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The Modern Face of Honor Killing: Factors, Legal Issues, and Policy Recommendations

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PART I

Introduction

1. Case Studies of Honor Assaults (1999-2009)

In early 2008, Rand Abdel-Kader, a seventeen-year-old Iraqi student of English at the University of Basra, met a British soldier while working at a camp for families displaced by the war. She was volunteering and he was there to distribute water. Over the next four months, they chatted a few times. He complimented her on her English and told her she was smart and beautiful. For the “young and impressionable” Rand, this meant a lot: she fell in love with him, dreamed about him and shared her feelings with a friend. Then, an acquaintance of her family saw her speaking to the soldier. Enraged, her father stomped on her, suffocated her and stabbed her to death (Sarhan, 2008: 1). Her mother beseeched Rand’s brothers to stop their father from killing her, but instead, they joined him in the beating. Once she was dead, her body was thrown into a make-shift grave as relatives spat on it in disgust. The father, Abdel-Kader Ali, was briefly arrested and released in less than two hours. According to his account, while he was detained, all the police officers congratulated him for killing his daughter. “They are men and know what honor is,” said Abdel-Kader (Sarhan, 2008: 2). To this day, he does not regret and is even proud of murdering the child that he believed to have dishonored him and his family (Sarhan, 2008: 2).

In June 2006, Karar Oda, a thirty-eight-year-old man from Sadr City, was kidnapped by the Badr Brigade—an informal armed wing of the Supreme Council for Islamic Revolution in Iraq—and a part of the country’s government. The Ministry of Interior presented an arrest warrant to his family. It stated that Karar was accused of homosexuality—something considered extremely immoral—and deserved to be punished by death. Karar’s burnt and mutilated body was found ten days later (Copestake, 2006: 1). Mehdi Kazemi, a nineteen-year-old gay Iranian teenager studying in England, also fears for his life and is seeking asylum. Mehdi’s boyfriend, who remained in Iran, was interrogated about his male partners and hanged on charges of homosexuality. Mehdi named Kazemi as one of his former boyfriends. The teenager is sought by authorities in his country to be arrested and executed, like Oda was (Syal: 2006, 2).

In February 2002, Mukhtar Mai, a Pakistani schoolteacher, was gang-raped by four men as people outside the hut gathered and cheered. After the assault, Mai was forced to walk home naked. Her rape was allegedly ordered by a Mastoi Tribal Council as revenge for her brother’s sexual relations with a female member of the higher Mastoi tribe. It was later discovered that these accusations were made up in order to conceal the tribe’s sodomization of the boy (Hussain, 2006: 2). Mai’s story gained international attention when a reporter wrote a story about her ordeal. Pakistan’s President, General Musharraf, asked police to arrest those involved in the rape. Mai decided to press charges against her attackers. In August 2002, fourteen people were prosecuted in an expedited criminal court. Eight of them were vindicated, while six were sentenced to death. They appealed to the Lahore High Court and in March 2005, five of them were exonerated, allegedly due to insufficient evidence and wrongful police procedures. Upon Mai’s public appeal to the President and authorities to protect her from the acquitted men, the offenders were rearrested until the Supreme Court decides the case (Hussain, 2006: 3). The decision is still pending.

Though Mai’s rapists are currently incarcerated, she says that a Pakistani government official is pressuring her to drop all charges, warning her that the case will not be decided in her favor (Khalid, Klasra, 2009: 1). Mai, who has become a strong activist for women’s rights and

has provided help and shelter for other abused women, has been repeatedly threatened, by government officials and local feudal lords, who find her work harmful to their social and political status (Kristof, 2: 2007).

In early 2006, Derya, a seventeen-year-old girl from the Kurdish region of Turkey, fell in love with a boy she met at school. Upon learning of the affair, her brothers and uncles began to send multiple messages to her cell phone, telling her that she had dishonored her family and must kill herself or they will kill her first. Convinced that her relationship had wronged her family, Derya decided to carry out their wish. Once she jumped in the Tigris River but survived; another time she hung herself, but was cut down; in a third attempt, she cut her wrists but was saved. Now, Derya lives at a women's shelter and would not provide her last name, fearing that her relatives may still be hunting her (Bilefsky, 2006: 1, 3). In the very conservative Islamic region of Turkey where Derya is from, the suicide rate among young women has been increasing. Envoys from the United Nations investigating this phenomenon believe that while some suicides are self-imposed, others are murders in disguise, committed by or under the pressure of family members who feel dishonored by the victim's actions (Bilefsky, 2006: 2).

In March 1999, Lal Jamilla Mandokhel, a sixteen-year-old, mentally disabled Pakistani girl, was raped multiple times by a local governmental official. The girl's uncle filed a complaint with the police. The perpetrator was detained, and Lal was sent back to her tribe—the Mazuzai, in the Kurram Agency, FATA (Federally Administered Tribal Area)¹. Upon her return, the tribesmen of her community met and decided that her fate had brought shame to their tribe. The only remedy had to be her death. Lal was shot in the head and killed (Gonzalez 2000-2001, 2).

2. Case-Study Analysis

While each of these stories differs in specifics, they also have much in common. Some victims were murdered; others were physically and emotionally abused but remain alive. Another difference is the context in which the attacks occur. In three of the cases, the assaults came in response to perceived female impropriety; in the other two, the violence was intended to punish homosexuality. Mai was attacked in the name of revenge for a fabricated offense on social status, made-up to disguise yet another crime. Lastly, the victims differ in gender. Despite these differences, their stories are very much alike, they all occur in Muslim societies, are carried out by the family or community members of those affected, and involve violence condoned or not acknowledged by the formal legal system or governmental institutions. In addition, the victims in each of these stories had nowhere to turn for help. All six cases occur for the same core reason—the perception that the person attacked is involved in something morally wrong—against family, community, or religious norms—and should, therefore, be punished without regard to whether he or she would be found culpable under the particular country's laws.

¹ FATA is an autonomous region on the Afghan border which operates administratively under the provisions of the Pakistani Constitution but has internal independence allowing different ethnic groups to follow their own traditions. Since the 1800s, through invasions and political reorganization, rule over the Kurram Agency, FATA has shifted among Afghanistan, Britain, and Pakistan; currently, it is an area of military conflict between Taliban and U.S. and allied forces. The autonomous status of FATA, along with the political instability caused by war, lead to the situation where although FATA is administered by Pakistan under the Pakistani Constitution, it is not legally bound to a code, and enforcement of a code is not feasible. It is unclear if acts committed in FATA fall within anyone's legal jurisdiction, and practically, there is impunity for violence (www.fata.org).

3. A Pattern of Behavior: Murder Falling Outside of Legal Systems

The case studies described above demonstrate the same pattern of behavior: the practice of resorting to self-help and acting out personal vendettas against culturally perceived transgressions and offenses. This behavior is outside of the formal framework of legal systems regardless of their structure and these personal and family feuds are not resolved through regular judicial proceedings. Rather, family members or non-governmental entities take it upon themselves to determine the guilt or innocence of the accused—not the law or courts. The accused have no opportunity to defend themselves, and there is no procedure for determining an appropriate legal sanction other than the ultimate punishment of death.

4. Honor Killing: Definition and Implications

Death was the punishment inflicted on all of the aforementioned persons except Mai. All six stories depict what is known as “honor crimes”—violence in the name of imposing certain moral values, the transgressions of which are perceived as intolerable. However, the cases of murder and of forced suicide (when successful) are examples of *honor killing*. (Mai’s ordeal sheds light on a scheme often used as a justification for killing, rather than rape.) For the purposes of this paper, “honor killing” is defined as *the murder or forced suicide of a person by a family or clan member or a hired killer upon the suspicion or insinuation that the person has compromised his or her virtue and thus stained the family’s honor (or in other words, upon the suspicion or insinuation that one has been involved in something immoral and thus, disgraced his or her family)*.

The victims of honor killings, as well as the perpetrators, can be male or female; the offense may be carried out for a variety of explicit or illicit motives. In the cases motivated by perceived sexual transgression, the target of an honor killing may be the victim or the perpetrator (i.e., rapists, victims of rape, homosexuals) (Bedell 2004, 45). The definition of honor killings used here projects that they are practiced in a much broader social context than conventionally accepted. In contrast to the definition above, the cases of Abdel-Kader, Derya, Mandokhel, and Mai suggest that honor attacks are carried out only in Muslim societies and only upon women by their male family or community members.

While the stories above were chosen to illustrate the three most common types of honor killings—murder, forced suicide and murder for a fabricated offense—they fall short of revealing the wide variety of places, situations and pretexts, under which people die in the name of honor. The assumption that honor killing happens only to women, particularly in Muslim societies, denies the suffering of other victims, leads to a misrepresentation of the phenomenon, and prevents it from being addressed in its entirety. By considering a variety of circumstances, under which murders for honor are committed, one can define more precisely the motives behind the honor killings, better identify potential victims whose lives can be saved by preventive measures and, finally, address honor killing more effectively.

5. Honor Killing Across Religions and Borders: A Global Phenomenon Demanding Immediate Attention

According to the latest data available, *honor killings* (as defined above) have been officially reported on six continents and in thirty-one countries, including Asia, Europe, North

America, Latin America, Australia, and Africa (United Nations 2002, 4; 10; 12).² The motives for and methods of the assaults vary widely (Amnesty International 1999, 3; 8).³ ⁴ Most importantly, though, the victims of honor killing vary widely, too. For instance, victims number in the thousands every year and come from different continents, ethnic backgrounds, religions and socio-economic levels; they differ in age, gender, and mental capacity (Hussain, 2006: 3; Stillwell, 2008: 2; Weinstein 1986:234-5). Nonetheless, the victims share three things: all of them were abused and helpless; all were murdered—or forced to kill themselves—with no judicial determination of their guilt or innocence. Lastly, all of them died in the name of their families' honor.

In at least thirty-one countries on six continents, anyone can kill someone else, claim an honor defense, and be acquitted as if nothing ever happened. The practice of honor killing is a global phenomenon which affects individuals in a devastating manner and on a grand scale. It violates most articles of The Universal Declaration of Human Rights⁵ and the guidelines adopted in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁶. While many of the countries where honor killing occurs have ratified⁷ both⁸ documents, most do not enforce their provisions. The great number of victims, the circumstances under which they die, and the conditions, which allow for the practice of honor killing, demand immediate national and international attention with the goal of helping assault survivors, preventing future loss of life, and, ultimately, eradicating honor killing.

² Honor killings have been officially reported in thirty-one countries. The list includes Argentina, Australia, Bangladesh, Brazil, Colombia, Ecuador, Egypt, Haiti, Guatemala, India, Israel, the Islamic Republic of Iran, Iraq, Jordan, Lebanon, Morocco, the Netherlands, the Palestinian National Authority, Pakistan, Peru, Punjab, the Syrian Arab Republic, Turkey, Uganda, Venezuela, Yemen, and other Mediterranean and Persian Gulf countries, such as France, Germany, Sweden, and the United Kingdom, as well as the United States (usually within migrant populations) (United Nations 2002, 4; 10; 12).

³ According to previous research, the reasons for honor killing range from committing adultery, having premarital sex, leaving the home by a female without a male's permission, a female seeking divorce, not agreeing to an arranged marriage, talking to strangers, and flirting - to being raped, failing to serve a meal, a dream by the husband that his wife has betrayed him, paying an insufficient dowry, and being homosexual (Amnesty International 1999, 8; Hussain 2006, 2; Warrick 2005, 4; Birch 2008, 2).

⁴ The methods of carrying them out vary and can be region-specific. For example, in Sindh, targeted individuals “are hacked to pieces by axe and hatchets; [...] in Punjab, they [are shot]” (Amnesty International, 1999: 3). Other common methods employed in honor killings are stabbing with a knife, strangling, burning or burying the victim alive, or beating one to death (Hussain 2006, 2; Button 2008, 2). In the cases of forced suicides, the victim may be locked in a room with a murder weapon and abandoned for self-inflicted or starving death (Bilefsky 2006, 2).

