

1993 La reproduction. Éléments pour une théorie du système d'enseignement. Paris : Édition de Minuit.

Crapanzano, Vincent

1994 Réflexions sur une anthropologie des émotions. *Terrain* 22 : 109–117.

Delsol, Chantal

2002 La République, une question française. Paris : Presses universitaires de France.

Diop, Papa Momar

1985 Les administrateurs coloniaux au Sénégal. 1900–1914. Dakar : Université de Dakar. [Mémoire de maîtrise]

Durkheim, Émile

1963 L'éducation morale. Paris : Presses universitaires de France. [Nouvelle Edition]

Goffman, Erving

1990 Stigma. Notes on the Management of Spoiled Identity. Harmondsworth : Penguin Books. [Repr.]

1996 Stigmate. Les usages sociaux des handicaps. Paris : Édition de Minuit.

Goleman, Daniel

1995 Emotional Intelligence. Why It Can Matter More than IQ. New York : Bantam Books.

Hesseling, Gerti

2000 Histoire politique du Sénégal. Institutions, droit et société. Paris : Karthala.

Kaufmann, Jean-Claude

2004 L'invention de soi. Une théorie de l'identité. Paris : Armand Colin.

Le Breton, David

1988 Les passions ordinaires. Anthropologie des émotions. Paris : Armand Colin.

Lévi-Strauss, Claude

1952 Race et histoire. Paris : Unesco.

1987 Race et histoire. (reéd. par Jean Pouillon). Paris : Gallimard.

Lévy-Bruhl, Lucien

1903 La morale et la science des mœurs. Paris : Félix Alcan.

Mbembe, Joseph-Achille

2010 Sortir de la grande nuit. Essai sur l'Afrique décolonisée. Paris : La Découverte.

Philips, Louis

1983 The Economics of Price Discrimination. Cambridge : University Press.

Pigou, Arthur C.

1912 Wealth and Welfare. London : Macmillan.

1920 The Economics of Welfare. London : Macmillan.

Reboul, Olivier

1992 Les valeurs de l'éducation. Paris : Presses universitaires de France.

Sahlins, Marshall D.

1980 Au cœur des sociétés. Raison utilitaire et raison culturelle. Paris : Gallimard.

Thiouh, Ibrahima

2002 L'École de Dakar et la production d'une écriture académique de l'histoire. En : M. C. Diop (dir.), Le Sénégal contemporain ; pp. 109–153. Paris : Karthala.

Thomas, Louis-Vincent et René Luneau

1995 Les religions d'Afrique noire. Textes et traditions sacrés. Paris : Éditions Stock.

Villalón, Leonardo A.

1994 Democratizing a (Quasi) Democracy. The Senegalese Elections of 1993. *African Affairs* 93/371 : 163–193.

Weber, Max

2007 Sociologie du droit. Paris : Presses universitaires de France.

Interpreting Honour Crimes in Pakistan

The Case Studies of the Pukhtun and the Punjabi Societies

Muhammad Azam Chaudhary

The Pukhtun Case – Case Study 1

The local daily *The Dawn* published on Tuesday, August 2, 2011, the following news:

BAIL DISMISSED IN SWARA CASE

A local court on Monday dismissed bail petition of six persons including a prayer leader and member of a *jirga* charged with giving a female in *swara* to a rival family for settling a dispute. ... [A]n FIR was registered against them under section 310-A of Pakistan Penal Code, which prohibits giving females to rival families for settling feuds.

The said dispute had allegedly originated after a female of the area had eloped with the brother of the girl named Imran. The said girl was already engaged to her cousin, Tariq Khan. ... [*jirga*] decided that sister of Imran should be married to Tariq so as to resolve this issue.

The alleged victim also appeared before the court and stated that “neither she was given in *swara* to any person nor was her marriage organized by any *jirga*.” She claimed that it was wrong to suggest that she had been a victim of *swara* (*The Dawn* 2011: 5).

