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Chapter Eleven: Mukhtaran Mai's Transformation From Gang-rape Victim to the Feminist Face of Glamour: Transcending Notions of Tribal Honour, Gender, and Class in Pakistan

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Abstract

This chapter focuses on the Mukhtaran Mai gang-rape case study to examine one woman's resolve to fight back 'honor-rape', and her struggle to seek justice through the Pakistani judicial system. The discussion explores the various dimensions underlying such sexual violence against women, and their objectification as symbols of "honour" from the tribal standpoint of power structures of tribe/caste, class, and gender in contemporary Pakistani society. It also deals with the tribal parallel legal system that itself propagates and condones such acts of violence against women. The essay, thus, traces Mukhtaran Mai's journey through the courts and her emergence as a feminist and rights activist who transcended the widely held notions of tribal honor, gender, and class, and acquired worldwide acclaim as a symbol of courage, and resistance, and recognition as a feminist face of glamour when she received in 2005 Glamour Magazine's Women of the Year award.

Introduction

Sexual violence against women in general is an enormous problem in Pakistan, and is made worse by the government's failure to enforce stringent state laws that do not discriminate against women, and thereby ensure their legal and social protection (Imran, 2017).

Sexual assault against women in Pakistan's tribal communities in particular is to a large extent fostered by the societal and religious subordination of women to men, and the tribal customs and mentality of avenging oneself upon one's presumed enemy by dishonouring and raping their women, whose bodies are seen as symbols and repositories of so-called family "honour" (Imran, 2016, p. 141).

This essay discusses a specific honour gang-rape case study from Pakistan, namely the 2002 "Meerwala gang-rape case" (also referred to as the Mukhtaran Mai gang-rape case in the media) as it came to be known in the local and international media. This case of brutal sexual violence gained worldwide notoriety and outrage in which the victim, Mukhtaran Mai, a woman in her late twenties, belonging to a lower caste, was gang-raped publically with impunity on the orders of a tribal council decree to avenge the honour of a higher caste tribe. The discussion explores the various dimensions underlying such sexual violence against women, and their objectification as symbols of "honour" from the tribal standpoint of power structures of tribe/caste, class, and gender in contemporary Pakistani society. It examines the widely held notion of "honour-rape" in the tribal societies of Pakistan, governed by tribal councils and juries, known as *jirga* (jury chosen by the village council) and *panchayat* (village council), that serve as a parallel legal system in the country despite their controversial and officially unrecognized status by the government of Pakistan.[1]

The study traces Mai's ordeal through Pakistani courts where, following her appeal, her case is still pending final judgment (after well more than a decade of the

honour gang-rape in 2002), to her emergence as a successful feminist activist despite her tribal, gender, and class constraints, and the legal and societal gender-biased hindrances that have denied her justice so far.

The following discussion illustrates how the tribal notions of so-called "honour" were instrumental in the barbaric victimization of a helpless woman of a lower tribe by powerful elements and influential members of a higher tribe through the parallel legal system of the *panchayat* and *jirga*. Correspondingly, this chapter also highlights the gender-biases that exist in the Pakistani state judicial system, and hurdles for women in particular, when seeking justice in cases of sexual violence such as rape.

Sexual Violence Against Women in Pakistan: A Brief Overview

Sexual violence, honour-killings, and honour-rapes have become alarmingly common in Pakistan, and the number of incidents are growing unabated despite national and international pressure on the government from rights organizations to introduce strict legislation for such crimes.

In 1997, the Human Rights Commission of Pakistan (HRCP) estimated that at least eight women, more than half of them minors, were raped every twenty-four hours nationwide. Although the government introduced the Women's Protection Act 2006, and subsequently the Punjab Protection of Women Against Violence Act 2016 into the Pakistan Penal Code (PPC), cases of violence against women have continued to be on the rise[2].