⁵ For example, Article 3 states that “Everyone has the right to life, liberty and security of person..” Article 5: “No one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” etc. See *The Universal Declaration of Human Rights*, United Nations, 1948. <http://www.un.org/Overview/rights.html>, last accessed on March 31, 2009.

⁶ See *Convention on the Elimination on All Forms of Discrimination against Women*, United Nations, 2002. <http://un.org/womenwatch/daw/cedaw/>, last accessed on March 31, 2009.

⁷ Here: have voted in favor in *The Universal Declaration of Human Rights* or have formally agreed to abide by (certain clauses of) CEDAW.

⁸ In 1948, forty-eight (48) member-states of the United Nations voted in favor adopting *The Universal Declaration of Human Rights*. These states are Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Iceland, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Siam (Thailand), Sweden, Syria, Turkey, United Kingdom, United States, Uruguay, and Venezuela (Yearbook of the United Nations 1948-1949, 535).

6. Addressing Honor Killing: A Contemporary Study of the Practice and the Alternative Motives behind It

This study analyzes the factors that permit and encourage honor killing. In addition, it makes recommendations for ways to eliminate the practice and mitigate its harmful effects. This study juxtaposes the cultural roots of honor assaults with current data on their occurrence, focusing on cases that do not fit the patterns and motives traditionally attributed to honor killing. While religious beliefs and gender discrimination against women strongly contribute to a great number of female honor victims in Muslim societies, this study will show that honor killing is not exclusively a gender- or faith-based practice. There are significant factors, such as financial gain, covering up crimes, achieving forced marriages, and attempts to preserve an ethnic identity that also motivate and promote honor killing.

7. Research Methodology

In order to deter honor killing by battling the factors that encourage it, this study will evaluate the extent to which it is a product of religious views and gender discrimination and the extent to which it is affected by other factors. First, historical and current data will be summarized to show the circumstances under which honor killing occurs. In addition, I will contrast accounts of how honor killing was practiced in ancient times (as early as 1500 B.C.) with a number of case-studies that have occurred in the last decade, 1999 - 2009. The data suggests that the conditions under which honor killing occurred in the past are very different from those under which it currently occurs. Therefore, drawing a direct parallel between the ancient, traditional explanations of the practice and the factors that bring it about today can be misleading.

In order to remove any doubt that Islamic religious beliefs and gender discrimination are not the only factors triggering honor killing, this study seeks to minimize their significance as motives and analyze all other aspects pertaining to contemporary instances of murder in the name of honor. By juxtaposing accounts of honor killing that follow similar patterns but have occurred under different religions, this study suggests that religious beliefs cannot be the sole trigger. Also discussed are cases of victims in similar circumstances but of different genders and under different legal systems with varying policies on discrimination against women. Through this comparative examination of case-studies and religious and legal prescriptions, this inquiry will show that neither religious beliefs nor gender discrimination alone can explain the modern phenomenon of honor killing.

This study will examine non-traditional explanations for honor killing, including the financial benefits that perpetrators receive, as well as some of the socioeconomic and political factors that trigger the pursuit of these benefits. The study will focus on the countries with the greatest increase of honor deaths per capita between 1999 and 2009.⁹ The following part is an overview of the history of honor killing. The next discusses religious and cultural gender dynamics under the concept of *honor*. The final two parts analyze the legal issues and

⁹ The countries with greatest increase of honor deaths per capita and fastest increase of honor deaths from 1999 to 2009 are selected based on available statistics. These statistics are not accurate because they do not account for all honor killings that have actually occurred; rather, they represent only the ones that have been officially reported and confirmed by governmental or international authorities.

implications persistent in an environment that allows honor killing, lastly recommending policies that can reduce the practice of honor killings and mitigate its adverse effects.

PART II

Research and Findings

1. Cultural History and Roots of the Practice of Honor Killing

Honor killing comes from the traditions of ancient desert tribes (Madek 2005, 2). It is carried out against women, who are perceived to have betrayed the dignity of their men and clan by depriving themselves of “value.” The strength of a community comes from the multitude of its people; therefore, according to tribal customs, a woman’s greatest asset is her potential to marry and bear children (Hussain 2006, 2).¹⁰ Because procreation is so valuable for a society, it is every “honorable” male’s goal and duty to find and support a woman who will bear him offspring and thus, contribute to his tribe (Madek 2005, 2). A fertile female’s body is commodified and becomes an investment that a male makes towards his honor and standing in the community.

Accordingly, in order for a woman to be perceived as honorable and valuable to her tribe (that is, a good investment), she has to be healthy, chaste, in good appearance, and fertile. Through marriage, a man “purchases”—with his promise of support (and sometimes a dowry)—a female’s reproductive capabilities. She becomes obligated to bring offspring to him exclusively. Thus, while a married woman must remain monogamous, the man may procreate with as many women as he can take care of (Madek 2005, 2).

An adulterous female gives her lover—through sex or child-bearing—what her husband is “paying” for, and he becomes “dishonored/ungendered” (Hussain 2006, 4). A woman who engages in premarital sex gives up her “value” to a male without marital support from him and renders herself worthless. Perceived to have nothing to give to a future husband, she will not marry or procreate. Her family will not be compensated with a dowry for raising her and will be “dishonored” for failing to contribute to the community by bringing up a woman who does not respect its norms and does not provide it with children (Hussain 2006, 4).

The understanding that one’s honor and social value are based solely on another person’s obedience to cultural expectations creates a strong dependency between those involved. As guardians of female value, men are held responsible for women’s conduct because their dignity is closely related to it (Hussain 2006, 4). Therefore, men have sought control over female behavior in order to control their own situation, reducing females to their reproductive powers. Effectively, women lose dignity on their own but are viewed as the vessels of dignity possessed by a man, and thus, as his property (Madek 2005, 2; Hussain 2006, 4).

In antiquity (around 700 B.C.), the husband seeks to make sure only he is benefitting from the value of his property by demanding his wife be chaste before marriage and by inflicting severe punishment—such as death—upon the woman who strays. The male relative makes sure that the property he maintains strictly obeys social norms and presents a good image of him to his community. Thus, honor killing has been practiced as a punishment for women perceived to have betrayed the efforts and offended the honor of the man who supported her, by not providing

¹⁰ Out-of-wedlock pregnancies can, of course, also result in childbirth, but were considered dishonorable. The role of marriage is to define to whom a given female will bear children, so that he can appropriate her reproductive powers.

what is expected of her in return: namely, investing herself in another relationship, being disobedient, and not following social norms (Button 2008, 3; Madek 2005, 9). In this way, she offends not only her husband, but also her community, for in tribal societies the individual is valued only as a part of the group he or she belongs to. Therefore, a woman is subject to punishment not only at the hands of her husband, but also of her clan.

The second instance, in which honor killing was practiced in antiquity, also results from the notion that women are the property of men, demonstrated when women are used by others as a means to punish or insult their “owners.” Often, a male’s rival would assault his female relative to get revenge by damaging his property (Hussain 2006, 2). The rape, disfigurement, or murder of a woman deprives her of her potential to marry and, therefore, of her reproductive value, thus rendering her useless and insulting her male relatives for their inability to protect her. Typically, men kill assaulted female relatives to hide the perceived shame and offense to their male honor (Hussain 2006, 2). As a result, women are often battered for adultery, as well as for rape and incest. According to tribal beliefs, dishonor is erased only with blood (Gonzalez 2000/2001, 1).

2. Honor Killing: The Role of Religion

While the ancient roots of honor killing demonstrate its origin in the basis of gender power-dynamics, these roots do not explain the relationship between religion and murdering for honor. This section examines the role of religion on the practice of honor killing by comparing assault cases occurring within several religious traditions—Christianity, Islam, and Sikhism—as well as differences in their teachings and response to honor crimes. While most of these religions disapprove of the behaviors that honor killings punish, none of these religions explicitly condone or encourage murder.

After killing his daughter, Abdel-Kader Ali, Rand’s father, justified his action by saying that “what she did”—talk to a British soldier at work—“was unacceptable to any Muslim that honours his religion” (*The Observer* 2008, 2). The executors of Karar Oda, a gay Iraqi, deemed his death appropriate because they viewed his homosexuality as a “crime against Islam” (*Guardian* 2008, 3). The cases referenced above are only two of many where perpetrators of honor killings justify their actions on the basis of their religion and the purported need to abide strictly by its prescriptions, punishing those who do not. But is there a factual basis to these perpetrators’ assertions that religious traditions condone this behavior?

2.1 Honor Killing Existed Before All Written Religions

The notion that religion, in particular Islam, sanctions honor killing is misleading since “honor crimes are by no means an Islamic conception” (Hussain 2006, 6). For example, the practice of honor killing was already part of Western legal history before it was institutionalized in Muslim countries. More importantly, as Hussain notes, honor killing predates all written religions (2006, 6; Madek 2005, 2). It is impossible for religious faith to be honor killing’s original cause. So, why do perpetrators justify it with religion?

2.2. Honor Killing Occurs in All Widespread Religions: Historical References and Examples of Cases in Islam, Christianity, and Sikhism

Honor killing occurs in communities that follow the two most popular religions in the world—Christianity and Islam¹¹, as well as in other predominant religious communities, such as the Sikhs.¹² The following examination of historical evidence attests that honor killing is practiced under these three different faiths.

Contemporary honor killing is much less prevalent in Christian communities than in other religious groups. However, incidents of honor killing still occur. One well-publicized example is the killing of Faten Habash, a twenty-two year old Christian Bedouin girl from Palestine who wanted to marry a Muslim man despite her family's objections. Her disobedience was considered dishonorable; she was sacrificed to restore her kin's dignity (McGreal 2005, 1).

Although cases like Faten's are now rare, in earlier times (as long ago as 1500 B.C.E., continuing thorough 130s A.D., and even later on¹³), Christianity was much less critical of honor killings. In the early eighteenth and nineteenth century, when several European countries enacted legal codes, compliance with Catholicism was the norm in society and religious views on comportment became a part of secular jurisprudence (Buchanan & Conway 1996, 22). Thus, under heavy religious influence, a few legal systems allowed light penalties for crimes committed in the heat of passion. For example, a husband who kills his wife upon witnessing her commit adultery would have been excused or received a mitigated sentence under provisions in the French Penal Code or the Italian Penal Code until 1975 and 1979 respectively, when these provisions were abolished (Hussain 2006, 6). Blackstone's Commentaries on the Law of England follows a similar pattern. He writes that English law "justifies homicide, when committed in defense of the chastity either of oneself or relations" (Blackstone 1765-1769, 485-6). Furthermore, if one catches an adulterer in the act and murders him or her, as long as one does it "in an act of passion," the offense is mitigated and considered voluntary manslaughter rather than murder (Blackstone 1765-1769, 192).

Such legal provisions give the impression that offenses in the name of honor are addressed by the formal legal system in England. However, the codes of a number of Muslim countries, such as Pakistan, were based on Indo-British law. In fact, British laws dating from colonial times provided for similar legal considerations for crimes of passion in Western and Islamic states, with the difference that these crimes are formally accounted for more often in the former and usually unrecognized by society in the latter (Joseph & Nashmabadi 2005, 435). Like crimes of passion, honor killings occur outside of a formal legal system. This is not because there is no legislature that addresses such behavior but because these laws are neither yielded, nor enforced. There is little difference between reporting a murder, for which the law excuses the perpetrator, and not reporting it at all.

Perhaps due to direct transitions from The Commentaries on English law into state legislation, until 1970, Texas, Utah, New Mexico, and Georgia—all secular states with large Christian populations—have considered adultery as fully justifiable or at least mitigating grounds for murder (Weinstein 1986, 234-5). Since then, particularly in Texas, little has changed

¹¹ Followers of Christianity number nearly thirty-three percent (33%) of the world's population, and followed of Islam—more than nineteen percent (19.6%) (U.S. Center for World Mission, 1997: X)

¹² Sikhs represent point-four percent (0.4%) of the world's population (U.S. Center for World Mission, 1997: X).