Embedding the Case

This case was reported from Peshawar, the provincial headquarter of Khyber-Pukhtun-khwa,¹ a part

¹ The ethnographic data about the Pukhtuns mainly comes from my field research on blood feuds among the people of Chilas, district Diamar.

of Pakistan which is mainly inhabited by Pukhtuns. *Jirga* is an age old institution for conflict resolution among the Pukhtuns which consists of village elders and respectable. *Swara* is a Pukhtun custom according to which women (mainly sisters or daughters) are given in marriage to the opponent families to end blood feuds or, as in this case, to settle a case of elopement which falls in the general category of illicit sexual relationships. *Swara* is part of a large set of values called *pukhtunwali*² often translated as uncodified law or code of life of the Pukhtuns (Steul 1981). Sexual relationships between a male and a female are only allowed after marriage in this value system. Marriages are arranged by families (mainly parents) to the extent of almost excluding the consent of the principals or even their knowledge about their marriage. Engagements which precede marriage are taken very seriously and once engaged the rights and responsibilities of the future bride shift from her father/brother to her future husband and his family. In very rare cases though, a man who is refused the hand of a woman may fire a gun in the air at her doorstep declaring the proposed woman to be his bride. After this any other male wishing to marry this woman will do so only at the risk of his life. The man who originally claimed the woman as his bride is himself on a death row, because the custom demands his killing by the woman's family. Breaking an engagement is comparable to a divorce which is considered the most serious abuse for the man who is then called a *zan talaq* (literally: woman divorce). If an engaged woman elopes with another man, or is married to another person, it requires *badal* (revenge), which is generally the killing of both the engaged woman and her paramour by the future husband. *Swara*, which is practiced very rarely, provides an alternative solution to *badal* (i.e., revenge killings also called blood feuds; literally: exchange). According to this Pukhtun custom a young unmarried woman (or several) will be given in marriage to a man (or several) of an enemy family to settle a dispute which generally demands the killing of a man (or more) of this woman's family. In the elopement cases the *swara* woman, generally the sister of the man accused, is given to the fiancée or husband whose fiancée or wife had eloped or married someone else.

A noteworthy aspect of this case study is that the alleged *swara* victim rejected the charges that she had been given in marriage as a result of a compromise arrived at by the *jirga*. She had done so to pro-

tect her family and the members of the *jirga*. The latter generally assemble on the request of one or sometimes both parties involved. While *pukhtunwali* acknowledges giving of a female in marriage to solve a case of illicit relations or a blood feud, the law of the state forbids this (see case study 1). A large number of state laws contradict the traditional norms and values in general. However, this is particularly true for customs controlling sex issues and marriages among the Pukhtuns. The consent of the couple at the wedding is the basic requirement for any marriage according to the state law. Among the Pukhtuns,³ however, such an expression of the couples' intention is neither sought nor even considered decent, especially in the case of the bride. Similarly, eloping adults do not commit an offence under the official law while this is a grave crime, deserving death according to the *pukhtunwali*. A simple engagement is of little consequence in the state law, but almost amounts to a marriage among Pukhtuns. *Swara*, as we have already stated above, is a crime in the state laws.

"The way a people settles disputes is part of its social structure and value system" (Cohn 1967: 155). In ideal cases the state laws are codified from traditions which would mean that there is no or minimal gap between the state laws and the customs. In Pakistan the state laws and the customary laws are two different things (Hoebel 1965) and the two follow different philosophies. The state law was first introduced during the British colonial era according to British concepts, though even the colonial administrators noted their dissatisfaction: "[T]hat anything so unsuited ... as the English law should ever have been foisted upon in India; ... a monstrous injustice that Indians should be subjected to laws designed for quite different social conditions" (Moon 1930: 52–54). Some of the laws might have been changed since independence in 1947, but the basic structure and philosophy remained unchanged. In the words of Moore (1985: 6), a legal anthropologist from USA, the state law:

[E]xamines one distinct dispute under "laboratory conditions." The court room is seen as a vacuum into which only carefully circumscribed testimony and evidence are presented and manipulated. In theory, the disputants lose their social status and are viewed equal before the law.

² For a detailed study of *pukhtunwali* also sometimes called *pushtunwali* see Willi Steul (1981) Ahmed (1976), Barth (1959), Lindholm (1996), etc.

