance by women's rights groups, civil society activists, and continued pressure on successive governments to address the menace, and introduce stringent laws into the criminal justice system to check the situation.

As the menace of violence against women continues unabated, it is pertinent to examine the underlying male mindsets that cause these acts of violence to be committed. Taking a feminist theoretical approach, this paper will discuss key feminist perspectives on patriarchal patterns of violence against women that center on male-domination, and the underlying socio-cultural factors such as 'honour' that facilitate and perpetuate oppressive and violent treatment of women and their subjugation through various acts of physical abuse.[1] It will discuss issues of patriarchal control and domination that impact women's rights and equal status in society, and encourage and instigate physical and sexual violence against women as a means to subjugate them.

This paper will present feminist perspectives on sexual violence against women to highlight the underling factors that can contribute to women's marginalized status in patriarchal societies, with particular reference to Pakistan. Beginning with a background to the introduction of the *Zina Hudood* Ordinance and the Law of Evidence introduced by military dictator General Zia-ul-Haq as part of his Islamization process initiated in 1979,

[1] For further details on continued incidents of violence against women in Pakistan, see 'Violence Against Women.' *State of Human Rights in 2015.* Human Rights Commission of Pakistan Report 2015. Accessed at: http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/Women_12.pdf on April 16, 2017. (pg-11).

the paper will also briefly allude to two landmark case studies to illustrate the situation in Pakistan regarding sexual violence, patriarchal domination, and the gender-biased law enforcement system in Pakistani society that hinders recourse to justice for women.

The Islamization period: A Background

Glancing back at Pakistan's history regarding women's rights, the Islamization era, initiated under military dictator General Zia-ul-Haq (1977-1988) who usurped power through a coup in 1977 and politicized religion for vested interests to justify his dictatorial rule, stands as the single most transformative period in Pakistan's history regarding the curtailment of women's rights, and the legal complexities of addressing issues of sexual violence against women such as rape. The patriarchal mindset that this period encouraged and gave sanction to through the promulgation of gender-discriminatory *Sharia* laws, the state machinery, and the criminal justice system has proven to be an ongoing hurdle in policy making that addresses women's freedom and legal status in Pakistan (Khawar and Farida 1987).[2]

The Islamization period initiated during Zia's tenure saw the curtailment of women's legal status through the imposition of the *Zina Hudood* Ordinance in 1979, and the Law of Evidence in 1984 proposed by the Council of Islamic Ideology (CII) formed by Zia, that criminalized extra-marital sex as a crime against the state with particular emphasis on women's sexual behaviour, and reduced a woman's testimony and evidence to half that of a man's in a court of law, respectively (Imran 2005).[3] Together the *Zina Hudood* Ordinance and the Law of Evidence seriously eroded women's chances of seeking justice in cases of rape, and sexual violence as the law required that an equivalent of four Muslim male witnesses of 'good repute' verify a woman's claim to sexual penetration and rape (Khawar and Farida 1987).[4] Failing this legal requirement, a female rape victim was to be considered guilty of fornication or adultery under the *Zina Hudood* Ordinance (Khan 2001).[5]

According to the *Zina Hudood* Ordinance, the punishment for committing *zina* stood as following: The *Hadd* punishment is stoning to death, and the *tazir* punishment for *Zina* is up to ten years of imprisonment and whipping-up to thirty lashes and/or a fine. The *tazir* punishment for *Zina-bil-jabr* is up to twenty-five years of imprisonment and whipping up to thirty lashes (Enforcement of *Zina Hudood* Ordinance 1979).[6]

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[2] For further discussion on the consequences of General-Zia-ul-Haq's transformation of the criminal justice system on women's rights see Mumtaz, Khawar and Shaheed, Fareeda. 'Legally Reducing Women's Status.' *Women of Pakistan: Two Steps Forward, One Step Back?* Vanguard Books. Lahore, Pakistan, 1987. (pgs-106-110).

[3] For further discussion on the *Zina Hudood* Ordinance and the Law of Evidence see Imran, Rahat. 'Legal Injustices: The *Zina Hudood* Ordinance of Pakistan and its Implications for Women.' *Journal of International Women's Studies.* Vol.7, # 2, November 2005. (pgs-78-100). Access at: http://vc.bridgew.edu/jiws/vol7/iss2/5/

[4] For detailed explanation of the *Zina Hudood* Ordinance 1979 visit: http://www.pakistani.org/pakistan/legislation/zia_po_1979/ord7_1979.html Accessed on April 16, 2017.

[5] For further discussion see: Mumtaz, Khawar and Shaheed, Fareeda: 'Legally Reducing Women's Status.' *Women of Pakistan: Two Steps Forward, One Step Back?* Vanguard Books. Lahore, Pakistan, 1987. (pgs-106-110).