¹³ Information on crimes in the name of honor is contained in Biblical sources, in the Old Testament and in the New Testament, dating from around 1500 B.C.E. and through 130s A.D.)

except that the defendant has the burden to prove he acted in the heat of passion. This circumstance may be considered only at the punishment stage, and not at the conviction stage of the trial (NOS. 1460-01 & 1461-01). For example, Jimmy Watkins in 1998 shot his wife and her lover, killing her and wounding him, upon learning of their affair. On trial for his wife's murder, a jury found Watkins guilty. However, the jury decided he had acted in the heat of passion and sudden rage, and recommended a sentence of ten years on probation (Lee 2003, 43).

On trial for the attempted murder of his wife's lover, Watkins was originally indicted for an attempted capital murder, an attempted murder, and an assault with a deadly weapon. On appeal of this decision in 2002, his defense convinced the Court of Criminal Appeals of Texas to apply to the case the doctrine of collateral estoppel, according to which if a jury has once accepted that Watkins acted in the heat of passion and not in a rational state of mind while killing his wife, this finding cannot be re-litigated (NOS. 1460-01 & 1461-01). The defense argued that since the shootings occurred within a time interval of only a few minutes, Watkins's mental state could not have changed in between, and therefore, he attacked the other man also in the heat of passion. The court accepted this argument, reversed the defendant's conviction of attempted capital murder and attempted murder, and affirmed only the conviction for assault with a deadly force (NOS. 1460-01 & 1461-01). Ultimately, for murdering his wife and shooting her lover several times, Watkins was punished with ten years of probation, four months in custody, and a fine of ten thousand dollars (\$10,000) (Lee 2003, 43).

The *People vs. Berry* in 1976, decided by the Supreme Court of California, exemplifies another case in which the defense "acting in the heat of passion" was successfully invoked as a mitigating circumstance for murder, (556 P.2d 777). Albert Berry argued that when he strangled his wife two weeks after she confessed to adultery, he acted in the heat of passion and did not have an adequate period of time to "cool off" (556 P.2d 777). While such defense is usually considered only if the perpetrator attacks within a few minutes of being provoked and has had no time to calm down, the court agreed with Berry's argument and lowered his conviction to voluntary manslaughter instead of murder (556 P.2d 777).

While the cases of both Watkins and Berry arise and are considered under a formal, secular legal system, laws that accept "heat of passion" as a mitigating circumstance allow jurors to translate their sympathy for scorned husbands into a mitigated penalty (Lee 2003, 45). Thus, through the jury system, social mentality in Christian and other patriarchic communities which have once approved of murder for offenses on honor can directly influence legal outcomes. In some countries, such as the U.S., the concept of separation of religion and state ensures that legal codes do not enforce, respect, or yield to any faith; however, it does not prevent religious, or Christian, values from being embedded in laws by those, who shape or enforce them.

The occurrences of honor killings in predominantly Christian societies are much rarer than in other faith groups. However, there may be an underlying reason for this besides changing religious notions. The sequence of events leading up to Watkins and Berry killing their wives, as well as the murders themselves, fit well within the pattern of behavior in honor killings. Though, under Western legislation, they are differentiated from honor killings, which may be premeditated, and are considered as crimes "in an act of passion," where the perpetrator supposedly acts upon a grave and sudden provocation and has no time to cool off (Blackstone 1765-1769, 192). In the case of Berry, who had known of his wife's infidelity for two weeks before killing her, the concept of "no time to cool off" seems exaggerated. Although "crimes in the heat of passion" are not treated in the West as leniently as "honor killings" in other parts of the world, they are not much different. The fact that offenses with similar motives are considered

honor killings by non-Christian religious entities suggests that under Christianity, a re-categorization of assaults according to the motives for murder, instead of how quickly it was brought about, may change the number of honor killings recognized under this religion. Arguably, many honor killings also happen as rashly as what Western legislations call “crimes in the heat of passion.”

Honor killing was a part of Western legal history and tradition before being institutionalized in Muslim countries. Currently, the majority of honor killings in the world are committed in Muslim communities (United Nations 2002, 4). Thus, the high rate of honor killing in Muslim communities may be related to a stage of socio-historical development, as opposed to a stronger connection of the practice with Islam than with other faiths.

Honor killing is also practiced by religions with fewer followers, such as Sikhism (Button 2008, 3). An example that testifies to this is the death of Harpeet, a pregnant Sikh girl who secretly married against her family’s desires and was therefore killed by her mother—a strongly religious and prominent political figure in the Punjab (Chatterjee 2000, 1). The daughter’s out-of-wedlock pregnancy and disobedience were considered to bring dishonor upon her family—an offense that could be cleansed only with blood. According to Sikh beliefs, “A man is a piece of gold and a woman is a piece of silk. If you drop a piece of gold into the mud you can polish it clean. If you drop a piece of silk into mud it is stained forever” (Button 2008, 3).

The evidence of honor killings examined so far illustrates that they occur among the followers of all prominent faiths. This means that either there are aspects of all religions discussed that encourage honor crimes, or formal religious prescriptions, as opposed to misperceptions about what faiths require, are not a decisive factor in the development of this practice. The following comparative analysis between some teachings of Christianity, Islam, and Sikhism on motives for honor killing and on murder will address this question.

2.3. An Examination of the Positions of Christianity, Islam, and Sikhism on Common Motives for Honor Killing and on Murder

To determine the role of religion in honor killing, this study will consider purposes that the practice and religious teachings may have in common, as to confirm, or to disprove, the existence of a connection between them.

Usually, the goal of honor killing is to preserve one’s (someone other than the victim) honor and punish the damage inflicted upon it (by the victim). Crimes of honor are most often committed to deter “dishonorable” acts such as “seeking divorce, adultery, premarital sexual relations, premarital pregnancy,” homosexuality, disobedience, “or being the victim of a sexual assault or rape” (Hussain 2006, 3). Therefore, the purpose of violence is to affirm the opposite of what it punishes. In other words, honor killing, through negative reinforcement, promotes marriage (vs. divorce or fornication), monogamy (vs. adultery), chastity (vs. premarital sexual relations), and procreation within a union (vs. premarital pregnancies), heterosexuality (vs. homosexuality), obedience to men (vs. equality between the genders), and the value of fertility (vs. infertility or homosexuality).

Christianity, Islam, and Sikhism, with a few exceptions, all promote the same values that most honor killings aim to uphold, violently punishing those who disregard them. The moral stance of religions on behavior that honor killings penalize as unacceptable is well illustrated by excerpts from religious scriptures.

2.3.1. Christianity

Before considering the teachings of Christianity and citing Bible verses on the issues related to honor killing, one must note that there are differences between the Old Testament (OT) and the New Testament (NT) and that their prescriptions often contradict. This pertains to some of the issues regarded by the study. There is no formal scholarly consensus as to whether after the emergence of the New Testament, the Old Testament should be abided fully, partially, or not at all (Kessler & Wenborn 2005, 315). The Old Testament is regarded as Mosaic Law/Hebrew Law. As a result, Christian denominations disagree whether this law is applicable to “gentiles,” or converts to Judaism, such as the early Christians (Gundry & Bahnsen 1993). However, there is a general consensus between the Roman Catholic, the Eastern Orthodox, and the mainline Protestant churches that the parts of the Old Testament that do not refer to universal morality do not apply to Christians (Bahnsen & Strickland 1993).

It is important to keep this in mind when reviewing Bible verses pertaining to motives for honor killing. The fact that the Old Testament and the New Testament hold different positions on the same issues can easily lead to some confusion about what Christianity prescribes. The two Testaments generally agree on what one should and should not do but not on how one should be punished for their wrongdoings. However, the Old Testament is highly punitive and often demands death for those who have disobeyed it, while the New Testament offers wrongdoers the chance to repent and prescribes judgment not by the people but by God (Corinthians, Ch. 1: 10 – NT; Leviticus, Ch. 20: 9-16 – OT; Matthew, Ch. 5: 22 – NT).

In regards to motives for honor killings, both Testaments often agree in principle: “[Thou shalt not] commit adultery” (Deuteronomy, Ch. 5: 18 – OT; Matthew, Ch. 5: 27 – NT); “[Ye] should abstain from fornication,” (1 Thessalonians, Ch. 4: 3 – NT; Wisdom of Solomon, CH. 14: 12 – OT); “[One] shall take a wife in her virginity,” (1 Corinthians, Ch. 7: 36 – NT; Leviticus, Ch. 21: 13 – OT), “Thou shall not lie with mankind, as with womankind,” (1 Corinthians, Ch. 6: 9 – NT; Leviticus, Ch. 18: 22 – OT), and “[Thou shalt not] bear false witness” (Deuteronomy, Ch. 19: 16 – OT; Matthew, Ch. 19: 18 – NT). While both books disapprove of adultery, fornication, unchastity, and homosexuality—consistent with the principles of honor killing—they also forbid one from bearing false witness, which is contrary to the practice of honor killing, where accusations of dishonor need not be based in truth (Bedell, 2004: 45).

The two Testaments often disagree on how common principles should be practiced. While the Old Testament defines homosexuality as “an abomination” and prescribes that those who practices it “shall surely be put to death,” the New Testament solely states that “abusers of themselves with mankind [...] shall not inherit the kingdom of God,” without requiring a specific punishment (Leviticus, Ch. 20: 13 – OT; 1 Corinthians, Ch. 6: 9 – NT). In addition, the two Testaments state significantly different consequences for adultery. According to the Old Testament, “[The adulterer and the adulteress shall surely be put to death” (Leviticus, Ch. 20: 1, 10). The New Testament preaches that “He that is without sin among you, let him first cast a stone at [an adulteress],” thus sparing the life of the wrongdoer and providing her with a chance to repent and receive forgiveness (John, Ch. 8: 5, 7). In another contradiction, the Old Testament accepts murder as punishment, but also prescribes that “[murderers] shall be put to death” (Numbers, Ch. 35: 18 – OT). The New Testament, though, teaches that “Thou shall do no murder” (Matthew, Ch.19: 18 – NT).

Depending on one’s personal interpretation of Christianity, an honor killing’s perpetrator becomes either a devoted follower of the Old Testament or a violator of the prescriptions of the

New Testament. Most modern, mainstream Christian sects respect the teachings of the New Testament and assert that the Old Testament does not apply to Christians. However, since there is no official consensus on how the Old Testament should be regarded, it is difficult to determine what Christianity preaches on killing in the name of honor and punishing “dishonorable” acts. The Roman Catholic, Eastern Orthodox, and mainline Protestant churches, which represent the majority of contemporary Christians, abide by the New Testament and promote marriage, chastity, fertility, etc. (Thavis, 2007: 1). However, while they do strongly disapprove of adultery, homosexuality, premarital sex, etc., they do not support death, particularly in the form of honor killing, as a punishment for these acts.

2.3.2. Islam

While Christianity and Islam are usually perceived as disparate religions, the following examination of the Quran, pertaining to honor killing, demonstrates that the New Testament and the Quran teach similar principles. In regards to adultery and fornication, Islam preaches, “[Go] not nigh to fornication; surely it is an indecency and an evil way” (Shakir, 017.032). “The woman and the man guilty of adultery or fornication, - flog each of them with a hundred stripes” (Yusufali, 024.002). On homosexuality, the Quran states, “If two men among you are guilty of lewdness, punish them both. If they repent and amend, leave them alone; for Allah is Oft-returning, most Merciful” (Yusufali, 004.016). These verses reveal three important aspects of Islamic teachings. First, similarly to the New Testament, the Quran prescribes that wrongdoers should be punished but does not demand death. Second, it states that women and men should be equally penalized—with “a hundred stripes”—for the same offense. Third, the Quran, like the New Testament, describes God as “forgiving” and accepting of those who repent for their mistakes. These three themes—no punishment with death, equal punishment for men and women, and forgiveness—directly contradict with the principles that many Muslim perpetrators of honor killings follow—namely, that “dishonor” and “offenses toward Islam” cannot be forgiven, may be cleansed only by death, and that it is necessarily the death of the “dishonored” female (but also of the man involved, if he does not “pay a fee”) (Gonzalez, 2005: 2; Hussain, 2006: 4).