³ A Pukhtun female university student, whose life is at risk for refusing engagement with her cousin done by her father, told that the liking of future couple are disliked in the matters of marriage. She told, for instance, if her parents wanted to marry her to a cousin, but she expresses her liking for that cousin before the proposal, her parents will then not marry her with that cousin.

... In the village council, a dispute is seen as part of the environment from which it grew. The individuals, their families, the community and the histories that led to the discord are on trial.”

The individual is, for instance, held responsible and becomes the target of punishments in the state law. Marriage, sex, divorce, etc. are seen as individual acts and their decisions are assumed to be made by individuals. Following this ideology, in the case study 1, the sister cannot be punished (given in marriage) for the crime (eloping) of the brother. In Pukhtun society, on the other hand, the values are such that groups like a family act as a unit and the consequences of individual actions are also born collectively. In the case study 1, the elopement had an impact on the honour of the whole family and even the tribe of the eloping woman and her fiancée and his family. Similarly, the target of the revenge is not the single individual but the whole group unless the offender family on its own kills the individual responsible for damaging the honour of the other family. The target groups are of course clearly defined and they vary depending upon the situation, following the principle of fission and fusion in the segmentary systems (Barth 1959, Ahmed 1976). In their day-to-day affairs, relating to marriage and sexual life, the Pukhtuns spend their lives according to *pukhtunwali*.

Women’s rights activists and NGOs raise objections against *swara* that,

- women are punished for the crimes of their brothers and fathers;
- frequently very young girls of five years, or even less, are promised or married as part of a *swara* settlement;
- adult women are forced to run away from the village if they want to marry.

In our case study, Tariq was engaged with his cousin. She eloped with Imran. The *jirga* decided that Maryam, the sister of Imran, should be given to Tariq in marriage. Maryam, being not involved at all, be punished for the crime of her brother, Imran. Similarly, Tariq’s cousin did not want to marry him but Imran.

When I asked Pukhtun female students of my M. A. class at Quaid-i-Azam University they were unanimous in their views that if such a situation arises in their families, they would accept the role of *swara* women. It is pertinent to mention that in feuds, women, children and old men are generally considered neutral and thus never directly targeted or killed in blood feuds. Comparable to *swara*,

though actually experienced even more rarely, is a woman of the feuding party going to the house of the opponents with a request to end the feud. *Pukhtunwali* demands the awarding of full respect to the visiting woman and generally her action would terminate the feud. Only in very rare cases, women give testimony against their fathers or brothers upon whom they depend. People live in joint or extended families and their fates are closely linked together. Local folks may have sympathy with the *swara* woman but consider it justified for a greater cause – saving lives of brothers and fathers.

Similarly it is not only the *swara* women who are not asked or consulted for their marriages, generally the consent of marrying couples are irrelevant. Similarly, childhood engagements and marriages are common among the Pukhtuns. That the *swara* women are given in exchange for either a murdered man or an engaged woman who eloped with another man is not so different from the “normal” marriage of a woman among the Pukhtuns. At the time of marriage the family of the woman receives a sum of money as a bride-price. The idea and amount of bride-price differ from tribe to tribe, area to area, and even bride to bride, depending upon her beauty, for example. Among different Pukhtun tribes it varies from the father keeping most of the bride-money to the spending of all incoming money – and even more than it – on gifts for the bride and the marriage function. Almost universal among the Pukhtuns is that the woman becomes the “property” of her husband and his family after marriage. If a married or even an engaged woman runs away with another man, it will, therefore, be her fiancée who is to be paid the compensation. Similarly, if a husband dies early and the woman is still young, her in-laws will decide her future, for example, who is to marry her (Mehdi 2002: 147–178). Punishment of sisters for the crimes of their brothers, similarly, has to be seen in the collective family perspective. Death, prison, failure, and success of each individual member of the family, especially its male in this context, is the failure or success, punishment, or reward of the whole family. For instance, if a brother or father is killed, all other family members including daughters and sisters are affected. Similarly, the good or bad reputation of one member affects the entire family. The punishment of the sister or the daughter is actually a punishment for the whole family.

This is not defending *swara* or *pukhtunwali* at the cost of Pukhtun women. What I want to emphasise is that *swara* is part of a whole value system of the Pukhtuns relating to sex, marriage, and family. It is pertinent to mention here that *swara* is practiced only in exceptional cases. The actual custom

demands the killing of the eloped couple. *Swara* and other related customs are collectively known as honour crimes in English.