[6] Feminist scholar Shahnaz Khan explains the gender-discriminatory nature of the Law of Evidence: 'The onus of providing proof of rape rests with the victim under the *Hudood Ordinance* and there are severe ramifications if she does not provide that proof. If she is unable to convince the court, her allegation of rape is in itself considered as confession

Pakistani feminist activists Mumtaz Khawar and Fareeda Shaheed, co-founders of the Women's Action Forum (WAF), a women's rights organization formed to resist General Zia's *Hudood* laws, note Zia's politicization of religion in the form of Islamization (Khawar and Farida 1987):

> On 22 February 1979 (the Prophets birthday), amidst much fanfare and media build-up, the first concrete step towards *Islamization* was announced by the military government. This took the shape of the *Hudood Ordinance* 1979, which covers theft, drunkenness, adultery, rape and bearing false witness. The *Ordinance* makes *Zina* an offence against the state, unlike the British law hitherto in force which considered adultery a matter of personal offence against the husband.[7]

Correspondingly, the 1997 Pakistan Commission of Inquiry for Women Report critiques the legal requirement of producing four witnesses to the act of rape as per the Law of Evidence, and the complexities for women to prove rape in court:

> Muslims of good repute who are witnesses is an unfair standard since few men of good repute would stand by and watch a rape take place. In a Pakistani court a woman's complaint of rape is considered a confession of illicit sexual intercourse; a subsequent pregnancy is also evidence against her.[8]

Needless to say, the laws introduced by Zia seriously eroded women's legal standing, leaving them vulnerable to a legal system that could easily be used to victimize or penalize them, particularly given that a woman can not testify on her own behalf as result of the requirements of the Law of Evidence.

Case Study

In a startling case in 1983 in Sahiwal, in the Punjab province, a blind peasant girl, Safia Bibi, who had been raped by her landlord, was convicted for adultery under the *Zina Hudood* Ordinance. Her inability to identify her rapists, and ensuing pregnancy was seen as proof of extra-marital sex as per the new laws, and she was sentenced to public lashing, imprisonment, and a fine, all on the basis of her own evidence since her father had reported the rape (Khawar and Farida 1987).[9]

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of *Zina* and the victim effectively implicates herself and is liable to *Tazir* punishment. Furthermore, the woman can be categorized as the rapist herself since it is often assumed that she seduced the man.' Khan, Shahnaz. 'Implications of the *Hudood* Ordinance.' *Gender, Religion, Sexuality and the State: Mediating the Hudood Laws in Pakistan.* Centre for Research and Violence Against Women and Children, London, Ontario, Canada, 2001. (pg-3).

[7] *Enforcement of Hudood Ordinance, 1979 (VI of 1979), the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (V1l of 1979), Presidential 0rder- No. 4 of 1979*. Ministry of Law, Justice and Human Rights, Islamabad, Government of Pakistan.

[8] Mumtaz, Khawar and Shaheed, Fareeda. 'Legally Reducing Women's Status.' *Women of Pakistan: Two Steps Forward, One Step Back?* Vanguard Books. Lahore, Pakistan, 1987. (pg-100)

[9] For further details see the *Zina* sections of the *Hudood Ordinance*. *Commission of Inquiry for Women Report of 1997.* Ministry of Women Development, Social Welfare, and Special Education, Islamabad, Pakistan, 1997.

Although, ironically, another military dictator, General Pervaiz Musharraf's tenure saw the introduction of the Women's Protection Bill in 2006 (Dawn 2006),[10] a revised legislative document that sought to add amendments to the *Zina Hudood* Ordinance and address more accountability for violence and crimes against women, complexities regarding their equal status and citizen rights continue to be marred by religious impediments in amending existing laws, and introducing new legislation that would ensure their protection and justice under the Pakistani legal system.

The ongoing debates in contemporary Pakistan regarding women's status in Islam, and issues of their legal protection have sparked new debates among policy makers and the public, particularly women's rights activists. The lingering negative effects of Zia's Islamization period that sanctioned politicization of Islam for vested interests, and complemented and strengthened the patriarchal socio-cultural environment in the country, are still in evidence as Pakistan's policy makers squabble over amendments to the existing laws to 'protect' women, such as the furore caused by the Council of Islamic Ideology's (CII) interpretations of what would be valid legal inclusions as per Islamic injunctions in laws pertaining to the 'protection' of women.

In 2016, one of the most controversial of statements regarding women's status in Pakistani society has come from the Chairman of the Council for Islamic Ideology (CII), Maulana Muhammad Khan Sherani, who has leaned on religion and recommended in its proposed 'women's protection bill' that beating a wife 'lightly' is in accordance with Islamic injunctions (Khan 2016)[11]

Violence Against Women: A Global Scourge

Further to the 1979 UN Treaty of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), in 1994 the United Nations adopted the Declaration on the Elimination of Violence Against Women that became the first official international document that specifically addressed the issue of violence against women as a violation of their basic human rights.[12]

Articles 1 and 2 of the 1994 UN Declaration state the following:

Article 1:

For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual

[10] For further details of the Safia Bibi case see Mumtaz, Khawar and Shaheed, Fareeda: 'Legally Reducing Women's Status.' *Women of Pakistan: Two Steps Forward, One Step Back?* Vanguard Books. Lahore, Pakistan, 1987. (pg-103).

[11] 'Musharraf Signs Women's Bill.' Daily Dawn, December 2, 2006. Accessed at: http://www.dawn.com/news/221508/musharraf-signs-women on April 16, 2017.