Still, there exist greater inconsistencies between the principles of Islam and the practice of honor killing. For example, the perpetrators of honor killings do not seek evidence of wrongdoing, much less that it be truthful, before attacking the victim; the “suspicion of a dishonorable act” is viewed as sufficient to justify their actions (Madek, 2005: 2). In contrast, the Quran teaches that those accused of wrongdoing should be punished only after strong evidence against them is presented; one shall not produce false evidence against another without being punished. This is stated in the following verses: “And those who launch a charge against chaste women, and produce not four witnesses (to support their allegations), - flog them with eighty stripes; and reject their evidence ever after: for such men are wicked transgressors” (Yusufali, 024.004). Furthermore, Islam preaches against murder: “Never should a believer kill a believer;” “Take not life, which Allah hath made sacred, except by way of justice and law” (Yusufali, 004.092; Yusufali, 006.151). These lines of the Quran make it clear that under Islam, murder must be preceded by legal deliberations. However, Muslims shall not kill one another. In light of these principles, honor killing, which involves murder for personal vendetta without legal consideration, is inconsistent with and even contradictory to Islam.

2.3.3. Sikhism

In comparison to Christianity and Islam, Sikhism and its holy book—Guru Granth Sahib—provide even less specific reference on issues that concern honor killings. Rather, it gives general guidance on how to differentiate between good and evil and does not discuss punishment. For example, the scripture lists five vices—lust, anger, egotism, jealousy, and greed—that all Sikhs must fight and overcome (Guru Granth Sahib, 1389: 1). Fornication, adultery, and polygamy are viewed as expressions of lust, and therefore, forbidden (BBC, *Sikhism: Marriage and Divorce*, 2009: 1). Sikhism shares the same position on murder with Christianity and Islam. Specifically, Sikhism teaches that “The Lord alone kills and restores to life” (Guru Granth Sahib, 150: 1).

Unlike other religions, Sikhism is more tolerant towards divorce. For example, it does not mention restrictions for the former couple. In addition, it never addresses same-sex relations directly (BBC, *Sikhism: Beliefs about Love and Sex*, 2009: 2). Therefore, the religion’s position on sexual orientations has been open to interpretation. One argument states that Sikhism strongly encourages marriage and procreation and, therefore, disapproves of homosexuality. Another argument states that Sikhism promotes equality, teaching that in the Kingdom of God “there is no second or third status; all are equal here” (Guru Granth Sahib, 345: 14). These verses often provide support for equal rights for homosexual couples. The Guru Granth Sahib also demands equality for men and women, stating, “So why call her bad? ... Without woman, there would be no one at all” (Guru Granth Sahib, 473: 8). While other religions, such as Christianity and Islam, may ask for equal punishment of wrongdoers regardless of their gender and still preach female obedience to men, Sikhism goes a step further to say that women should be treated as men’s equals.

The principles of equality laid down in Sikhism directly contradict the beliefs of the Sikh man cited above who compares men to gold and women to silk. He explains that unlike gold, silk cannot be cleansed of stains. His view clearly distinguishes between the worth of males and females, in favor of males. It also is one more example of inconsistencies between what religions preach and what their followers take away and attribute to them. The consistent difference between what religions preach and what is attributed to them suggests that many honor killings—regularly explained with religious principles—may, in fact, not be caused by or directly related to such.

2.4. A Parallel between the Moral Views of Killers and Religious Teachings

The above examination of religious scriptures shows that Christianity, Islam, and Sikhism all promote chastity, fidelity, heterosexuality, and obedience—the same values that perpetrators of honor killings try to enforce. It also makes clear a general consensus among the three faiths that the behavior honor killing is motivated by and aims to deter—fornication, adultery, homosexuality, and disobedience—is wrong. In addition, Christianity and Islam imply gender-discrimination against women. Cases demonstrate that, most often, honor killing is used to regulate the behavior of women, rather than men. Thus, there is a direct correspondence between what religions preach and what perpetrators of honor killings believe and practice. However, this is where the correspondence ends. While Christianity, Islam, and Sikhism all disapprove of certain behaviors, they rarely ask for any physical or specific punishment for that behavior and they never prescribe death. Honor killing in itself is an act of capital punishment,

and thus, is contrary to religious proscriptions. While there is a clear connection between honor killing and religion (as exemplified by the common values expressed by perpetrators and the different religious doctrines found in Christianity, Islam, and Sikhism), these religious traditions oppose self-help murder. If faith were the powerful motivator that so many accounts of honor killing point to, then we would expect less killing rather than more.

2.5. Conclusion (on the Role of Religion)

Christianity, Islam, and Sikhism strongly support the values that honor killing aims to enforce. Therefore, it is logical to assume that these faiths are more conducive to the practice than they would be, had they stood behind moral views different from those of “honor killers”. However, only some of the values promoted by religions are acted upon in the perpetration of an honor killing, while another set of values promoted by the same religions is disregarded. This can be explained in only two ways: either the perpetrators act on misconceptions of what religions teach, or there are factors other than faith. These additional factors include social structure and gender dynamics, as found in both ancient and contemporary (twenty-first century) honor killings. In sum, while religious beliefs play an important role in the modern practice of honor killing, they do not trigger it. Instead, they provide one more excuse for engaging in it.

3. Honor Killing: The Role of (Culturally Specific) Gender-Discrimination

Besides religious beliefs, the second factor conventionally offered as an explanation for the practice of honor killing is gender-discrimination against women. Most victims of honor killings are female (Hussain 2006, 3). The extent to which gender-discrimination is a factor in honor killing will be examined in four honor killing “hot-spots”: Iraq, Pakistan, Syria, and Turkey.

3.1. Legal Provisions Concerning Honor Killing in Iraq

The Iraqi Penal Code criminalizes most of the acts considered to provoke honor killings and provides penalties accordingly. For example, regarding adultery, the document states, “An adulteress and the man with whom she commits adultery are punishable by detention. The same penalty applies if the husband commits adultery in the conjugal home” (Iraqi Penal Code, 1969: 96, Ch. 8, Sec. 4, Par. 377-1, 2). This illustrates that adultery is a punishable offense. Further, the Penal Code specifies that “No action for adultery may be brought against either spouse nor may any measures be taken in respect of that action [without] an accusation by the other partner. [Accusations] will not be accepted” if three or more months have passed since the wronged party has been aware of the offense, if he/she agrees to resume marital life or if the offense was committed with his/her consent (Iraqi Penal Code, 1969: 96, Ch. 8, Sec. 4, Par. 378-1a-c).

Initially, the law’s language renders offensive the situation in which a female commits adultery. However, the next provision specifies that husbands engaging in adultery in the marital home are also at fault, as well as men with whom a female has committed adultery. This law condemns a straying wife and her partner regardless of the circumstances under which they have committed adultery. However, it considers a husband at fault only if he strays in the marital home. This clause does not treat wives and husbands equally; the differentiation in fault is between wife and husband, rather than purely on a gender-basis, because the male partner of an adulterous woman is held equally liable. The document clarifies that each spouse can accuse as

well as pursue punishment against the other, making it gender-neutral from a procedural perspective.

In regards to fornication, the Iraqi Penal Code states that “Any person who incites a boy or girl under the age of 18 to indulge in fornication [...] is punishable by detention. [...] If a woman, having become pregnant through fornication, procures her own miscarriage out of shame it is considered to be a legally mitigating circumstance” (Iraqi Penal Code, 1969: 102, Part 2, Ch. 2, Sec. 2, Par. 399; 108, Part 3, Ch. 1, Sec. 4). The document barely falls short of criminalizing premarital sex, portraying it as such a shameful act that the purpose of hiding it can partially justify the performance of an abortion, an otherwise punishable offense. While the law encourages the view that premarital sex is a great misdeed demanding punishment, it holds males and females equally liable and is, in a legalistic sense, gender-neutral.

Besides adultery and fornication, other common motives for honor killings are rape and incest. In a gender-neutral manner, the Iraqi Penal Code criminalizes these acts equally. The perpetrators may face detention, imprisonment for life, or death (Iraqi Penal Code, 1969: 101-102, Part 2, Ch. 2, Sec. 2, Par. 398, 1-2). However, only the offenders are subjected to punishment; the victim is not held liable. Tribal practices deviate from this prescription.

The legislation reviewed so far is gender-neutral and reflects a strong adherence to Islamic religious values. However, the legal provisions on murder contained in the Iraqi Penal Code differ from the general tone of the document.

Any person who surprises his wife in the act of adultery or finds his girlfriend in bed with her lover and kills them immediately or one of them or assaults one of them so that he or she dies or is left permanently disabled is punishable by a period of detention not exceeding 3 years. It is not permissible to exercise the right of legal defense against any person who uses this excuse nor do the rules of aggravating circumstance apply against him. (Iraqi Penal Code, 1969: 105, Part 3, Ch. 1, Sec. 1, Par. 409)

This clause provides males with a legal authorization to kill their female partner and/or her lover, if caught in the act of adultery, and to receive mitigated sentences of detention not exceeding three years. Otherwise, murdering an individual would have resulted in a much heavier penalty for the perpetrator. However, the Penal Code does not excuse females who assault their male partners and other participants in the act of adultery. In short, nothing in the document suggests that such a right may equally apply to women. Thus, Par. 409 treats men and women differently, giving husbands the right to kill or assault their wives and receive light punishments, while prohibiting wives from responding in the same manner towards their adulterous husbands.

Even more important is another provision on murder, which defines the term *legal excuse* and the circumstances under which it may be used. According to this law:

Legal excuse either discharges a person from a penalty or reduces that penalty. Excuse only exists under conditions that are specified by law. Notwithstanding these conditions, the commission of an offence with honorable motives or in response to the unjustified and serious provocation of a victim of an offence is considered a mitigating excuse. (Iraqi Penal Code, 1969: 34, Part 1, Ch. 5, Sec. 5, Par. 128-1)

By accepting the broadly defined “honorable motives” or “serious provocation” as mitigating circumstances for the offense of murder, this clause provides the opportunity for a free interpretation of what acts may fall into these categories, such that almost anything can be considered grounds to lower or void punishment for murder. These provisions (Par. 128) constitute a de facto legalization of honor killing by permitting one to kill, claim an honor

defense or provocation, and go free, depending solely upon the discretion of law-enforcement and/or judicial officials.

In combination with the law that allows a man to murder his female partner and her lover in the heat of passion (upon seeing them commit adultery) and to receive a light penalty, the clause on mitigating circumstances creates an environment where males can murder females and be legally exonerated. While the majority of provisions in the Iraqi Penal Code use gender-neutral or inclusive-of-both-genders language, this law is not gender neutral. Instead, it treats females in a discriminatory manner and makes them a likelier victim of honor killing. It is still possible that a female who murders a male with “honorable motives” may be excused from punishment; no instances of female aggression against males have been reported. Attempts to change Iraqi legislation on honor killing in accordance with human rights have not received parliamentary support (al-Shara 2008, 2).

3.1.1. Available Statistics on Honor Killing Victims in Iraq

Statistics on the rates and numbers of victims of honor killing are difficult to obtain and are probably inaccurate. Many instances are never reported and, therefore, the data available are almost surely an underestimate. However, between September and December 2007, twenty-seven (27) women were reported murdered in alleged honor killings, and ninety-seven (97) tried to commit suicide for similar motives in Iraq. The number of reports of women attempting to kill themselves increased from thirty-six (36) in 2005 to one hundred thirty-three (133) in 2006; the number of women murdered for honor offenses went from four (4) to seventeen (17) for the same period (IRIN 2007, 2). The UN estimates that violence against women in the autonomous Iraqi region of Kurdistan has increased by eighteen percent (18%) between March and May of 2007 (United Nations 2007, 9).