Honour Crimes: An Introduction

An “honour killing” is murder in the name of “honour.” An “honour crime” is one of a range of violent or abusive acts committed in the name of “honour,” including emotional, physical and sexual abuse and other controlling and coercive behaviour, such as forced marriage ..., which can end, in some extreme cases, in suicide or murder (Siddiqui 2007: 263).

As a very general starting statement we can say honour crimes⁴ are a universal phenomenon and that they are committed both against men and women⁵ but “[a] paradigmatic example of a crime of honour is the killing of a woman ... for engaging in, or being suspected of engaging in, sexual practices before or outside marriage” (Welchman and Hossain 2007: 5). Women may also sometimes become victims of honour crimes if they do not accept the will of the family members such as fathers, brothers, and uncles in matters relating to engagement, marriage, and divorce. These crimes are not only found in Third World countries lacking the rule of law. They have also been reported in Western countries though mainly among the Muslim communities.⁶ The literature on honour crimes reveals that though they may be found in different parts of the world their occurrence is much more frequent among the Muslim communities and especially in the Muslim countries.⁷ Accordingly, some writers tend to call these cultures “honour cultures” (Kurkiala 2003: 6). The most striking, rather cruel feature of the hon-

our crimes against women is that these are generally committed by people – especially by men – who are the victim’s very close relatives such as brothers, fathers, and husbands.⁸

Pakistan, among other countries, is not only notorious for the high rate of honour crimes but also, as is reported, the recent rise of that rate (*The New Indian Express* 2000). According to the Human Rights Commission of Pakistan as it was reported in a local daily *The News* 2011: 7 “[A]round 800 women became victims of ‘honour’ killings in the country in 2010 alone. This figure only accounts for the killings that were reported in the media; there may be hundreds more that were not exposed and hence go uncounted”. Similarly, *Amnesty International* (AI hereafter) reported in 1999:

In Pakistan, hundreds of women, of all ages, in all parts of the country and for a variety of reasons connected with perceptions of honour are killed every year. The number of such killings appears to be steadily increasing as the perception of what constitutes honour – and what damages it – steadily widens (1999: 5).

The AI report (1999: 5, 7) contains cases of more than a dozen women, including some very infamous ones like Samia Sarwar case, who was killed in the name of honour in (Lahore) Pakistan. Naziran, a mother of six was axed to death by her brother in Kot Addu, near Multan, Zarina and her paramour were killed by her three brothers, a young man axed his mother Ghulam Bibi to death after she was brought back home following her supposed elopement with a man.

The case of Samia Sarwar became famous due to its universal coverage. The mother of two young sons was shot dead in her lawyer’s office in Lahore. Samia’s father was a prominent business man, her mother a doctor, while Samia studied law and her sister medicine. The case thus shows, that honour crimes are not limited to the poor and uneducated rural sections of the society. Prosperous educated urban dwellers also follow the same tradition. Samia, according to the report, just wanted a divorce from an abusive husband (AI 1999: 7, 21 ff.)

The very general question is: why honour crimes are committed in the first place and, more particularly, why are women killed in the name of honour?

4 The term “honour crime” has been preferred on “honour killing,” because this article is an attempt to place the crime of killings in the larger context of crimes against woman.

5 “Both men and women have become victims of honour killings and of other forms of honour related violence – but as the report indicates, girls and women have less chance to physically escape such killings and to socially redeem themselves by payment of compensation than men. Significantly, the men who are killed for reasons of honour are invariably targeted by the male relatives of the women whose alleged breach of the code of honour constitutes the rationale for such acts” (*Amnesty International* 1999: 4).

6 Such as the infamous killing of Fadime Sahindal in Sweden (Kurkiala 2003) and many other cases in the UK (Siddiqui 2007).

7 See Kurkiala (2003); Chakravarti (2007); Siddiqui (2007); Kressel (1981) – “The practice of ‘honour killings’ is more prevalent although not limited to countries where the majority of the population is Muslim” (Welchman and Hossain 2007: 5).