[12] For further details of the proposed CII Women's Protection Bill see Khan, Raza. 'Lightly beating' wife permissible, says CII's proposed women protection bill.' May 26. 2016. The Daily *Dawn*. Accessed at: http://www.dawn.com/news/1260803 on April 16, 2017.

or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Article 2:
Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.[13]

In its Article 4, the UN Declaration also puts forth a framework for governments to adhere to in policy-making regarding women's rights and their legal protection by the state.[14]

It is pertinent to state here that gender-specific violence against women continues to be widespread in Pakistan, as reported by the Human Rights Commission of Pakistan Report 2014 (HRCP 2014).[15] This disturbing situation persists despite the fact that Article 25 of the 1973 Constitution of Pakistan, which deals with the fundamental rights of Pakistani citizens, states clearly that nothing 'shall prevent the State from making any special provision for the protection of women' (Cowasjee 2004).[16] Additionally, Pakistan is also a signatory to the ratification of the CEDAW convention (the UN Convention on the Elimination of all Forms of Discrimination Against Women) in 1996 (Zia and Bari 1999).[17] Yet, a bleak situation prevails as violence against women continues unabated, and with impunity. It is believed that the majority of the incidents remain unreported due to a lack of faith in the gender-biased police and justice system, or because of socio- cultural restraints, such as in the case of reporting marital/domestic violence and rape to law-enforcement agencies (HRW 1999).[18]

The socio-cultural repercussions for a Muslim woman, in a Muslim society, bound by centuries of patriarchal rule and supremacy, as well as the implications of gender-specific

[13] For further details see the 'UN Declaration on the Elimination of Violence Against Women.' Accessed at: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/48/104 on April 16, 2017.
[14] Ibid.
[15] Ibid.
[16] For 2014 data on violence against women in Pakistan, see 'Rights of the Disadvantaged: Women.' *State of Human Rights in 2014,* Human Rights Commission of Pakistan. U. B. Printers, Lahore, Pakistan, 2014. (pg-201).
[17] Cowasjee, Ardeshir. 'Injustice to Women.' The Daily *Dawn*, Pakistan. February 5, 2004.
[18] For further discussion see Zia, Shahla, and Bari, Farzana. 'Women in Non-Government Organizations.' *Baseline Report on Women's Participation in Political and Public Life in Pakistan.*_Project of International Women's Rights Action Watch – Asia Pacific. Published by *Aurat* Publications and Information Service Foundation, Islamabad, Pakistan, 1999. (pg-11).

religious laws (*Sharia*), are further heightened if she comes forward to report rape. The foremost reason behind reluctance to report physical violence of this nature is to avoid the stigma attached to rape, and the social implications for a woman in an Islamic society even if justice were to be meted out. Generally, it is seen that public admittance of rape can permanently socially ostracize a woman and her entire family, which in turn can also lead to the victim being disowned or, as in tribal societies, killed by her family to regain so-called 'honour' and retain its position in society (Hayat 2002).[19]

Correspondingly, the religious constraints attached by Islam to any mode of 'immodesty' on the part of women, be it the dress code, social behavior, or taking a public stance, particularly on issues of a personal or physical nature, leads to severe reluctance to report rape, regardless of the social strata it occurs in, but it is most intimidating for the severely marginalized sectors (i.e. the poor and illiterate sections of the society).

Despite worldwide attention to discrimination and violence against women, particularly through the media, and women's organizations across the world that have rallied consistently to support and uphold women's rights and protection as equal citizens, the scourge of gendered violence against women continues to be a major area of concern both for Feminist Studies, and for women's and human rights activists and organizations. To understand the underlying factors that have historically and socio-culturally contributed to gender-specific violence against women, it is pertinent to analyze the patriarchal patterns that dictate power structures and societal norms that marginalize and subjugate women through violent acts to entrench their supremacy and control. The following discussion presents feminist perspectives on factors that instigate and manifest violence against women, particularly physical and sexual violence.

Feminist Perspectives on Physical and Sexual Violence Against Women

Feminist Studies and feminist scholars have investigated the existence and spread of gender-biases and violence against women in direct relation to patriarchal norms of domination and maintaining power structures that favour the male gender socio-culturally and in the workings of the state, including the law-enforcement machinery and policy-making. Combined, these structures of domination can be designed to facilitate women's marginalization and subjugation, both as members of the society and family, as well as to erode their rights as equal citizens, as can be seen in orthodox Muslim societies ruled by *Sharia* laws.