3.1.2. Case-Studies That Do Not Follow Pattern of Gender-Discrimination

Women constitute the majority of honor killing victims, accounted for by gender-discriminatory provisions in Iraqi laws. However, case-studies demonstrate that males are increasingly targeted as well. The murder of Karar Oda, an Iraqi homosexual, is just one example demonstrating that males can also be victims. As Abdel-Kader Ali, the Iraqi man who killed his daughter Rand, said: “I have alerted my two sons. They will have the same end [as Rand] if they become contaminated with any gay relationship. These crimes deserve death—death in the name of God” (Sahran 2008, 3). Yet a third example is the death of eleven-year-old Ameer Hasoon al-Hasani, who was locally known to have been forced into prostitution. He was kidnapped and shot to death. A death certificate issued by Iraqi officials confirms that he was executed for being gay. These murders, whether sanctioned by law as permissible honor crimes or not, do not fit the theory that “honor” applies only to assaults, killing or victimization of women by men. Rather, they show that honor killing is not a gender-specific phenomenon; it focuses on imposing a strict honor code upon individuals regardless of their gender.

3.2. Legal Provisions Concerning Honor Killing in Pakistan

In Pakistan, the laws pertaining to honor killing are *The Offence of Zina (Enforcement of Hudood) Ordinance, 1979 – Ordinance VII of 1979*, *The Qisas and Diyat Ordinances*, and the *Protection of Women (Criminal Laws Amendment) Bill, 2006*.

The Hudood Ordinance criminalizes the act of *zina*—“willfully [having] sexual intercourse [by a man or a woman] without being married to each other” (Hudood Ordinance, 1979: 4). Any sexual act outside of marriage—such as adultery, fornication (including prostitution), and effectively, homosexuality—is *zina*. The act of *zina* is considered “liable to *hadd*—[punishment ordained by the Holy Quran or Sunnah]—if it is committed by a woman/man who is an adult and is not insane with a woman/man to whom she/he is not, and does not suspect himself/herself to be married” (Hudood Ordinance 1979, 5). The ordinance prescribes that if a married person is “guilty of *zina* liable to *hadd*,” she/he should “be stoned to death at a public place” (Hudood Ordinance 1979, 5). If the perpetrator is not married, s/he should “be punished at a public place with whipping numbering one hundred stripes” (Hudood Ordinance 1979, 5). While the law prescribes a death sentence for married persons who stray, it requires the lesser penalty of whipping for those who fornicate, which deviates from how honor killing is usually practiced.

Another difference between the legalized and the informal treatment of a “dishonorable offense” is that the law requires evidence to prove accusations of *zina liable to hadd*. There is satisfactory evidence if “the accused makes before a Court of competent jurisdiction a confession of the commission of the offence” or if “at least four Muslim adult male witnesses, about whom the Court is satisfied [...] that they are truthful persons and abstain from major sins, give evidence as eye-witnesses of the act of penetration necessary to the offence” (Hudood Ordinance 1979, 8). Except for the provision, which requires that males serve as witnesses to *zina*, the Hudood ordinance is de jure, not gender-discriminatory. However, this provision is a reason for concern because, de facto, it does not allow for a gender-neutral environment in the cases of female defendants.

The Protection of Women Bill from 2006 has softened the effect of the Hudood Ordinance in comparison to its previous version. For example, before the enactment of the bill, persons could be accused and held liable for the crime of *zina-bil-jabr*. One is guilty of *zina-bil-jabr* if:

[she/he has sexual intercourse with someone to whom she/he is not validly married] against the will of the victim; without the consent of the victim; with the consent of the victim, when the consent has been obtained by putting the victim in fear of death or of hurt; with the consent of the victim, when the offender knows that the offender is not validly married to the victim and that the consent is given because the victim believes that the offender is another person to who the victim is or believes herself or himself to be validly married. (Hudood Ordinance 1979, 6)

Because of the difficulties in establishing who the victim and offender are as well as whether the offense has occurred with or without the victim’s consent, this clause of the Hudood ordinance effectively makes the rape victims as legally liable as the perpetrators for committing the crime of adultery or fornication. Though the law uses gender-neutral language, historically, females are much likelier victims of rape than males. Therefore, the law can easily be gender-discriminatory in practice. The provision on *zina-bil-jabr* has been repealed by the Protection of Women Bill and is no longer applicable. To further ensure that victims of sexual assaults are not held liable

for adultery or fornication, the bill introduces Article 5A to the Hudood ordinance. It states that “no case where an allegation of rape is made shall at any stage be converted into a complaint of fornication [...] and no complaint of lewdness shall at any stage be converted into a complaint of zina” (Hudood Ordinance 1979, 5A).

This comparison between the Hudood ordinance’s current and previous versions demonstrates the importance of the Pakistani Protection of Women Bill from 2006 and the scope of reform it has brought to Pakistani law. For example, the changes demonstrate that even without gender-discriminatory language in place, the earlier version of the ordinance allowed for the punishment of actual victims. Thus, it legally sanctioned the punishment of individuals without justification, as it is practiced in honor killings.

Other Pakistani laws pertaining to honor killings are the *Qisas* and *Diyat* ordinances, which constitute codification of Islamic prescriptions (Hussain 2006, 6). *Qisas* connotes “punishment by causing similar hurt” or damage to the convict as to what s/he has caused to the victim, in an exercise of the right of the victim or his/her descendants (Pakistani Penal Code (PPC) 1860, 111-299).¹⁴ *Diyat* is “compensation [...] payable to the heirs of the victim” (PPC 1860, 111-299).¹⁵ One is liable to *Qisas* or *Diyat* if convicted of premeditated murder. With the institutionalization of the *Qisas* and *Diyat* ordinances in 1990, Section 300 (1) of the Pakistani Penal Code, which considers “grave and sudden provocation” a mitigating circumstance for murder, has been repealed. This repeal has created the possibility that honor killings may be considered premeditated murders by the legal system, punishable with *Qisas* or *Diyat* (Ifran 2008, 17).

According to PPC, the punishment of *Qisas* could not be enforced upon individuals found liable to *Qisas* if any of the following circumstances is true: the victim or his/her descendants waive their right to punishment; the beneficiary of the punishment is a direct descendant of the convict; or punishment with *Qisas* is not applicable according to the injunctions of Islam (PPC 1860, 112-302). If *Qisas* cannot be enforced, the offender is penalized by *Diyat*, or by having to financially compensate the beneficiary (PPC 1860, 113-308).

When considered in the context of honor killings, the *Qisas* and *Diyat* ordinances are often inapplicable because of their restrictions on enforcement. For example, though many honor killings are committed by parents against their children, if a conviction occurs, the descendants do not have the right to seek *Qisas* against the perpetrator because the law does not allow it. However, if the defendant cites honorable motives for the murder, judicial officials use their discretion and render *Qisas* unenforceable, according to injunctions of Islam. When *Qisas* is substituted with *Diyat*, in case the offender and the victim come from the same family, enforcing the punishment amounts to nothing more than the family paying compensation to itself. The reasons, for which legal remedies to honor killing are not effective demonstrate how victims and particularly women—who are often financially dependent on their male relatives and in no situation to confront them or demand compensation—cannot be helped, this resulting in de facto discrimination.

While the *Qisas* and *Diyat* ordinances are ineffective in penalizing honor killing if it occurs between relatives, they are even less helpful when it comes to prosecuting the

¹⁴ *Qisas* means “punishment by causing similar hurt at the same part of the body of the convict as he has caused to the victim or by causing his death if he has committed *qatl-iamd* in exercise of the right of the victim or a *wali*” (Pakistani Penal Code 1860, 111-299).

¹⁵ *Diyat* means “the compensation specified in Section 323 payable to the heirs of the victim” (Pakistani Penal Code 1860, 111-299).¹⁵

perpetrators. This is largely because the burden of bringing charges is on the wronged party. A judge from the Pakistani Supreme Court states:

In Islam, the individual victim or his heirs retain from the beginning to the end entire control over the matter including the crime and the criminal. They may not report it; they may not prosecute the offender. They may abandon prosecution of their free will. They may pardon the criminal at any stage before the execution of the sentence. They may accept monetary or other compensation to purge the crime and the criminal. They may compromise. They may accept *Qisas* from the criminal. The state cannot impede but must do its best to assist them in achieving their objective and in appropriately exercising their rights. (Amnesty International 1999, 12)

Because the victim or his/her heirs have the right to withdraw their accusations, they often withdraw, fearing to seek penalties against their parent, sibling, child, or husband. They have concern for their safety because of the cultural stigma associated with honor offenses (Amnesty International 1999, 14). For Pakistani women, who are typically less socially powerful than men, they have few opportunities or incentives to confront male batterers. Thus, laws which place the burden of self-protection and prosecution on the victim, though gender-neutral in language, may result in discrimination against females.

3.2.1. Available Statistics on Honor Killing Victims in Pakistan

Although statistics on honor killing's victims in Pakistan are incomplete and difficult to obtain, they indicate that at least one hundred and eighty-three (183) women were killed for honor in 1998, more than one thousand (1,000) in 1999, and at least two hundred and forty (240) in the first six months of 2000 (Amnesty International 1999, 14; Gonzalez 2000/2001, 2). These reports are only of female victims, even though there is evidence of males being subject to honor killings.

3.2.2. Case-Studies That Do Not Follow Pattern of Gender-Discrimination

Nonetheless, there are cases like that of Ameer Bukhsh of Jampur city in Southern Punjab, who on January 19, 1999, shot a male bank-teller and his own wife, Khadeja. He stated that he had discovered an illicit relationship between the victims. Khadeja's brother filed a complaint, alleging that Ameer murdered the bank-teller for another reason and later killed his own wife to disguise the crime as an honor killing (Amnesty International 1999, 14). Regardless of the real motives for the shooting, the bank-teller is an example of a male slain under the pretext of honor. The fact that Ameer decided to attack another male under the defense of honor indicated that such an attack would be acceptable. Though a number of Pakistani laws can function in a gender-discriminatory manner, the construct of honor allows for condoning the murder of men as well as women.

Another case that counters the idea that gender-discrimination triggers honor killing is that of Rukhsana Naz, a young Pakistani woman living in Great Britain, who was killed by her own mother after conceiving a child by a man other than her husband (Bedell 2004, 2). The fact that Rukhsana was murdered by a female relative, like the case of the slain male bank-teller, suggests that gender-discrimination is not the only factor that prompts honor killing. Females often subscribe to the same set of tribal values as males (Bedell 2004, 2).

3.3. Legal Provisions Concerning Honor Killing in Syria

In Syria, the laws pertaining to honor killing are Article 192, Article 242, and Article 548 of the Syrian Penal Code. The text of each is as follows: Article 192: “Judge excuses or reduces the punishment if a person commits a crime under honor.” Article 242: “For crimes committed in a state of passion, the judge may reduce the punishment.” Article 582:

1. He who catches his wife or one of his ascendants, descendants or sister committing adultery (*flagrante delicto*) or illegitimate sexual acts with another and he killed or injured one or both of them benefits from an exemption of penalty. 2. He who catches his wife or one of his ascendants, descendants or sister in a ‘suspicious’ state with another (*attitude equivoque*) benefits from a reduction of penalty. (Syrian Penal Code, Article 548)

Under Syrian law, honor killing is considered separately from murder. For example, murder is punished with imprisonment of twelve to fifteen years (Zoepf 2007, 2; 7). However, from there on, the penalties sharply decrease in severity in accord with the strength of a supposed provocation. In accordance with Article 242, if a court agrees that the perpetrator has been inflicted with passion at the time of the murder, the sentence is reduced from a minimum of fifteen years to a maximum of one year in prison (Dopplick 2008, 1). Article 192 requires judges to diminish the sentence of individuals who allege to have committed murder with honorable motives. According to the specificity of such honorable motives, such as having perceived sexual immorality, Article 548 fully exempts or further mitigates the penalty of killers. In addition, it provides males with the legal right to kill female relatives upon the suggestion that they have been involved in anything sexual outside of marriage. They also may kill anyone with whom their female relative has supposedly been involved.