In Pakistani society the power dynamics supporting honour-related crimes and rape as means of vengeance are not limited to the uneducated or tribal communities alone. Rather, it is a patriarchal mentality that uses rape as a symbolic and physical means of vengeance,regardless of class and other divisions. For example, in 2008 a

brutal case of group-murder of women in Pakistan's Balochistan province shocked the nation. The HRCP reported the incident as follows:

> The women, three of whom were teenagers, belonged to the Baba Kot village in the remote district of Jafferabad. The three young girls, aged between 16 and 18, had dared to defy tribal norms in wanting to marry of their own choice and reject the tribal elders' marriage commands. They were kidnapped and arrangements made to kill them. Two elder female relatives tried to intervene and they too were shot along with the younger "offenders". All five of them were then thrown in a ditch and covered with mud. Some NGOs claimed that at least some of the women were alive when they were buried. The decision to murder the women was made and its enforcement overseen by village elders, the head of whom was said to be the brother of a provincial minister. When Senator Yasmin Shah raised the issue in parliament a month after the incident, saying that no action had been taken against the perpetrators, it was followed by an outrageous reaction from two senators from the Balochistan province. Senator Israrullah Zehri defended the gruesome deed adding that it was part of "our tribal custom" and that "these are centuries-old traditions and I will continue to defend them".

Needless to say, the senators' defense was no less shocking and disappointing than the incident itself.

Citing official data from Pakistan's Ministry of Human Rights, the HRCP Report 2015 states that 8, 648 cases of human rights violations were reported in the country between January 2012 and September 15, 2015. These included 90 incidents of acid-burning, 72 of burning, 481 of domestic violence, 860 honour-killings, 344 rape/gang-rapes, 268 sexual assault/harassment, and 535 cases of violence against

women[3]. This data pertains only to cases reported to the police. The majority of cases go unreported, and hence remain undocumented, largely due to poor faith in the state law-enforcement machinery, and the gender-biased judicial system[4]. The HRCP cites 3,238 cases of rape, and 257 cases of gang-rape reported across the country in 2017 alone[5].

The high rate of sexual assault against women in Pakistan is largely fostered by societal and religious subordination of women to men, and tribal customs of perpetrating vendetta upon the enemy by sexually assaulting their women, or, depending on circumstances, even killing one's own to uphold or restore so-called tribal and family "honour". In a highly publicized case of honour-killing, a 26-year old Pakistani starlet, and social media personality, Qandeel Baloch, known for posting what were considered in Pakistan her "daring" photographs, and videos online, was strangled to death by her younger brother in her hometown of Multan, Pakistan (Gabol et al., 2016). Days prior to her murder, Baloch had posted pictures of herself with an Islamic cleric, Mufti Abdul Qawi, on social media. The controversial pictures were seen as depicting playful intimacy between the model and the cleric (Qarni, 2016). Baloch's brother stated to the police that he murdered his sister as she brought "dishonour" to the family, and the cleric, and hence Islam. As justification for the honour-killing, the cleric himself stated to the media that Baloch's murder should serve as a lesson to others as a "curse of God" (Hindustan Times, 2016).

Noting that there were "11, 000 incidents of these self-styled honour crimes in the UK in the last five years", UK Conservative MP of Pakistani origin, Nusrat Ghani took up the issue of Qandeel Baloch's murder in the British House of Commons, and asked the British Prime Minister, Theresa May, to denounce the use of the word "honour" for what should be called murder, to which the PM agreed (Tooba, 2016).

Given the above situation in Pakistan, and the grave hurdles for women in seeking justice, it is all the more significant that a poor, uneducated lower-caste tribal woman, Mukhtaran Mai, sought justice against her aggressors. In doing so, she not only emerged as a survivor, but also as a prominent women's rights activist.

The Meerwala Honour Gang-Rape Case

In November 2005, amid a standing ovation from Hollywood celebrities, Mukhtaran Mai received *Glamour Magazine's* Women of the Year award at New York's Lincoln Center, thereby defining the changing face of feminine glamour to what I argue is *feminist* glamour internationally (Raza, 2005). This award has been given out annually since 2003 by *Glamour Magazine* to honour women across cultures that are identified as "trailblazers", and "extraordinary and inspirational" across a wide range of fields, accomplishments, and professions.[6]

Significantly, Mai's resilience and struggle for justice in a deeply patriarchal society can also be seen as symbolically redefining the conventional nature of glamour as associated with the *visible* display of female beauty and opulence, and shifting the focus to one that also addresses women's *inner* strength, resolve, and feminist struggle and achievements.