Historically, the foremost form of violence against women has been physical violence, ranging from rape, to sexual violence, domestic violence, honour-killing (also known as *karo kari* in Pakistan), acid-attacks, bride-burning, female genital mutilation (FMG), breast-ironing, female infanticide, and femicide. Other means of female subjuga-

[19] For further discussion on hindrances in reporting cases of violence against women in Pakistan, see 'The State Response to Violence Against Women.' *Crime or Custom?: Violence Against Women in Pakistan.* Human Rights Watch World Report, New York, USA, August 1999. (pg-33).

tion include forced marriages, sex-slavery, trafficking for forced prostitution, forced pregnancy, forced abortions, eve-teasing, and sexual harassment, among others such as verbal, emotional, and psychological abuse and torture, not the least being economic deprivation, disinheritance, and complexities, or refusal, of child custody in cases of divorce. It is significant to note that all the afore-mentioned acts of violence and maltreatment are generally either perpetrated directly by men, or carried out with male consent and support. Thereby, establishing that male-domination and patriarchal control serves as the key underlying factor in violence against women, regardless of geographical or socio-cultural divides, or class and economic circumstances. To understand male aggression as a means of establishing control, it is important to analyze the gender-specific factors that instigate such violent behavior associated with masculinity. Criminologist Elizabeth Stanko (Stanko 1994) explains the underlying patriarchal urge to exert power through aggressive means:

> Overlooked is the fact that these violent negotiations are about hierarchies of masculinities, excused, for example, as 'teaching someone a lesson', 'saving face', 'disciplining a sissy', or 'controlling territory'. There is a tendency to treat fights amongst men as mechanisms for resolving disputes and also as a method of preserving and reinforcing status, or perhaps resolving insecurity about status.[20]

It can be conjectured from Stanko's analysis that when extended to 'controlling' women, this male 'insecurity about status' can also take on various forms of violence, particularly physical and sexual violence, to establish male domination and patriarchal supremacy.

Similarly, a substantial reason for male violence towards women can be found in what psychologist Paula Caplan describes as the popular 'myths' that surround women generally, relative to what she describes as the 'maleness of the environment' in any given society or environment (Caplan 1994).[21] However, this is not to say that these are the only reasons or that these myths should only be interpreted in relation to how *women* are made to feel about themselves. Just as strong a reason for the existence of such myths is how insecure men may feel about women's freedom, whether in a male-dominated workplace, which Caplan is specifically discussing in her book, or extended to apply to a patriarchal society in particular. Caplan attributes the widely- held bases for such attitudes of male domination to the prevalence of the following myths that have been historically held about women's expected subservient status in society (Caplan 1994):

"A good woman doesn't ask for much."
"A good woman doesn't get angry or put herself forward."

[20] For further discussion on socio-cultural factors behind 'honour-killings', see A.A. Hayat. 'Honour Killings.' *Women: Victims of Social Evil.* Pakistan Institute of Security Management. Press Corporation of Pakistan, 2002. (pg-88).

According to a report released by the *Aurat* Foundation, 3,000 people have been killed for 'honour' since 2008. *Dawn.com*. 'Murder for 'Honour': Over 3,000 Victims in Seven Years.' November 17, 2014. Accessed at: http://www.dawn.com/news/1145062/murder-for-honour-over-3000-victims-in-seven-years on April 16, 2017.

[21] Stanko, Elizabeth A. 'Dancing with Denial.' *Researching Women's Lives from a Feminist Perspective.* Mary Maynard and June Purvis (eds). Taylor & Francis, London and Bristol, 1994. (pg-7).

"Women are dangerous when they are powerful."

"Women are masochistic and have a fear of success, or, when women fail or feel unhappy, they have brought it on themselves."

"The expectation that women will fit feminine and racial stereotypes."[22]

By extension, the underlying 'maleness of the environment' in the predominantly patriarchal society of Pakistan can take such 'myths' and their connotations further to justify and facilitate the manipulation and politicization of women's status and treatment by linking them to religious teachings themselves, as in the case of the CII's proposed bill for the 'protection' of women mentioned earlier. Needless to say, such manipulation on the pretext of religion conveniently couches the issue of women's rights and their acceptable behavior and treatment in an Islamic society in the non-debatable domain of religiously sanctioned Islamic doctrines, as stated in the Holy *Quran*:

> Men are in charge of women, because Allah hath made the one of them to excel the other, and because they spend of their property (for the support of women). So good women are the obedient, guarding in secret that which Allah hath guarded. As for those [women], from whom ye fear rebellion, admonish them and banish them to beds apart; and scourge [beat] them. Then, if they obey you, seek not a way against them. Lo! Allah is ever High Exalted, Great.[23]

Given the above citation from the *Quran*, the CII's stance in issuing edicts that categorically state that women can be beaten, albeit, 'lightly', if they displease the men in their lives, which refers to their husbands, can be understood as wholly reliant on religion to back its position.

Similarly, even in the absence of religious interpretations and edicts, it can be seen that women who do not readily comply with the 'myths' pointed out by Caplan are deemed as potentially dangerous to the male order of society. Hence, women who may threaten or challenge the male order are likely to be subjected to a taste of 'male' power in various forms, be it through physical violence, sexual abuse, or, as in the case of Pakistan, through the gender-biased law-enforcement machinery and the legal system, to ensure their subjugation and protect patriarchal domination, both in terms of the state and the society.