While Pakistani law bans out-of-wedlock sexual relations for both men and women and prescribes punishment for violators, Syria’s Code focuses on penalizing those who do not act in accord with social norms. Because certain actions are not directly prohibited, there is room for many interpretations of what exactly constitutes an honorable offense, a sexually immoral act, or an “attitude equivoque.” For instance, the death of a rape victim can be as easily condoned as the death of an adulterer. Zahra al-Azzo, a sixteen-year-old Bedouin girl, was kidnapped, raped, married to “wash away the shame” of losing her virginity, and then killed by her brother. He has been sued by Zahra’s husband and a decision is pending (Zoepf 2007, 7). Although the law requires some form of evidence of a willful transgression in order to fully exempt the killer from liability, it accepts suspicions of “immoral activity” as sufficient grounds for mitigating penalties.

Such legal framing makes it easier for honor killing’s perpetrators, particularly male perpetrators, to go unpunished. Similarly, the Syrian Code specifies that men who assault others—be it males or females—on honorable grounds may be excused. However, the Code does not address women who murder for the same reasons. In this aspect, Articles 192, 242, and 548 are not gender-discriminatory towards the victims—meaning, they do not excuse the killing of females while condemning the slaying of males. Nonetheless, they discriminate on the basis of gender with respect to perpetrators; males are specified as possible beneficiaries of mitigated sentences while females are not mentioned. Whether these laws would function in a gender-discriminatory manner becomes a question not of legally inherent bias as much as one of social dynamics and proving access to justice to one gender while denying it to another.

3.3.1. Available Statistics on Honor Killing Victims in Syria

While unofficial reports indicate that more than three hundred people annually lose their lives to honor killings in Syria, there are no confirmed statistics (Zoepf 2007, 1).

3.3.2. Case-Studies That Do Not Follow Pattern of Gender-Discrimination

This study has not found specific examples of male victims or female perpetrators of honor killings that would counter the conventional understanding that these murders are an expression of gender-discrimination against women. Nonetheless, according to some reports, couples accused of immoral behavior are often killed together (Zoepf 2007, 1).

3.4. Legal Provisions Concerning Honor Killing in Turkey

Turkey's Penal Code and especially its laws that pertain to honor killing and gender-discrimination are an example of expedited legislative change. The transformation of Turkey's Code has occurred mostly after the year 2000, triggered by pressures from the European Union, which has demanded that Turkey address, among other issues, its human rights violations before being considered for membership. Such pressures have resulted in a sudden shift from laws that arguably protect honor killing and are strongly gender-discriminatory to a new penal code and constitutional amendments, which promise gender equality and reject honorable motives as justification for murder.

Under Turkey's reformed laws, "killings in the name of customary law" are defined as aggravated homicide; "offenses in the name of honor" are categorized as "voluntary manslaughter punishable by aggravated life sentence" (AWID 2008, 5; OHCHR 2005, 3). Regardless of the age of the perpetrator, men and women possess full legal equality. Furthermore, Article 462 and Article 29 of the old Turkish Penal Code¹⁶ have been repealed and modified to clarify the meaning and proper application of "unjust provocation" as a defense for committing murder. Article 10 from the Turkish Constitution has been amended to support gender equality (Global Justice Center 2008, 5; Ilkcaracan 2007, 9). Before being annulled in 2003, Article 462 stated that anyone who catches a first-degree relative in the act of adultery, or, is convinced that the relative is involved in an illicit relationship and kills him/her, merits a sentence reduction of up to seven-eighths (Ilkcaracan 2007, 9; Kogacioglu 2004, 5). It applied equally to convicted male and female perpetrators of honor killing and provided light sentences, effectively sanctioning the practice. Therefore, the Article 462's invalidation is an important step towards eliminating honor killing's legal protections.

Honor crimes are often presented as acts committed in the heat of passion and were decided under Article 29 of Turkey's old Code, which reduced penalties in the case of "unjust provocation." The law has been revised to clarify the extent to which "unjust provocation" constitutes a mitigating circumstance for homicide. According to the Article 29's revised version, "unjust provocation [...] occurs only as a result of an unjust act," "[not every unjust act qualifies for unjust provocation]," and "family members and relatives who commit honor killing [...] cannot benefit from a reduction [of penalty]" (OHCHR 2005, 3).

Turkey has taken significant measures to remove legal justification for honor killing. However, the importance of family honor continues to influence legislation that addresses

¹⁶ Turkey's new Penal Code was ratified on October 13, 2004 (Turkish Weekly, 2004: 1).

additional actions—besides murder—with “honor” motives . For example, if a mother abandons (or even kills) a newborn she conceived out-of-wedlock in order to cleanse the family’s honor, her motivations will be considered as mitigating circumstances at sentencing (Article 453, 475: Turkish Penal Code; Kogacioglu 2004, 5). This provision demonstrates the legal understanding that females can also be perpetrators of honor killings and assaults, and that even a newborn who has obviously not committed any immoral deed can be a victim. The concept of bringing, or cleansing, dishonor is not limited to either gender; both the transgressor and the victim can be male or female.

Nonetheless, Turkey has introduced numerous laws to address gender-discrimination against women and to eliminate laws that threaten or disadvantage them. As of May 22, 2004, Article 10 of the country’s constitution states:

All individuals are equal without any discrimination before the law, irrespective of language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such considerations. Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice. (Turkish Constitution 2004, 3)

Several older statutes have been repealed or modified, aiming to protect women’s rights. Among those repealed are Article 88¹⁷, Article 152¹⁸, and Article 154¹⁹, which set lower age-limits for entering marriage for females than for males, established the husband as the head of the marital union, and gave the husband sole rights over deciding everything pertaining to the family’s life (Old Turkish Civil Code, Article 88, 152, 154).

Additional legislative changes in Turkish law have achieved the following: eliminating a “woman – girl” differentiation, suggesting different treatment under the law for virgin and non-virgin women; equalizing penalties for sexual assault, whether the victim was a virgin or not; classifying sexual assaults as “crimes against individuals” rather than “crimes against society;” criminalizing marital rape; criminalizing forceful genital examinations; making it “impossible to reduce, suspend, or lift [the sentence of someone convicted of rape or kidnapping]” even if the victim marries the offender; exempting from penalty persons who abort pregnancies that have resulted from rape; introducing aggravated penalties for sexual offenders in case the victim suffers any physical or psychological damage; and introducing punishment for persons who desert a pregnant wife or partner (OHCHR 2005, 2; 3). Prior to the most current changes in Turkey’s Penal and Civil Codes, females were often discriminated before the law based on their virginity; rape was defined as “forced seizure of chastity” and a crime against social morality; rape victims were often forced to marry their offender; marital rape was not recognized as an offense; and women were legally obligated to obey their husbands (AWID 2008, 5; Ilkcaracan 2007, 9).

The above examples demonstrate the extent of Turkey’s legal change within the last ten years, especially in regards to condemning honor crimes and ensuring legal gender-equality. Nonetheless, the number of honor killing victims—from murder or from forced suicides—continues to rise (Navai 2009, 1). It is possible that more cases now are being reported due to

¹⁷ Article 88 of the old Turkish Civil Code states, “The minimum age for marriage is seventeen for men and fifteen for women. Nevertheless, in extraordinary cases, the judge may grant permission for the marriage of a woman who is a minimum of fourteen years old and a man who is a minimum of fifteen years old. Before the verdict, the parents or the guardians must be heard by the court.”

¹⁸ Article 152 of the old Turkish Civil Code states, “The husband is the head of the union. It is the husband who decides where the family will live and who is responsible for adequately maintaining the wife and the children.”

¹⁹ Article 154 of the old Turkish Civil Code states, “The husband is the representative of the union. Whatever ways the couple have chosen for the management of their property, it is the husband who is responsible for the savings.”

increased awareness of human rights. However, the fact that heavy penalties for honor crimes and strong laws against gender-discrimination have not led to a reduction of murders indicates that discrimination against women is not strongly correlated with honor killings, and that formal laws have limited authority over individual or community behavior in Turkey.

3.4.1. Available Statistics on Honor Killing Victims in Turkey

According to governmental statistics, at least two hundred (200) die in the name of honor each year; this number constitutes half of all murders in Turkey (Navai 2009, 1). In Istanbul alone, at least one person dies as a result of honor killing weekly (Black 2008, 3).

3.4.2. Case-Studies That Do Not Follow Pattern of Gender-Discrimination

Though in most honor killing cases that reach public attention the victims are female, males increasingly are targeted. For example, according to his friends, Ahmet Yildiz, a twenty-six-year-old student from Istanbul, openly lived as a homosexual and represented the gay community. About six months before his murder, Ahmet told his family about his sexual orientation. A month later he filed a complaint with the city's prosecutor as he had received death threats. His case was dropped. His family insisted that he return home and go to a doctor to be "cured" of his homosexuality, but Ahmet refused. Four months later, Ahmet was shot and killed while exiting a café. Days after his death, in spite of calls from his friends, his family had not claimed his body—a typical response in cases of honor killings (Black 2008, 1; 2; 3).

Ahmet's fate, as well as the desire of his parents to "cure" him of homosexuality, demonstrates a certain level of homophobia in Turkey. The fact that the majority of males targeted in honor crimes are gay suggests that honor killing imposes traditional gender-roles on both sexes; it does not discriminate against women alone.

PART III

Analysis of Data and Conclusions on Religious Perceptions and Gender-Discrimination as Factors for Honor Killing

Honor killing's conventional descriptions all portray it as a "culturally rooted practice where a male kills a female relative whose virtue has come into question in order to preserve family honor" (Madek 2005, 1).²⁰ Some case-studies referenced earlier—for example, those of Rand Abdel-Kader, Lal Jamilla Mandokhel, Faten Habash, Harpeet, and Zahra al-Azzo—fit into this narrative. Indeed, most of the victims of honor killings worldwide are women (Hussain 2006, 3). However, other cases—like those of Karar Oda, Mehdi Kazemi, Mukhtar Mai, Derya, Ameer Hasoon al-Hasani, Ameer Bukhsh, Rukhsana Naz, and Ahmet Yildiz—demonstrate that a large number of murders allegedly committed for cleansing honor do not fit the description above—be it because the victim is male, the perpetrator is a woman, or the perceived dishonor is caused by an event not related to sexuality. The conventional definition does not encompass and

²⁰ Other definitions are, murders carried out by family members against girls or women who are believed to have committed a sexual indiscretion or [...] caused gossip related to sexual behavior, that besmirches the honor of the family" (Warrick 2005, 4); (2) "[...] great violence [upon a] female family member [thought] to have brought dishonor [of sexual nature] to the family" (Plant 2005, 2).

represent many cases of honor killings, but rather, only the most common—and therefore, the most visible—cases, leading people to generalize.

In regards to generalizing, most honor killings occur in Islamic societies. Thus, many understand them as a feature only of the Islamic world (Maded 2005, 2). While all of the discussed cases, except two—of Faten Habash, a Christian Bedouin woman, and of Harpeet, a Sikh woman—occurred in Muslim communities, the discussion above has shown that honor killings also are practiced by Christians in both Christian and secular communities. An interview with a Sikh man, who compared women to silk that cannot be cleansed if stained, suggests that Sikh societies accept murder in the name of honor. Characterizing honor killing as a practice exclusive to one religion, Islam, is thus an incorrect and misleading generalization.

The definition to describe honor killing must be accurate and complete because it influences explanations of the practice, social attitudes towards it, and even legal policies that address it. A flawed definition of honor killing can lead to denying many victims recognition and help for their suffering, as well as creating legislation ineffective at combating the practice.