According to news reports, Mukhtaran Mai, an uneducated woman belonging to the lower caste *Gujjar* tribe was gang-raped on June 22, 2002, by four men, including one of the jurists from the *jirga*, on the orders of a tribal village council in Meerwala, a village 250 miles south of Islamabad, Pakistan. The orders for the gang-rape were issued as a punishment and retributive justice by the village *panchayat* for the alleged illicit relationship of Mai's 12-year old brother, Abdul Shakoor, with an older woman of a tribe of higher social standing, the *Mastoi* tribe (Karkera, 2006). As per the tribal codes of justice, the gang-rape was ordered to avenge Shakoor's alleged

intimacy with a *Mastoi* woman, and thereby redeem the so-called "honour" of the higher caste tribe by dishonouring a woman from the lower class *Gujjar* tribe.

Even though the gang-rape took place on June 22, 2002, the police registered the case as late as June 30 because of pressure from the socially powerful *Mastoi* tribesmen. Thus another crime was committed, this time by the Pakistani law enforcement agencies, as crucial medical evidence was lost by-the delayed medical examination of the rape victim. Another report says that Shakoor was kidnapped and sodomized by *Mastoi* tribesmen. A police team recovered Shakoor, but failed to arrest the socially powerful *Mastoi* tribesmen, who later took their revenge on his sister. Mukhtaran Mai told an inquiry team on July 4, 2002 that the accusation against her brother was concocted by the *Mastoi* tribe after Shakoor had threatened to tell his parents about his ordeal (Sheikh, 2002). Finally, as the Meerwala incident made national and international headlines, and rights organizations built pressure for justice, the police arrested 15 people, including members of the tribal council that had issued the rape verdict.

Although certainly not the first incident of rape or honour gang-rape in the tribal communities of Pakistan, that usually go unreported, the Meerwala case gained worldwide attention as the poor and uneducated Mukhtaran Mai, rejecting victimhood, defiantly decided to seek justice through the legal process. Additionally, she decided to speak to the media instead of being cowered into silence by the powerful Mastoi tribe, socio-cultural constraints, or the hurdles she would face from the gender-biased Pakistani legal system (Razvi, 2011).

It is important to note here that in South Asian societies, including the non-tribal societies, the caste system can be given immense importance, and caste and tribal hierarchies can determine relationships and dealings between communities,

independent of religious and varying cultural factors. According to sociologist Chris Smaje, as a dominant force, the caste system can be a key factor around which social structures, marriages, and interactions are based, and class distinctions enforced among social groups (Smaje, 2000, p. 12).

Smaje's analysis of the caste system is pertinent to present South Asian societies, as it was in this light that the alleged affair between a boy from the lower *Gujjar* caste tribe, Shakoor, and Salma Mastoi, a woman of the higher caste *Mastoi* tribe, the woman's family called a *jirga* which decided that the insult to the *Mastois* could only be mitigated by sentencing a female from the lower *Gujjar* tribe to be dishonoured. Unaware of the nature of the punishment awaiting his daughter, the ill-fated father who was ordered by the *Mastoi* tribal council to bring a daughter to beg forgiveness for her brother's crime as per tribal custom, took Mai as she was the eldest. Upon arrival at the *Mastoi* residence, Mai was dragged ruthlessly by four men to a nearby farmhouse and raped by them repeatedly as hundreds of *Mastoi* tribesmen stood outside laughing and cheering at what they saw as justice being meted out.

Later, as a final show of tribal power, and humiliation for the victim, Mai was made to walk back home barely clothed in front of hundreds of onlookers (Imran, 2016, p. 151). What had taken place with impunity was tribal revenge, perceived as retributive "honour for honour", through honour-gang-rape ordered by the *jirga*.. What followed in the aftermath was Mai's continued ordeal at the hands of the Pakistani justice system, biased and indifferent government treatment, worldwide media attention, and also domestic media sensationalism at times (Rumi, 2011). However, it was also this very ordeal that strengthened Mai's resolve to seek justice, and her emergence as an iconic figure of resistance against sexual violence.

Honour-Rape as a Method of Domination and Vengeance

In Mukhtaran Mai's case, physical and power politics (exercised here in the context of caste, and tribal structures of superiority and authority) is explicit in the *Mastoi* tribal council's sexual aggression in a bid for domination, control, and exertion of their superiority not only over the female victim, but also over those whose "honour" she represents as a woman (i.e. the lower caste *Gujjar* tribe in this case). Secondly, manipulation through force and authority is evident from the uncontested verdict and its execution, which was decided by the patriarchal power of the *panchayat* and *jirga* system acting as a parallel legal system.