In extreme cases, historically gender-subjugation has been achieved through sexual violence against women such as rape. Feminist scholar Susan Brownmiller (Brownmiller 2013) elaborates on the gender dimension of rape as a means to exert and establish male power:

> Man's discovery that his genitalia could serve as a weapon to generate fear must rank as one of the most important discoveries of prehistoric times, along with the use of fire and

[22] Caplan, Paula J. 'Why Can't a Woman Be More Like a Man? Or The Maleness of the Environment.' *Lifting a Ton of Feathers: A Woman's Guide for Surviving in the Academic World.* University of Toronto Press, Canada, 1994. (pg-26).

[23] Caplan, Paula J. 'The Myths.' *Lifting a Ton of Feathers: A Woman's Guide for Surviving in the Academic World.* University of Toronto Press, Canada, 1994. (pg-56).

> the first crude stone axe. From prehistoric times to the present, I believe, rape has played a critical function. It is nothing more or less than a conscious process of intimidation by which all men keep women in a state of fear.[24]

Despite the controversial nature of Brownmiller's views, given that historically men have used physical strength to subdue and subjugate women, it is little wonder that one of the most common crimes of physical violence against women continues to be rape, that can also take the form of honour-rape and gang-rape in particular incidents such as the Mukhtar Mai case, as discussed later.

To add insult to injury, rape is also amongst the most underreported of crimes, particularly in conservative societies such as in the Muslim world where women are subjected to harsh gender-biased legal processes and gender-discriminatory *Sharia* laws that limit women's rights and testimony such as has been the case due to the promulgation of the *Zina Hudood* Ordinance and the Law of Evidence during General Zia's Islamization process.

Correspondingly, criminologist Elizabeth Stanko notes (Stanko 1994):

> Raped and sexually abused women, few of whom even bother to complain to the justice system, typically meet the contempt of a legal process which can find no way of proving rape and sexual abuse without routinely humiliating the complainant.[25]

Stanko goes on to contextualize the male-domination prevalent in the law-enforcement system, a factor that is all the more obvious in the Pakistani criminal justice system and gender-specific laws, both of which hinder fairness and recourse to legal justice for women (Stanko 1994):

> In their capacity as offenders, theorists, practitioners, university teachers, the judiciary, legal advocates, victims and policy-makers, men dominate the crime business. The cult of masculinity, a common description of one fundamental tenet of police and policing, can be readily found amongst all players in the criminology game.[26]

Given the grim situation regarding the prevalence of violence against women in general, and in Pakistan in particular, it is also pertinent to mention the patriarchal patterns of considering women and their 'chastity' as symbolic repositories of male 'honour', status, and shame, and how sexual assault and rape of women in particular are seen as tools for vengeance and domination. Susan Brownmiller explains the historical aspect of such patriarchal attitudes (Brownmiller 2013):

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[24] *Surat al- Nisaa*. The Holy *Quran*. For English translations visit: http://corpus.quran.com/translation.jsp?chapter=4&verse=34 Accessed on April 16, 2017.

[25] Brownmiller, Susan. *Against our Will: Men, Women and Rape.* Simon and Schuster, New York. USA, 1975. (pg-14).

[26] Stanko, Elizabeth A. *Researching Women's Lives from a Feminist Perspective.* Mary Maynard and June Purvis (eds) London and Bristol: Taylor & Francis, 1994. (pg-95).

> The historic price of women's protection by man against man was the imposition of chastity and monogamy. A crime committed against her body became a crime against the male estate.[27]

Respectively, it is not surprising that when women do find themselves at the receiving end of male violence, particularly sexual violence, it is patriarchal mindsets in societies such as Pakistan that dictate how their predicament will be treated. Brownmiller reflects on male attitudes towards sexual violence suffered by women (Brownmiller 2013):

> Sexual assault of a wife, daughter, girlfriend, sister or mother is often appropriated by men as a major traumatic injury to themselves, a manifestation all the more significant when we remember that men have generally tended to discount the emotional injury suffered by women who have been raped.[28]

It is assumed in a Muslim society that a woman will enter marriage as a virgin, to be possessed physically and emotionally only by her husband. In Pakistan, where arranged marriages are still the norm, and the custom of dowry remains the vehicle by which families marry their offspring into the best social and economic class they possibly can, the stigma of rape can permanently jeopardize marriage prospects for a woman, not to mention the 'dishonour' and 'shame' that would always hound the rest of the family, particularly the other female members of a victim's family. Sociologist H.Q Shah (Shah 1998) explains the notion of honour in the Pakistani tribal context:

> Honor is a male value derived and viewed against the index of a woman's body. Although honor is located in material wealth, the language and expression of honor resides in the body. In fact honor and shame are two parallel states, honor is masculine, shame is feminine. Just as men have honor, women have shame. A woman's shame summarizes her public reputation and social position in much the same manner as honor does for men…. Killing and violence, therefore, are not crimes, but are defenses against dishonor.[29]

In tribal and feudal contexts, such as in the tribal societies in Pakistan, rape can also be directly linked to socio-culturally entrenched concepts of 'shame' and 'honour'. Such perceptions of 'honour' and 'shame' can be transformed into a justification for inflicting sexual violence such as 'honour-rape' as a means of carrying out vendetta. The main aim of such violent acts is to redeem so-called 'honour' by inflicting maximum physical, emotional, and social pain and damage on the victim and her family. Even children are sodomized to avenge perceived or even concocted honour-related vendettas.