1. Both Religious Perceptions and Gender-Discrimination Contribute to Honor Killing, But Are Not Sole or Triggering Factors

Currently, because most instances of honor killing occur in Muslim countries and because most of the victims are female, the practice is explained with Islamic beliefs which supposedly condone murder in the name of honor, and with gender-discrimination against women. Based on an examination of the holy books of Christianity, Islam, and Sikhism, this study suggests that none of them encourage or condone honor killing. Thus, religious perceptions alone cannot be a triggering factor for crimes in the name of honor. Based on a review of the penal codes of Iraq, Pakistan, Syria, and Turkey, which aim to determine whether to excuse and/or to mitigate honor killing and whether they are gender-discriminatory against women, this study indicates that the laws of Pakistan and Turkey ban honor murders and the laws of Iraq and Syria allow them. However, these countries do not base the severity of punishment on gender. Although most codes seem to excuse male killers and hold female perpetrators liable, there are no greater incentives for murdering women than for murdering men. According to this study, legally embedded discrimination against women is not the sole trigger for the practice of honor killing.

2. Both Religious and Legal Prescriptions Condemn Honor Killing, But It Increasingly Occurs

Turkey's revised Penal Code demonstrates the disconnect between honor killing and gender-discrimination. Its new gender-neutral Penal Code has arguably failed at reducing honor murders. For example, a Syrian man conveys the lack of correlation between Islam and honor killing when asked about his opinion on cancelling Article 548, which sanctions honor killing. On the one hand, Grand Mufti Ahmad Badr Eddin Hassoun, Syria's highest-ranking Islamic teacher, condemned honor killing and called for the repeal of Article 548, saying that "[the] Koran does not differentiate between men and women in its moral laws, requiring sexual chastity for both, for example. The commonly held view that Article 548 is derived from Islamic law is false" (Zoepf 2007, 6). On the other hand, the Syrian man referenced above says that the Grand Mufti is not a "real Muslim. [...] It is an Islamic law to kill your relative if she errs. [...] If the sheik tries to fight [Article 548], the people will rise up and slit his throat" (Zoepf 2007, 6).

The results of Turkey's legal reforms as well as Syria's social mentality raise concerns about maintaining the conventional explanation: that honor killing is caused by religious beliefs and/or gender-discrimination. How does one then explain situations in certain societies in which people are inclined to kill under the pretext of honor, allegedly justified by their faith, when honor killing is contrary to religion? How can one explain that a victim's death-sentence will be carried out even if a country's law prohibits it, even if the killer goes to prison, and even if the victim has to be forced to commit suicide? Why does a given behavior, such as asserting one's individuality and independence, in sexual aspects, for example, cause disapproval in some communities and honor killings in others?

3. Different Responses to Offenses in Different Societies: Possible Factors

After determining that neither religious beliefs nor gender-discrimination by themselves trigger honor killing, this study looks for additional factors that are present in societies with many instances of honor killing and not present in societies where it is rare. Because murdering in the name of honor punishes individuality and disobedience to social norms, it renders every individual less important than the group—such as a family or a tribe—and makes one's life valuable only if she/he uses it for the benefit of the community. These dynamics strongly resemble tribal life, organized around procreation and the group to ensure survival. What factors today pose such a threat to a community that it would forego most religious or legal precepts and punish with death any manifestation of individualism in order to “ensure [the group's] survival?”

3.1. Poverty: Devaluation of Human Life

If a lack of resources pushed tribes together in antiquity (700s B.C.), it makes sense that the rampant poverty, prevailing in many societies where honor killings are practiced, may result in a reinstatement of some ancient customs (Hussain 2006, 6). In antiquity, community strength depended on sustaining a large population, making a man's currency his wife's fertility, chastity, and loyalty to husband and tribe. Today, while women are still needed for group prosperity, they are increasingly aware of and willing to defend their human rights and put these before the demands made by their families and communities. When individuals, on whose personal sacrifice a community depends, rebel against making this sacrifice, the society is threatened. Accordingly, the society or community kills the transgressors so that they do not invest themselves anywhere else. Thus, honor killing is a community affair, rather than a family affair, as confirmed by the fact that if a family refuses to murder one of its members, the clan appoints a killer and murders the victim anyway (Bedell 2004, 45). Such a practice brings considerable pressure on families to obey community norms in order to avoid discrimination and death.

While both men and women are punished for choosing individual rights and freedoms over communal interest, females endure more suffering due to the perceived value and the claims over their reproductive capabilities. As a Syrian women's right advocate says, in an impoverished community, “that's the only kind of [value] we have left.” (Zoepf 2007, 7). As many families have little to offer in transactions, they offer their women as child-bearing brides, in return for a favor from the groom's family. Thus, the pressure of poverty has commodified female bodies, discarding them if they are defective (“quality control”).

Honor killings are also used to discourage members of a community to behave like the victim.

Though legal codes regulate most aspects of human life today, the concept of honor has remained intact. It is barely addressed or restricted by laws, allowing for a number of actions, including violence and murder, as long as one claims s/he has committed them in the name of honor. Thus, the concept of honor legally sanctions any behavior, as long as one can justify it with evidence of feeling disgraced. Sometimes, the action allegedly committed in the name of honor is used as evidence itself, under the pretext that if one's honor had not been offended, s/he could not have acted as s/he did (Amnesty International 1999, 15).²¹

From a practical perspective, one could interpret that the concept of honor under the law permits one to simply state that s/he could not have possibly killed his/her own blood if it was not for honor. S/he, effectively, could sacrifice a human life for inheritance—or any other financial incentive. For example, in many poor communities, where husbands receive a dowry for taking a wife, they often kill her in order to remarry and take another dowry (Hussain 2006, 4). Similarly, in cultures where a male accused of an honor offense can save his life by paying a fee, the accuser would insinuate an offense by another male. They then would provide “evidence” of the offense by killing a (female) family member and request financial compensation by the other male or threaten his life (Hussain 2006, 5).

Such instances of abuse of the “honor” defense demonstrate that increasingly honor killings are triggered not by the perpetrator's emotional need of revenge, but rather, by financial. This motive is becoming more accepted. As a result, where there are destitute economic conditions and chastity and fertility is currency, human life is cheap. Thus, poverty devalues the lives of victims and can be one of the motives, triggers behind honor killing. Accepting financial compensation for killing victims perpetuates the practice of honor killing.

3.2. Political Structure

The common corruption of local police, gender-discriminatory application of laws by male-dominated courts, and the ensuing systematic disregard for governmental authority replaced by self-help additionally deter the consideration of honor killings by the formal legal system (Amnesty International 1999, 13). Some law-enforcement officers charge 7,000 Rupees per honor killing to close their eyes while local feudal lords threaten victims or their families to not complain or bring charges. However, “justice” remains an unfulfilled promise of modernized legal codes (Amnesty International 1999, 13; Kristof 2007, 3). Financial incentives and imposing traditions of sexism in the face of poverty and challenges on cultural identity seem for many more attractive than accepting westernized legislature and increasingly secularized governments.

3.3. Political Instability: Protecting Cultural Identity, Intolerance for Differences

While economic conditions can motivate honor killings, the practice is also affected by a country's political situation. Local instability is often associated with international—specifically Western—intervention as well as war, which impoverishes an already destitute country. Thus, while poverty is intensified by war, poverty is often seen as a result of Western interventions.

²¹ An example of this is the case of Muhammad Younis, a Pakistani man, who has been excused for murdering his wife with the following judicial opinion: “The appellant had two children from his deceased wife and when he took the extreme step of taking her life [...], she must have done something [...] to enrage him to that extent” (Amnesty International 1999, 15).

In an attempt to differentiate themselves, Muslim countries assert local, communal norms that existed before Western “invasion.” One aspect of these early traditions is honor killing, which currently is increasing in order to counter the Western value of individualism. In an interview given after killing his daughter, Ali Abdel-Kader, Rand’s father, says, “Speaking with a foreign soldier, [...] that girl humiliated me in front of my family and friends. [...] People from western countries might be shocked, but our girls are not like their daughters that can sleep with any man they want and sometimes even get pregnant without marrying. Our girls should respect their religion, their family and their bodies.” (Sarhan & Davies 2008, 3). This case exemplifies that tolerance towards Western presence and views are considered betrayals, deserving of honor killing.

Poverty and political instability are common features of many states and regions. However, not all of these states respond to such pressures with honor killing. An important difference between Western and the Muslim countries is that Western values challenge and attempt to transform traditional culture, threatening local hierarchy, existing gender-dynamics, and—in many perceptions—religion. This prompts Muslim communities to impose even more feverishly older, tribal norms. Honor killings are predominant in countries that face cultural, religious, and economic challenges to identity but less common in more affluent regions. This suggests that said challenges are strongly related to the practice of honor killing.

Based on the evidence and analysis presented above, this study suggests that poverty and cultural and political instability are the main factors that trigger honor killing where it currently remains prevalent. It also recognizes that culturally and religiously instilled discrimination results in women and homosexuals comprising the majority of honor killing victims. However, the practice of honor killing is not enacted solely on the grounds of gender or faith. Although religion and the law often share the morality behind honor killing, no religion explicitly encourages the practice and most legal systems do not sanction it.

Thus, the conventional explanations for honor killing—that it is a result of Islamic religious beliefs and gender-discrimination against women—do not constitute an accurate and complete evaluation of the phenomenon. This study has provided evidence that honor killing occurs in predominantly non-Muslim communities, secular countries, and states with gender-neutral legislation. Thus, religious views and gender inequities work in addition to other crucial factors which motivate honor killing. In addition, this study has considered the increasing number of premeditated, financially motivated murders as well as ones committed as an act of rebelling against Western culture, all justified with an honor defense. These case studies indicate that poverty and political instability, which lead to lack of individual worth and a devaluation of human life, are the main triggers to the practice of honor killing. Based on these reflections, the following segment offers policy recommendations on how to deter and prevent future deaths under the pretext of honor.

PART IV

Policy Recommendations for Assisting Victims and Diminishing, Eradicating the Practice of Honor Killing

“A woman might be forced to practice prostitution for money. Economic solutions are needed - not legal ones.” – Iraqi Accord Front MP Hashim al-Taei (al-Shara 2008, 3)

If a policy is to successfully deter honor killing it must emphasize that it respects cultural concepts of honor for societies who stress honor as an important value. Nonetheless, even in the name of perceived morality, violence and murder are not acceptable. In regards to combating financial and political factors that trigger honor killing, this section recognizes that completely ending poverty or wars is practically impossible. However, it recommends strategies to address the violence ensuing under the practice of honor killings.

1. Institutionalization of Honor Offenses

Due to the strong connection between financial realities and honor killings, formal legislation should aim to eliminate the opportunity for conducting monetary transactions in relation to honor crimes. For example, since individuals are often murdered in insinuated honor killings by descendants who would receive an inheritance from the deceased, the lack of property or wealth to be acquired may diminish the incentives of killers. The law should disinherit any person convicted of the murder of an ascendant who claims motivations of “honor cleansing” or “unjust provocation.” In addition, a policy that prohibits giving a dowry to the husband upon a woman’s marriage can deter murders motivated by the desire to remarry and receive another dowry. A ban on monetary compensation for honor offenses could deter threats and demands for ransom after insinuated honor killings.

2. Shift Toward Political Centralization

While the law must address the motivations behind honor killing, it also must address the consequences of the practice, as well as the circumstances which perpetuate it. The creation of more shelters for persons threatened with an honor killing will provide protection for potential victims. For instance, potential victims would benefit from a less local, but more easily accessible legal organization where they can request protection or legal assistance to combat honor crimes.

3. Education on Religion

Other helpful facilities that governments could provide include juvenile-detention-educational centers where under-age perpetrators can be educated about the practice’s implications on legal and human rights. Educational institutions should include in their curriculums a mandatory segment on religion, which explains that honor killing is not condoned by—but, in fact, goes against—religious values. In addition, states should mandatorily and permanently take custody over any minors in the care of an honor killing’s defendant. Such a policy could deter future generations from learning and practicing the same custom of murder as their care-givers.