8 Kurkiala (2003); Chakravarti (2007); Siddiqui (2007); Kressel (1981).

Greed! The Common Utilitarian Explanation⁹

Honour crimes have generally been explained as part of a larger plan especially devised to “deny women their rights of inheritance and out of fear of property being passed on to outsiders through the daughters or sisters [to their spouses or children]” (Al-Shafey 2007). Aftab Hassan Khan, who was born, raised, and educated in Sindh but now lives in the Netherlands, writes:

However primitive it may sound – however primitive it is – it is very easy for a Sindhi to declare his sister, daughter or wife as shameful, and thus opt to kill her ... whenever there is a monetary, land, property related or other petty dispute, many unscrupulous persons use their sisters, wives, mothers or even daughters as a tools [sic] to have upper hand in settlement of the dispute. ...

It is also a common practice in Sindh to marry one’s daughter to inanimate and holy objects, like the Quran, or even a tree, for example. ... The main purpose behind this inhuman act is to avoid the transfer of land property out of family hands at the time of marriage of their daughter or sister.

“*Women in our society are killed like hens; they have no way to escape and no say in what happens to them,*” writes a Pakistani journalist (in AI 1999: 1). “Honour killings are essentially about the control of women in all spheres of life: economic, social and sexual ... A woman is considered the jagir or property of men, and marriages are often contracted in order to keep property within the family or to enlarge an estate. This motivation applies to Haq Baksh Wal, where women are ‘married to the Quran’ rather than marry outside the family and split up an estate” (*The New Indian Express* 2000).

These explanations are part of the widespread views which simplify a very complex phenomenon. One may, for instance, easily be led to interpret the above quotations as generalisations, as if all Pakistani (especially Sindhi) men would marry their sisters/daughters to the holy Quran, kill their sisters, mothers, and wives or were at least looking for excuses to kill them for property, or out of any other form of greed.

If we compare these “journalistic” views with the ethnographic literature from the area, a somewhat different picture emerges. It is, for instance, well known and well documented that women do not receive or claim any share in the patrimony.¹⁰ My view in this regard (Chaudhary 2009–10) is that

the given social structure and value system indicate that it is more beneficial for women not to claim – rather than demand – their “half share.”¹¹ Similarly, in another article (Chaudhary 2011) I have argued that marriage of women to the holy Quran is the result of socio-structural forces that suggest certain marriage customs found in those areas and has little to do with the inheritance of property. Similarly, we know from the literature that sisters and mothers are the closest and dearest relatives of a man in Sindh and the Punjab.¹² How then can we explain the statement: “it is very easy for a Sindhi to declare his sister, daughter, or wife as shameful, and thus opt to kill her” or that “women are married to the Quran rather than marry outside the family and split up an estate”?

I have already mentioned that the peculiarity of honour crimes (killings) targeting women is that they are committed by their very close relatives, primarily by males. A very intriguing research question, therefore, could ask: why and under what circumstances is a man prepared to kill his sister or mother, of all relatives the persons dearest to him? Another important aspect of honour crimes/killings is the relevance of Islam. We have already noted that honour crimes, especially those involving illicit sex, marriage, divorce, and the like, are found predominantly if not only in the Muslim countries. Muslim religious scholars are of the opinion that Islam does not approve of honour killings.¹³ However, I am of the view that the way Islam is practiced (influenced by the local cultures) it supports honour crimes/killings.¹⁴ In this article, I want to show how two Pakistani cultures (Pukhtun and the Punjabi), of the same religious denomination (Sunni) are fundamentally different in the practices relating to honour crimes/killings. Pukhtuns will not tolerate premarital and extramarital sexual affairs, or even rumors about them, under any circumstances. Persons found involved are killed unless a *swara* settlement is arranged by *jirga*. In the Punjab, however, most of the premarital or extramarital affairs are settled quietly or with “minor” punishments. Only some become public knowledge. Even among these latter, only a small proportion end up in a killing comparable to what is noted by Kressel (1981: 155) among Muslim Arabs.