Brownmiller elaborates on the underlying connotations of rape as a weapon for inflicting loss and revenge (Brownmiller 2013):

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[27] Ibid. (pg-95).
[28] Brownmiller, Susan. *Against our Will: Men, Women and Rape.* Simon and Schuster, New York, USA.1975. (pg-17).
[29] Ibid (pg-301).

> Criminal rape, as a patriarchal father saw it, was a violation of the new way of doing business. It was, in a phrase, the theft of virginity, an embezzlement of his daughter's fair price in the market…What a father sold to a prospective bridegroom or his family was a title to his daughter's unruptured hymen, a piece of property he wholly owned and controlled.[30]

Given Brownmiller's perspective, in Pakistan any publicized damage to the 'property' (i.e. a raped woman) would be detrimental to the seller (the father). A raped woman, particularly an unmarried one, in the family would mean nothing but society's wrath, hatred, ridicule and contempt. This is the main reason that families who have been subjected to such incidents either resort to moving away from their familiar abodes, or as commonly done in the tribal system and feudal classes, even kill the raped woman to sever any association with her, and hence become socially acceptable again in the their tribal community. Or, just as commonly, as a consequence of socio-cultural conditioning regarding family 'honour', the raped woman may decide to end her own life to avoid shame for her family, and social ridicule and stigma for herself.[31]

Feminist scholar Shahla Haeri elaborates on the historically widely-held patriarchal notions of male 'honour', and how these impact women's lives, and status (Haeri 1995):

> Objectifying honor in the person of a woman, men possess honor, just as they possess gold and land--the three elements that are said to be the most sought after commodities in Pakistan, and therefore to lie at the root of all conflicts. Logically, it follows, women cannot possess honor in the same way as men. They represent honor; they symbolize honor; they are honor. Objectified into manipulable possessions, symbolic or otherwise, women lose a sense of individuality in the eyes of the community. Raping a woman robs a man of his most prized possession, his honor, but it obliterates a woman's whole being. Once a man's honor is violated, all he can do, all he is expected to do, all he should do is to seek revenge. As for the raped woman, no one cares--or dares to care; she doesn't exist as an individual.[32]

Collectively, feminist perspectives discussed above elaborate on the underlying male and patriarchal patterns and mindsets that use physical and sexual violence against women for vested interests to support and establish male domination, and supremacy.

Case Study

It is significant to cite here the 2002 Meerwala gang-rape case, as it came to be known. According to news reports, a young tribal woman of the lower *gujjar* caste, Mukhtar Mai, was gang-raped by four men on the orders of a tribal council in the village of Meerwala

[30] Shah, H.Q. *Shaping Women's Lives: Law, Practices and Strategies in Pakistan.* Shirkat Gah Publications, Lahore, Pakistan.1998. (pgs-4-5).

[31] Brownmiller, Susan. *Against our Will: Men, Women and Rape.* Simon and Schuster, New York, USA.1975. (pg-19).

[32] For further discussion on honour-killings and tribal laws, see Patel, Rashida. 'The Menace of Honour Killing.' *Gender Equality and Women's Empowerment in Pakistan.* Oxford University Press, Karachi, Pakistan. 2010. (pg-66).

in the Punjab province of Pakistan as revenge for the alleged affair of her brother with a socially-higher caste *Mastoi* woman. Although the all-male tribal councils (known as the *jirga* and *panchayat*) had no legal standing in the codified Pakistani justice system, the council order was carried out with impunity to redeem the so-called 'honour' of the higher caste as the Mastoi tribe members jeered and looked on.[33] After the ordeal, the victim was forced to walk back home barely clothed.[34] Despite the fact that the Meerwala honour gang-rape incident received extensive national and international coverage, the case has dragged on for years in Pakistani courts due to the gender-biased Pakistani criminal justice system, legal complexities in proving rape in court, and the political clout of the powerful Mastoi tribe members. Eventually, in a shocking court decision in 2011, the Supreme Court of Pakistan acquitted Mukhtar Mai's rapists citing lack of evidence.[35] Mukhtar Mai's appeal is still pending in court.[36]

Given the official treatment of the Mukhtar Mai honour-gangrape case at the hands of the Pakistani law-enforcement and judicial system, Stanko's words have an eerie truth to them when interpreted in the Pakistani context (Stanko 1994):

> Whilst institutional responsiveness to women experiencing men's violence is clearly welcomed, confrontation with male power is certainly not part of the police agenda.[37]

Such gender-biases also explain to a large extent why honour-killings are rampant in Pakistan despite the fact that Pakistani law deems them as murder. But most importantly, the above perspectives throw light on the importance men attach to their own place in society, and the importance they attach to their personal sense of social respectability, while women are conveniently objectified as possessions, which, if tarnished, undermine men's repute and social status as the 'owners'.