Where honor killing is practiced, individuals are regarded as worthy only by what they contribute to the community. Those who are considered weaker, such as women, young adults, and homosexuals—or whose behavior does not comport with community norms—are more likely to become victims; there is neither a strong centralized legal system nor incentives for other local tribal members to protect them. Due to intense poverty, financial resources determine the outcomes of most disputes. Political instability and the perceived threat of Westernization lead to a rejection of the notion of human rights, prohibiting a moral defense. While this study

recognizes that the combination of all these circumstances culminates in the existence of and perpetuation of honor killing, it believes that the measures outlined above can have a positive effect towards its eradication. Most importantly, only changes in social mentality and some restraint on tribal behavior, as well as improvement in legal enforcement, can lead to ending the practice of honor killing. If there is no adequate practical basis for achieving this, vows taken under international pressure to observe human rights have limited effect on ending honor killing.

Works Cited

- Al-Shara, Basim. "In Iraq, politicians defend 'honour' murder." *Iranian and Kurdish Women's Rights Organization (IKWRO)*. 28 Mar. 2008. Web. 12 May 2009. <http://www.ikwro.org.uk/index.php?option=com_content&view=article&id=289:in-iraq-politicians-defend-honour-murder&catid=1:general&Itemid=5>.
- Associated Press, The. "Full Text of Iraqi Constitution." *Washington Post*. 12 Oct. 2005. Web. 12 May 2009. <<http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>>.
- Bahnsen, Greg, and Wayne Strickland. *Five Views on Law and Gospel*. Ed. Wayne Strickland and Stanley Grundy. Grand Rapids: Zondervan, 1993.
- Bedell, Geraldine. "Death before Dishonor." *Observer Magazine*. 21 November 2004: 45.
- Bilefsky, Dan. "Virgin Suicides Save Turks' 'Honor'." *The New York Times*. 14 July 2006. Web. 21 May 2009. <<http://www.nytimes.com/2006/07/12/world/europe/12iht-virgins.2184928.html>>.
- Black, Jeff and Nicholas Birch. "Was Ahmet Yildiz the Victim of Turkey's First Gay Honour Killing?" *The Independent*. 19 July 2008. Web. 21 May 2009. <<http://www.independent.co.uk/news/world/europe/was-ahmet-yildiz-the-victim-of-turkeys-first-gay-honour-killing-871822.html>>.
- Blackstone, William. *Book the First: Chapter the Fifteenth: Of Husband and Wife*. Lillian Goldman Law Library. Avalon Project - Documents in Law, History and Diplomacy. 2008. Web. 07 May 2009. <http://avalon.law.yale.edu/18th_century/blackstone_bk1ch15.asp>.
- . *Book the Fourth - Chapter the Fourteenth: Of Homicide*. Lillian Goldman Law Library. Avalon Project - Documents in Law, History and Diplomacy. 2008. Web. 07 May 2009. <http://avalon.law.yale.edu/18th_century/blackstone_bk4ch14.asp>.
- Buchanan, Tom, and Martin Conway. *Political Catholicism in Europe, 1918-1965 (Hardcover)*. USA: Oxford UP, 25 Jul 1996.
- Button, James. "My family, my killers." *The Sydney Morning Herald*. 02 February 2008. Web. 15 October 2008. <<http://www.smh.com.au/articles/2008/02/01/1201801034293.html?page=fullpage#contentSwap2>>.
- Cochran, J. "Texas Judicial - Court of Criminal Appeals Opinion #1460-01a." *Texas Court of*

Criminal Appeals. 2001. Web. 12 May 2009.
<<http://www.cca.courts.state.tx.us/opinions/146001a.htm>>.

Copestake, Jennifer. "Gays Flee Iraq as Shia Death Squads Find a New Target." *The Observer*. 6 August 2006. Web. 21 May 2009.
<<http://www.guardian.co.uk/world/2006/aug/06/gayrights.iraq>>.

"Dictionary of Jewish-Christian relations." Eds. Kessler, Edward, and Neil Wenborn. Cambridge: Cambridge UP, 2005.

Dopplick, Renee. "International Law Blog Postings." *Inside Justice.com*. Inside Justice. 14 November 2008. Web. 21 May 2009,
<http://www.insidejustice.com/law/index.php/intl/2008/11/13/syria_penal_code_women>.

Ex Parte Jimmy Dean Watkins. No. NOS. 1460-01 & 1461-01. *The Court of Criminal Appeals*. 2001.

"Gender Discrimination in the Turkish Penal Code Draft Law." *Association for Women's Rights in Development (AWID); Women for Women's Human Rights (WWHR)*. 2003. Web. 20 May 2009. <http://www.wwhr.org/files/2_3.pdf>.

Gonzalez, Wendy. "Karo Kari: Honor Killing." *Buffalo Women's Law Journal*. Vol. 9 2000/2001 (2000): 22.

Gundry, Stanley, et al. *Five views on law and Gospel*. Grand Rapids: Zondervan, 1996.

"Honour Killings of Girls and Women." *Amnesty International, Pakistan*. September 1999. Web. 15 October 2008. <<http://web.amnesty.org/library/engindex>>.

Hussain, Mazna. "'Take my Riches, Give Me Justice': A Contextual Analysis of Pakistan's Honor Crimes Legislation." *Harvard Journal of Law and Gender*. Vol. 29. Winter (2006): 223.

Irfan, Hannah. "Honour-Related Violence Against Women in Pakistan." Web. 2008.

"IRAQ: Honour killings persist in Kurdish north." *Irinnews.org*. IRIN; humanitarian news and analysis from Africa, Asia and the Middle East. 2009. Web. 12 May 2009, <<http://www.irinnews.org/Report.aspx?ReportId=75714>>.

Joseph, Saud and Afsahme Najmabadi. *Encyclopedia of Women and Islamic Cultures: Family, Law and Politics (Encyclopaedia of Women and Islamic Cultures) (Hardcover)*. Brill Academic Publishers, 2005.

Khalid, Saadia and Rauf Klasra. "Mukhtaran Accuses Minister of Pressing Her to Drop Case

Qayyum Denies Charge." *The News*. 8 February 2009. Web. 21 May 2009, <http://www.thenews.com.pk/top_story_detail.asp?Id=20174>.

Khalsa, Dr. Sant Singh, trans. "Gru Granth Sahib." *SriGranth.org*. SriGranth.org, a Sri Guru Granth Sahib resource. 1389. Web. 17 May 2009, <http://www.srigranth.org/servlet/gurbani.gurbani?Action=Page&Param=1>.

Kristof, Nicholas. "Opinion." *The New York Times*. 8 August 2007. Web. 20 May 2009. <http://select.nytimes.com/2007/04/08/opinion/08kristof.html?_r=1>.

Lee, Cynthia. *Murder and the Reasonable Man: Passion and Fear in the Criminal Courtroom*. New York and London: New York UP, 2003.

Madek, Christina. "Killing Dishonor: Effective Eradication of Honor Killing." *Suffolk Transnational Law Review*. Vol. 29. Winter (2005): 53.

McGreal, Chris. "Murdered in name of family honour." *The Guardian*. 23 June 2005. Web. 06 May 2009. <<http://www.guardian.co.uk/world/2005/jun/23/israel>>.

Ministry of Justice. "Iraqi Penal Code 1969." *Case Western Reserve University School of Law*. Last revised: 20 Sept. 2005. Web. 12 May 2009, <http://law.case.edu/saddamtrial/documents/Iraqi_Penal_Code_1969.pdf>.

Navai, Ramita. "Women Told: You Have Dishonored Your Family, Please Kill Yourself." *The Independent*. 27 March 2009. Web. 20 May 2009. <<http://www.independent.co.uk/news/world/europe/women-told-you-have-dishonoured-your-family-please-kill-yourself-1655373.html>>.

Old Turkish Civil Code. 2005. Web.

Pakistan Penal Code. 6 October 1860. Web.

Patralekha, Chatterjee. "Honour Killing Casts Medieval Shadows Over India." *The Observer*. 20 November 2000. Web. 21 May 2008. <<http://www.guardian.co.uk/world/2000/nov/20/3>>.

Plant, Valerie. "Honor Killings and The Asylum Gender Gap." *Florida State University Journal of Transnational Law & Policy*. Vol. 15. Fall (2005): 109.

"Religion & Ethics - Sikhism at a glance." *BBC.com*. BBC. 31 Aug. 2006. Web. 07 May 2009. <<http://www.bbc.co.uk/religion/religions/sikhism/ataglance/glance.shtml>>.

Sarhan, Afif and Caroline Davies. "My daughter deserved to die for falling in love." *The Observer*. 11 May 2008. Web. 21 May 2009. <<http://www.guardian.co.uk/world/2008/may/11/iraq.humanrights>>.

Secretary-General, LIE, TRYGVE. "Inside the 1948-49 Year Book of United Nations." *Yearbook of the United Nations*. 2007. Web. 12 May 2009, <<http://unyearbook.un.org/unyearbook.html?name=194849index.html>>.

"Sikhism: Marriage and Divorce." *BBC.com*. BBC. 2009. Last accessed: 07 May 2009. <<http://www.bbc.co.uk/schools/gcsebitesize/rs/relationships/simarriageanddivorcerev1.shtml>>.

Syal, Rajeev. "Gay Teenager is Facing Gallows as his Asylum Bid is rejected." *TimesOnline.co.uk*. Times Online. 12 March 2008. Web. 17 May 2009, http://www.timesonline.co.uk/tol/news/world/middle_east/article3531630.ece

Syrian Penal Code. 2009. Web.

"The King James Bible." *University of Virginia Library*. 2008. Web. 07 May 2009. <<http://etext.virginia.edu/etcbin/kjv2www?specfile=/texts/english/religion/kjv/kjv-pub.o2w&act=surround&offset=4752155&tag=Matthew,+chapter+5&query=fornication>>.

"The Offence of Zina (Enforcement of Hudood) Ordinance, 1979." *Pakistani.org*. 26 Dec. 2007. Web. 12 May 2009, <http://www.pakistani.org/pakistan/legislation/zia_po_1979/ord7_1979.html#f23>.

The People v. Albert Joseph Berry. No. 556 P.2d 777. *Supreme Court of California*. 1976. Web.

"The Qur'an." *University of Southern California (USC)*. Last revised: 2007-2009. Web. 06 May 2009, <<http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslim/quran/>>.

Turkish Penal Code. 2005. Web.

United Nations. *Advancement of Women. Report of the Secretary General. United Nations, General Assembly*. 2002. Web.

———. *Inside the 1948-1949 Yearbook of the United Nations*. Web. 17 May 2009. <<http://unyearbook.un.org/unyearbook.html?name=194849index.html>>.

———. General Assembly. *The Universal Declaration of Human Rights*. 10 December 1948. Web. 12 May 2009 <<http://www.un.org/en/documents/udhr/index.shtml>>.

———. *United Nations, Division for the Advancement of Women. CEDAW Sessions*.

2007. Web. 01 December 2008.
 <<http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>>.

———. *United Nations, Division for the Advancement of Women*. 2007.
Reservations to CEDAW. Web. 01 December 2008.
 <<http://www.un.org/womenwatch/daw/cedaw/reservations.htm>>.

Warrick, Catherine. "The Vanishing Victim: Criminal Law and Gender in Jordan."
University of Massachusetts Law and Society Review. Vol. 39. June 2005 (2005):
 315.

Welchman, Lynn and Sara Hossain. "Honour: Crimes, Paradigms and Violence Against
 Women/CIMER AND INTERIGHTS." *School of Oriental and African Studies*.
 15 November 2006. Web. 15 October 2008.
 <http://www.soas.ac.uk/honourcrimes/Publication_Abstracts.htm#CEWLA>.

"Women's Rights and International Law: A High Level Conference on Gender Rights in
 Transitional Justice and Beyond." *Global Justice Center.net*. Global Justice
 Center. 2008. Web. 17 May 2009,
<http://www.globaljusticecenter.net/publications/Principle-Gender-Crimes-5.pdf>

Zoepf, Katherine. "A Dishonorable Affair." *The New York Times*. 23 September 2007. Web.
 21 May 2009. <<http://www.nytimes.com/2007/09/23/magazine/23wwln-syria-t.html>>