The Meerwala case is replete with contradictions and multiple crimes committed. Firstly, it is alleged that a young 12-year old child (Shakoor) from the lower caste *Gujjar* tribe was sodomized by *Mastoi* men and when he threatened to tell his parents, he was confronted with the false accusation of having an affair with a considerably older woman from the higher-ranking *Mastoi* tribe. The nature of the sexual accusation against Shakoor is symptomatic of the importance attached to male "honour" in tribal societies —honour that must even be manipulatively upheld to save men from humiliation (i.e. the sodomy accusation against the *Mastoi* men), if need be, even at the cost of dishonouring and sacrificing the reputation of one of their own women, in this case the older *Mastoi* woman (Salma Mastoi). The consequent gang-rape is self-evident male domination in that not only was it a sexual crime committed by men, but also none of the male onlookers intervened to stop it, while the police (again predominantly male and gender-biased) also refused to register the case immediately.

In the tribal mindset and societies, women's bodies become the sites on which morality is constructed or demeaned, and male honour upheld or degraded. In its

report on the issue of "honour" related crimes in Pakistan and the role gender-discrimination plays in this context, Amnesty International notes:

> In surveys conducted in the North West Frontier Province and Balochistan, men were found going unpunished for "illicit relationships" whereas women were killed on the merest rumor of "impropriety", any form of sexual contact outside marriage. (AI, 1999)

The tribal mentality of avenging "honour for honour" also views "honour-rape" as a legitimate punishment and means of maintaining tribal hierarchies, patriarchal order, and its gender-discriminatory code of conduct. The consequences of any deviance from, or violation of, this order, whether by a male or a female of the tribal community, are most commonly played out on a woman's body to shame the opponent, or regain ones' own honour as the case may be.

In her examination of the tribal parallel legal system, sociologist Saima Jassam points out that as Pakistan is a semi-feudal society, feudal chiefs are the supreme heads of their community, and enjoy the power to devise their own laws in which the definition of "honour" differs from that defined in formal laws (Jasam, 2001, p. 15). Since women have no role to play whatsoever in the tribal legal system (nor can they appear as witnesses in their own cases) their subservience is only to be expected, particularly when social and religious condemnation and patriarchal power are also employed as mechanisms for gender-subjugation.

The Mukhtaran Mai honour gang-rape is a prime example of how power structures operate in a gender-biased patriarchal tribal society. Similarly, it also highlights the biased and indifferent attitude of the country's law enforcement machinery in handling cases of violence against women, particularly when powerful

male members are being implicated in a crime. Needless to say, as pointed out by the Human Rights Watch (HRW) report on violence against women in Pakistan, most rape cases go unreported for fear of injustice, public humiliation, and fear of a backlash by powerful opponents, even murder, from the patriarchal system in tribal societies (HRW, 1999, p. 33). This situation is further compounded by concerns of media sensationalism and notoriety when rape of a woman is at the center of attention (Abid, 2012).

It is only when an incident of this nature and severity makes international headlines that it is dealt with some swiftness, and government involvement, albeit again manipulative and gender-biased.

In the Mukhtaran Mai case, a Pakistan based correspondent for the Agence France-Presse (AFP) news agency had first reported the incident after which the international media picked it up, thus building immense pressure on the Pakistan government to ensure a fair trial and judgment. Eventually, Mukhtaran Mai's rapists, as well as two members of the jury that had ordered the honour gang-rape, were arrested nearly a month after the incident and sentenced to death in August 2002 (Karkera, 2006). Following this verdict, the accused men filed an appeal against the court decision upon which the Lahore High Court overturned the convictions of five of the six men, and commuted the sixth man's punishment to a life sentence. The court cited insufficient evidence and faulty investigation as reasons for its decision (Karkera, 2006).

Mukhtaran Mai appealed the decision, and in 2005 four of the accused were re-arrested. In a shocking turn of events, in April 2011 the Supreme Court of Pakistan upheld the earlier decision of the Lahore High Court that had cited inadequate evidence. Mai's appeal against the decision was dismissed by the Supreme Court as in

March 2014 five of the accused were acquitted, while the life sentence of the sixth man was upheld (Daily Down, 2014).