Centuries of customs and traditions that have strengthened the institution of patriarchy remain entrenched, such as in Pakistan's tribal societies, more so because most women in these societies have been equally conditioned to believe that the male as the provider is also the superior sex, and therefore his powers are the only ones that are to be recognized, and feared---factors that women's organizations, feminists, and rights activ-

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[33] Haeri, Shahla. 'The Politics of Dishonor: Rape and Power in Pakistan.' *Faith and Freedom: Women's Human Rights in the Muslim World.* Mahnaz Afkhani (ed). I.B Tauris Publishers, London, UK, 1995. (pg-169).

[33] For further discussion on the *Jirga* system in Pakistan, see Brohi, Nazish. *Women, Violence, and Jirgas: Review Study for the National Commission on the Status of Women.* National Commission on Status of Women (NCSW), Government of Pakistan, Islamabad, Pakistan. 2016.

[34] For further discussion of the Pakistani legal system see Razvi, Justice (R) Majida. *A Study of Formal and Parallel Legal Systems Prevalent in Pakistan.* National Commission on Status of Women (NCSW), Government of Pakistan, Islamabad, Pakistan.

[35] For further details see BBC News South Asia. 'Pakistan: Acquittals in Mukhtar Mai Gang Rape Case', April 21, 2011. Accessed at: http://www.bbc.co.uk/news/world-south-asia-13158001 on April 16, 2017.

[36] For further detailed discussion of the Mukhtar Mai case see Karkera, Tina. 'The Gang-Rape of Mukhtar Mai and Pakistan's Opportunity to Regain Its Lost Honour.' *American University Journal of Gender, Social Policy & the Law*. Volume 14, Issue 1. 2006. (pgs-163-176).

[37] Stanko, Elizabeth A. *Researching Women's Lives from a Feminist Perspective.* Mary Maynard and June Purvis (eds) London and Bristol: Taylor & Francis, 1994. (pg-100).

ists continue to rally against through various means to encourage women's empowerment, particularly through consciousness-raising, education, and economic independence.

Conclusion

Given the various feminist perspectives and gender-discriminatory and gender-biased factors discussed above, Pakistani women have remained vulnerable to various forms of physical and sexual violence. Despite efforts by the media and rights organizations to highlight and address the issue, violence against women remains rampant. Additionally, social and cultural mores, stigmas, taboos, and the poor performance of the law-enforcement machinery discourage reporting of the majority of cases, particularly in instances of domestic violence. Added to this is women's increased vulnerability in the face of economic dependence, and socio-economic limitations in availing legal help.

The Human Rights Commission of Pakistan (HRCP) notes in its 2015 report that the 'top three crimes against women were found to be kidnapping/abduction, rape and murder' (HRCP 2016).[38] Citing a 2015 report by the War Against Rape (WAR), a Karachi-based monitoring organization in Pakistan, the HRCP quotes that there has been a 49 percent increase in the number of reported cases of rape in 2014 as compared to 2013 (HRCP 2016).[39]

It has been studied that this prevalent grim situation is primarily so because the gender-biased and male-dominated law-enforcement machinery in the country discourages women to step forward and report crimes such as marital violence and rape.[40] This situation is doubly impacted by socio-cultural mores and constraints that inhibit women from reporting acts of violence perpetrated by family members in particular (Sajid, Khan, and Farid 2010).[41]

The *Zina Hudood* Ordinance and its rigid interpretation in the name of religion not only facilitated sexual violence against women to an alarming degree in Pakistan, but also seriously eroded women's chances of equal justice. Similarly, notions of women as the repositories of male and family 'honour' and 'shame' make them easy targets for physical and sexual abuse, including murder.

German sociologist Maria Mies (Mies 1983) argues that: 'Only when there is a rupture in the 'normal' life of a woman, i.e., a crisis such as divorce, the end of a relationship, etc., is there a chance for her to become conscious of her true condition.'[42]

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[38] *The Human Rights Commission of Pakistan Report 2015.* 'Violence Against Women.'

[39] *State of Human Rights in 2015.* Human Rights Commission of Pakistan Report 2015. Accessed at: http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/Women_12.pdf on April 16, 2017. (pg-12).

[40] Ibid. (pg-12).

[41] For further discussion on gender-biases in the Pakistani law-enforcement and criminal justice system, and hindrances in reporting cases of violence against women, see 'The State Response to Violence Against Women: Gender Bias in the Criminal Justice System.' *Crime or Custom?: Violence Against Women in Pakistan.* Human Rights Watch World Report. New York, USA. August 1999. Accessed at: https://www.hrw.org/legacy/reports/1999/pakistan/Pakhtml-06.htm#P538_116548 on April 16, 2017.

[42] For further discussion on the constraints in collecting data regarding violence against women in Pakistan see Sajid, Ahmad Imran., Khan, Naushad Ali., and Farid, Sumera. 'Violence Against Women in Pakistan: Constraints in Data Col-

For most women in the West, and those with certain privileges elsewhere, Mies' perspective can certainly hold true, depending on the will of the individual to break free from an abusive relationship or situation. But what needs to be taken into account here is that the 'normal life' Mies refers to for the Western woman bears no semblance with the 'normal' life the Pakistani woman aspires to. Given the prevalent gender-biased laws, largely unequal economic circumstances, and socio-cultural and religious constraints, the average Pakistani woman in such a situation is unlikely to find recognition or sympathy for her misfortune, let alone sufficient long-term practical help or societal acceptance to build a new independent life for herself. The cultural, religious and social taboos, stigmas, economic dependence on men, lack of education, the hold of patriarchal mindsets, and the gender-biased laws of the land bind the majority of Pakistani woman in a role of servitude which she may wish to break away from, but the alternatives of doing so may be even more bleak and daunting than continued acceptance of subservience to the status quo.