11 According to Pakistani law, a daughter gets only half of what a son gets in the patrimony.

12 Chaudhary (1999); Eglar (1960); Alavi (1972).

13 “[A] number of renowned Islamic leaders and scholars have publicly condemned this practice and clarified that it has no religious basis” (Welchman and Hossain 2007: 13).

14 The in-depth analysis of this aspect of honour crimes will be attempted in a forthcoming article.

9 Many of the details in this section have been taken from an earlier publication (see Chaudhary 2011).

10 Mehdi (2002); Ali (1997); Chaudhary (2009–10).

Theoretical Debates about Honour Crimes

While discussing Fadime Sahindal's murder by her father, a case of honour killing in Sweden in 2002, Kurkiala (2003) has divided literature on honour crimes/killings into two broad categories, i.e., the "universalistic" and the "particularistic" kind. The proponents of the universalistic model are of the view that: "the root cause lies in a universal patriarchal structure that oppresses women worldwide" (Kurkiala 2003: 6). This means a particular woman (Fehmidi) in a particular country (Pakistan, Egypt, Jordan, Sweden) was killed or forced to suffer simply because she was a woman. According to this point of view, women suffer everywhere. It is only a question of degree and a difference in style (Kurkiala 2003). The "particularistic" model, on the other hand, turns the focus on the very particular individual (the killer) and on psychological reasons such as a psycho-pathological condition of the killer (Kurkiala 2003: 6).

By focusing on the particular individual alone we ignore the possibility to generalise it to "a specific category of people, i.e. that it was culturally motivated and sanctioned" (Kurkiala 2003: 6) and by following the universalistic approach we deny "the existence of a special category of women belonging to a specific moral community ('culture'), the 'deniers' also, by implication, denied the need for special measures to protect them" (Kurkiala 2003: 7). Undoubtedly, the universal dimensions must be acknowledged, but more important seems to be that we "should try to understand violence against women in its specificity" (Kurkiala 2003: 7). Honour crimes are found in many different countries of the world, but their practices vary from culture to culture. There are, for instance, differences between as well as within Muslim countries as will be shown by the examples of the Pukhtuns and the Punjabis.

Theoretically, sexual deviance is punished by the same laws in both the cultures studied here, but the practices differ on account of the differences in social structure and values of the two societies. According to the *pukhtunwali* all Pukhtuns are socially equal, i.e., in terms of *nang* and *ghairat* (honour). All claim to have it and are ready to defend it even at the cost of their lives. I am often told the story of an ideal honourable big khan (Pukhtun) who killed his only son after a relatively weak Pukhtun appeared before him indicating that his son had had sex with his daughter. The khan thereupon only asked if the girl's father was ready to kill his daughter, upon which the man answered that he had already done so. In the case of honour – the elopement of a sister or a daughter with her paramour – all Pukhtuns re-

act almost in the same way, killing both the woman and her paramour on the first possible occasion. If a married Pukhtun woman elopes or has sex with a person other than her husband, he has to kill her unless it is a *swara* case. Conditions in the Punjab are quite different. The following pages will focus upon the Punjab.

The Punjab Case – Case Study 2

According to media reports¹⁵ a woman from the village of Meerwala, district Muzaffargarh, Punjab, was gang-raped, a form of honour revenge, on June 22, 2002, by the orders of a *panchayat* (tribal council) of the Mastoi clan, that was richer and more powerful as opposed to her clan in that region. According to reports, Mukhtaran's adolescent brother Shakoora was suspected and accused by the Mastoi of committing fornication with a Mastoi woman, Salma, also known as Nasim. Mukhtaran's family proposed to settle the matter with the Mastoi by marrying Shakoora to Salma, and marrying Mukhtaran to one of the Mastoi men, and – if Shakoora was found to be at fault – to give some land to Salma's family. This proposal was conveyed to Faizan, the Mastoi elder. The Mastoi refused and insisted that illicit sex must be settled with illicit sex. Mukhtaran was forcibly taken into a stable where she was gang-raped. After about an hour inside, she was pushed outside wearing only a torn *qameez* (long shirt). To demonstrate an example of local authority, she was paraded naked in front of hundreds of onlookers by the orders of a *panchayat*. Shakoora testified that he had also been abducted by three Mastoi men who all sodomised him in a sugarcane field.