Honour and Violence: A Tribal Class, Power, and Gender Perspective

The significant point in the Mukhtaran Mai case is that this was a solitary case that received tremendous visibility and coverage through the international media and intervention of local and international rights organizations. For the first time in Pakistan's history, a tribal woman took on her powerful perpetrators of the crime and the judicial system to demand a fair trial and justice. By deciding to go public with her case, Mai not only set a precedent when she broke with tribal traditions of women's subjugation but also the normative suppression of lower caste tribes. She used her personal ordeal to singlehandedly defy victimhood and challenge the tribal power structures that had continued to dictate their domination and victimization of tribes on the basis of caste hierarchies.

The Amnesty International quotes the Human Rights Commission of Pakistan's 2002 annual report (the year of Mai's sexual assault) on the status of Pakistani women and gender-specific physical violence:

> Despite making up almost 51 percent of the population, women continue to face a discriminatory status within society. Most alarmingly, it was found that violence against them, in almost every form, was on the rise. A woman was raped every two hours somewhere in the country, while hundreds became victims of "honour" killings and rape, domestic violence, burnings and murder. (AI, 2002)

The implications of class in a tribal setup, and women's status within this complex web of patriarchal domination, are determined by the status of the individual tribes and the caste system that operates within it. In Mukhtaran Mai's case, the

victim and her brother both belonged to a lower caste than the perpetrators of the honour gang-rape crime. As it is, women hold a subservient status to men in Pakistan, not only because of their gender but also because of Islamic injunctions that place women as subordinate to men in all matters, regardless of class and status. The Quran states:

> 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). (The Holy Quran. 4.34)

This much debated religiously sanctioned gender equation is further strengthened through the intersections of culture and social mores. Within the socio-cultural and religious frameworks that regulate Pakistani society generally, it can be seen that although women have marginalized independent status, being largely subordinate to men legally, socially, and culturally, they are also considered the prime symbols of so-called "honour" and "shame" for men and their standing in society. Sociologist H.Q Shah 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. (Shah, 2016, pp. 4-5)

Such gender-distinction can be seen at play across the board, whether in the case of the educated urban classes, or the tribal communities.

Through an examination of several case studies where rape has been used as a weapon for victimization and revenge in Pakistan across various class divisions, anthropologist Shahla Haeri locates the underlying factors that render rape as the

ultimate historical tool of vengeance in patriarchal societies. Her study holds that a woman's "honour" is considered male property (being equated with *his* "honour"), and a woman's sexual victimization is seen as a permanent settling of scores between opposing parties (Haeri, 1995, p. 169).

In light of the above, as revenge for lost "honour" Mukhtaran Mai and her family were dishonoured by members of the higher-class *Mastoi* tribe in front of hundreds of people and made a spectacle of. As members of the lower *Gujjar* tribe, Mai's family were not considered the social equals of the perpetrators, regardless of the injustice meted out to them or the nature of the sexual violence inflicted on their woman. Given this uneven social equation, Mai and her family had no recourse to fight back or avenge themselves within the frameworks of the tribal society because of their lower caste, and social and monetary status compared to their opponents. Through this violent act of revenge by their more powerful *Mastoi* opponents, the *Gujjar's* honour was lost forever in their own tribe. On the other hand, the so-called "honour" of the perpetrators was not only restored in their tribe, but socially and culturally within the context of tribal politics, their tribal power was also strengthened further, regardless of the eventual judicial outcome of the case through the state machinery.

Significantly, what stands out here is that the entire Mukhtaran Mai incident was incited by the alleged affair of a 30-year old woman from a higher tribe with a boy of minor age. It is noteworthy that the higher caste woman, Salma Mastoi, was not subjected to "honour-killing" for deviating tribal codes of conduct as would be expected in her tribal society. In fact, she was hardly even mentioned again in the local news reports that followed the incident. Instead, the focus remained on Mai, a girl from a lower caste and tribe who was made the scapegoat to reinforce and

maintain the patriarchal tribal order, and superior social status of the higher class *Mastoi* tribe.

Victim as Survivor: Mukhtaran Mai's Emergence as a Rights Activist

As the years rolled on since her gang-rape in 2002 and her struggle for justice continued, we see Mai emerge as a determined woman who not only survived her ordeal, but also strove to become a rights activist for women's empowerment in her village of Meerwala. Equally, her resilience to continue fighting against miscarriage of justice highlighted the gender-biased treatment of women suffering sexual abuse and violence.