Unless rupturing the 'normalcy' of torture, and socio-cultural subservience can be supported and replaced by education and economic independence, and stringent state laws that protect them and provide them justice as equal citizens, the majority of Pakistani women find themselves at the mercy of men as the decision and policy-makers in their lives, both in the domestic realm as well as the public and official sector. Unfortunately, a woman who has either been raped, divorced, sexually abused, or emotionally harassed in other ways in Pakistan may ironically long for the very 'normalcy', abusive as it may be, that she has either been deprived of or dared to break out of (e.g. marriage)---hence again willingly subjecting herself to a vicious cycle of subjugation in return for a less rocky road ahead that is paved with uncertainties and socio-cultural condemnation.

In discussing Women's Studies as a strategy for bringing about a change in the condition of women, sociologist Marcia Westkott (Westkott 1983) writes:

> We are defined, and come to regard ourselves as means through which others' purposes are realized, as objects for manipulation and control, and as interchangeable parts in an apparatus that has no plan.[43]

Westkott's words aptly describe the predicament of most Pakistani women subjected to physical and sexual violence, patriarchal attitudes, male domination, and gender-biased laws that victimize and marginalize them, and curtail their rights as equal citizens.

It is encouraging that Pakistani pro-women parliamentarians, policy makers, media, women's organizations[44], the legal fraternity, and civil-society activists, all of whom now include a significant and growing male presence that condemns patriarchal controls and gender-discriminatory laws to subjugate women, continue to press for stringent legisla-

lection.' *Pakistan Journal of Criminology*, Volume 2, No 2, April 2010. (pgs-93-110). Accessed at: http://www.academia.edu/958716/Violence_Against_Women_in_Pakistan_Constraints_in_Data_Collection on April 16, 2017.

[42] Mies, Maria. 'Toward a Methodology for Feminist Research.' *Theories of Women's Studies.* Gloria Bowles and Renate Duelli Klein (eds). Routledge and Kegan Paul, London, Boston, Melbourne and Henley. 1983. (pg-125).

[43] Westkott, Marcia. 'Women's Study as a Strategy for Change.' *Theories of Women's Studies.* Gloria Bowles and Renate Duelli Klein. (eds). Routledge and Kegan Paul, London, Boston, Melbourne and Henley. 1983. (pg-216).

tive reforms and punishment for violence against women. Additionally, major international rights organizations such as the Human Rights Watch (HRW)[45], Amnesty International (AI)[46], UN Women[47], as well as major Pakistani women's rights organizations such as the Pakistan *Aurat* (Woman) Foundation[48], *Simorgh* Women's Resource and Publication Centre[49], *Shirkat Gah* (Participation Forum)[50], the Progressive Women's Association's (PWA)[51], the AGHS Legal Aid Cell[52], the Pakistan Women Lawyers Association and Legal Aid Cell (PAWLA)[53], and the Human Rights Commission of Pakistan (HRCP)[54] continue to act as watchdog entities, pressing successive Pakistani governments to implement pro-women legislative and social reforms that would curtail violence against women. As a result of such international and domestic pressure and activism, it is particularly heartening that in recent years several pro-women legislations and amendments have been promulgated by the Pakistani state in the Pakistani Criminal Law to address violence against women.[44] However, what remains to be seen is an unrelenting and *unbiased implementation* of these criminal laws to curtail the situation, and foster an environment of accountability that will challenge patriarchal and societal attitudes towards violence against women, and ensure their legal rights and protection as equal citizens.

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[44] For a listing of pro-women legislation in the Pakistan Criminal Justice System visit: The National Commission on the Status of Women (NCSW) at: http://www.ncsw.gov.pk/pro-women-legislation Accessed on April 16, 2017.

[45] Human Rights Watch. Access at: https://www.hrw.org/about

[46] Amnesty International. Access at: https://www.amnesty.org/en/

[47] UN Women. Access at: http://www.unwomen.org/en

[48] *Aurat* Foundation. Access at: https://www.af.org.pk

[49] *Simorgh* Women's Resource and Publication Centre. Access at: http://www.simorgh.org.pk

[50] *Shirkat Gah*. Access at: http://shirkatgah.org

[51] Progressive Women's Association's (PWA). Access at: https://web.facebook.com/Pro gressive-Womens-Association-111315255588748/info?tab=page_info

[52] AGHS Legal Aid Cell. Access at: https://aghsblog.wordpress.com/contact-us/

[53] This Karachi-based Pakistani organization does not list a website any longer, perhaps due to security reasons.

[54] Human Rights Commission of Pakistan. Access at: http://hrcp-web.org/hrcpweb/

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