In a worldwide show of defiance against the tribal system that targeted her at home, Mai did not shy away from recording her ordeal for an international readership through her memoir, entitled *In the Name of Honor: A Memoir*, published in New York in 2006.[7] Mai narrates her transformation from a shattered rape victim to a resilient and determined survivor:

> Nothing will be "as usual" from now on ... I have suffered for days, contemplated suicide, cried my heart out. I am changing, behaving differently, which I would never have thought possible ... When I begin this journey into the legal system, a path from which there is no turning back, I am hampered by my illiteracy and my status as a woman. Aside from my family, I have only one strength to call upon: my outrage... Before, I had lived in absolute submission; now my rebellion will be equally relentless. (Mai, 2006, p. 31)

True to her words, Mai never wavered to speak to the local and international media throughout her years of ordeal that followed her assault (Saeed, 2002). She encourages women to speak out about their experiences and seek justice and

empowerment instead of giving in to the tribal and patriarchal norms of remaining subservient. Mai's own quest for justice places emphasis on women to show resilience despite restrictive circumstances. Contrary to what may be perceived as "victim-blaming", Mai's continued efforts to raise awareness through her own ordeal is an example of activism born of personal experiences. Through her testimony she urges women to reject male, societal, cultural, and political suppression of their voices, and to demand justice.

Mukhtaran Mai's very survival following her gang-rape is no doubt a rarity in Pakistan. In the biographical documentary film *Shame* (2006), multi-award-winning Pakistani filmmaker Mohammad Ali Naqvi records Mai's life over a span of five years (2002-2006) following the Meerwala gang-rape incident.[8] In the film we see that as she became a crusader for women's rights in her community and country, Mai was invited to various world forums as a participant and speaker such as at the International Women's Rights Forum in Spain in 2003, and the UN assembly at the New York headquarters in 2006. She has been honoured with prestigious awards in recognition of her courage. These have included the Council of Europe's North South Prize 2006; the Glamour Magazine's "Bravest Woman of the Year Award 2005"; Global Leadership Award 2006. Mai was also honoured by the *Time* magazine in 2006 through inclusion of her name in its list of the 100 most influential people in the world.

It is significant to mention here that during President Pervaiz Musharraf's dictatorial rule in Pakistan (1999-2008), at one point Mukhtaran Mai was barred from travelling abroad to the USA where she was invited by the Asian-American Network Against Abuse of human rights (ANAA) and Amnesty International to speak at a women's rights forum in 2005. The Musharraf government confiscated Mai's passport and put her under house arrest, its rationale being that she would bring

dishonour to the image of Pakistan abroad. Justifying his government's stance, Musharraf had commented in an interview to the *New York Times* in 2005: "You must understand the environment in Pakistan. This has become a money-making concern. A lot of people say if you want to go abroad and get a visa for Canada or citizenship and be a millionaire, get yourself raped" (BBC, 2005). In response, Mai commented to BBC: "I offer all the riches I've made out of the panchayat-enforced gang- rape to the president in return for justice" (BBC, 2005).

Today, the transformation of Meerwala is a fast developing environment as over the years Mai set up her own NGO, the Mukhtar Mai Women's Welfare Organization (MMWWO), and strove to build a high school in the village from donations received from various sources (Imran, 2016, p. 151). On the personal front, once again Mai defied societal stigmas attached to a rape victim in her tribal society: in 2009, she married a police officer who had been assigned to her protection team by the government following her gang-rape and threats from the *Mastois* during the trial. (The Daily Dawn, 2009) Currently, she runs her welfare organization and schools in her village of Meerwala.

Conclusion

The Mukhtaran Mai gang-rape case illustrates the connections between tribe/caste, class, and gender in the tribal context, and the implications of these factors particularly on the status of women as symbols and repositories of so-called "honour." In Mai's case, we see that brutal physical subjugation and public humiliation of a lower-caste woman (*Gujjar*) have been employed to uphold tribal power structures by members of a higher-caste (*Mastois*). What is significant is that the higher caste did not flinch at involving one of their own women in the concocted affair in order to

safeguard the reputation and authoritative position of its male members. Such exercise of power and gender-subjugation to support patriarchal power structures and hierarchies is in itself reflective of women's subordinate position regardless of class and caste in the tribal communities.

It would have been no surprise if Mai had committed suicide as she had once initially contemplated, as stated in her *Memoir* (Mai, 2007, p. 89), or been murdered by one of her own male family members in the name of "honour-killing" as has been the case in many reported incidents of rape. Mai was spared such a fate as her case gained countrywide and worldwide media attention, and hence, in the face of threats from the *Mastoi's*, also proved to be instrumental in securing her government protection due to local and international pressure by rights groups and organizations.

Despite her struggles, courage, and achievements, and becoming the internationally acclaimed feminist face of glamour, since 2002 Mukhtaran Mai still awaits justice. Her appeal remains pending in the Supreme Court —a strong reminder of the vast distance between theory and practice when it comes to the treatment of women seeking justice in gender-discriminatory environments (Waheed, 2016).

It is to Mukhtaran Mai's credit that she chose to fight her legal battle at home regardless of the odds against her instead of opting to leave for the West despite offers of resettlement by various Western rights organizations. Even though her detractors during the Musharraf regime argued that Mai played to Western media for attention, the fact remains that it was her resolve to defy victimhood and her continued uninhibited interaction with national and international media as a survivor that was instrumental in getting her case widespread and sustained attention. Or else, Mai's case could have well been one of the countless stories that either go unreported for various socio-cultural reasons and fear of backlash by powerful opponents, or result in

suicide or murder of the victim in the name of honour by their own caste or family members. On the contrary, Mai's resolve to fight for justice, and her emergence as a rights activist, drew attention to a solitary act of defiance that set a precedent where primitive tribal laws and patriarchal hierarchies dictate women's status, and decisions on their future.

What is needed is stringent government action that would ensure the abolition of the tribal parallel legal system, and guarantee women's access to the state legal system regardless of the nature of the crime, and women's own socio-economic status in society.

The presence of an unbiased judicial system, and laws that ensure egalitarian treatment for both the sexes, regardless of the crime committed, or discriminatory socio-cultural prejudices attached to certain violations such as sexual assault and rape, is something the women of Pakistan, regardless of class, have long been denied as their right. The Meerwala case is horrifically self-evident and symptomatic in this regard. It is one case too many.

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[1] The *jirga* (jury) and *panchayat* system (village councils in South Asia empowered to call a *jirga*) is a parallel tribal justice system comprising all-male members from higher castes. These members meet publically to collectively settle scores between feuding parties. Judgments passed by these juries are accepted by all sides, and stand uncontestable. In tribal communities, it is a common practice for so-called 'honour'-related crimes to be punished outside the legal framework of Pakistani law. Such cases are usually brought to a *panchayat* that calls a *jirga* to decide matters and hand down punishments. These punishments have commonly included decrees for honour-killings of females to avenge honour-related crimes (Brohi, 2016).

[2] For Pakistan Protection of Women Act 2006 visit: http://www.pakistani.org/pakistan/legislation/2006/wpb.html; for Punjab Protection of Women Against Violence Act 2016, visit: http://punjablaws.gov.pk/laws/2634.html

[3] For data on violence against women in Pakistan, see *Human Rights Commission of Pakistan Report 2015.* 'Violence Against Women', *State of Human Rights in 2015.*

[4] The HRCP 2016 report states "media monitoring showed that there were more than 2500 victims of violence against women in 2016.

[5] For data on cases of violence against women in Pakistan in 2017 see 'Rights of the Disadvantaged: Women.' *State of Human Rights in 2017.* The Human Rights Commission of Pakistan. (p. 167). Retrieved from:tp://hrcp-web.org/publication/wp-content/uploads/2018/04/State-of-Human-Rights-in-2017.pdf

For statistics for 2018 see "Violence Against Women." *State of Human Rights in 2018.* The Human Rights Commission of Pakistan. (p.72). Retrieved from http://hrcp-web.org/hrcpweb/wp-content/uploads/2019/04/State-of-Human-Rights-in-2018-English-1.pdf

[6] Further details on *Glamour Magazine* visit: http://www.condenast.com/brands/glamour/.

[7] According to the *New York Times*, the book became the number-three bestseller in France and has been translated into twenty-three languages.

[8] For details on Mukhtaran Mai's life, struggles, and progress following the gang-rape, watch: *Shame*. Mohammad Ali Naqvi. 2006. (96 min.), Pakistan/USA, Showtime in Association with Mü Nân Pictures. Showtime Networks, Inc. (Seraiki/Urdu/English subtitles).