In the same night, the police was informed that the two clans had settled their dispute and that Salma's family was withdrawing its complaint against Shakoora. His uncle retrieved him from the police station at around 2 or 3 a.m. In the following week, Abdul Razzaq, an Imam (prayer leader) of a local mosque, condemned the rape in his Friday sermon. He brought a local journalist, Mureed Abbas, to meet Mukhtaran's father and persuaded the family to file charges against the rapists. Mukhtaran and her family went to the Jatoi police station on June 30, 2002 to file charges.¹⁶

15 This case study is a summary of reports from different newspapers including Wikipedia. This story made headlines in different Pakistani newspapers, it was selected by the BBC, Time Magazine, and major international newspapers and networks.

16 The story is contested in details, though not in its ground structure. I have not done any personal research in this regard

Embedding the Case

If we compare case study 2 with case study 1 we see that almost identical basic case events lead to rather different forms of punishment. The norm is straightforward in such cases and clear among the Pukhtuns: the sister of the male “sex violator” is given into marriage to the brother (husband or betrothed) of the eloped woman, unless both are killed, which is preferred.

The case of the Punjab¹⁷ is much more complex. An illicit sexual relationship in the Punjab, especially in its rural areas, is not simply a personal transgression. It depends upon the status of the family and the *biradari* of the couple involved. Punjabi society, as we know from the ethnographic literature,¹⁸ is hierarchically organised into a number of *biradaris*. The clearest division, for example, is that between the *kami biradaris* and the *biradaris* of *zamindar*. Being on the lower echelon of the social hierarchy, *kami* cannot eat with, use the same eating utensils, or share in smoking a pipe with a *zamindar*. In short, no companionship and no commensality must exist between them. Opinions may differ on the status and position of a *biradari* within each of these groups of *biradaris* (*zamindar*, *kami*) but it is undisputed that people belonging to the different *biradaris* are unequal in status (Lyon 2004: 11). The status and position of different *zamindar biradaris* also differs according to the amount of land owned and dominance exercised by a *biradari* in a village. Some regionally variant forms of grading are also observed.

This hierarchy becomes most evident at the time of marriage, when illicit relationships make a difference. *Biradari* endogamy is the norm in the Punjab. Leaving aside the taboo and forbidden categories of kinsfolk for marriage (male ego perspective: M, MZ, D, DD, Z, ZD, F, FZ, etc.), the ideal is a marriage to the nearest relatives (Pfeffer 2007). There may be several factors influencing this choice, e.g., conflicts among these kinsmen. Once the category of the near relatives is or becomes impracticable, hypergamy is the rule. Men may marry women from lower social and economic status groups. For this context it is said “*aurat di koi zat, goot naheen hoti*”

(women have no *biradari* or lose their *biradari* after marriage). It is considered more appropriate to keep daughters and sisters unmarried, or even married to the Quran, rather than giving them in marriage to a lower social group. For men, especially those of the higher ranks, marrying a woman of an even higher position almost amounts to the admission of becoming a sociological female. The Syed males, for instance, may receive wives from lower social groups. Syed women, on the other hand, unable to find a proper match of equal caste (they being on the highest social hierarchy) either remain unmarried or are married to the Holy Book. The bride-givers in the Punjab are generally considered to be lower to the bride-takers in social status. According to another saying, a man or a family that has given a woman into marriage has lowered itself in relation to that person or family.

The cases of illicit sexual relationships have to be seen and understood on the same lines. There seems to be an unwritten general consensus that the men of the higher status groups – usually landlords – in the Punjab have a right of sexual adventures with the women of the lower social category – usually *kami*. Accordingly, illicit sexual relationships between men of higher and women of lower social status, though not uncommon, are almost never discussed in the *panchayats*. *Kami* women work in the houses and fields of the farmer *biradaris* where they often become victims of sexual abuse by men of socially higher groups. Women of these lower ones are denounced as being sexually active, hot, etc. (Haq 2002: 41, 43). They may even be blamed for trapping men to achieve higher social status. Elopements of such couples are not pursued very actively. Several stories and cases of such affairs and elopements, like the following, can be recorded in almost every village.

Dilwar belonged to the farmer *biradari* and had a sexual liaison with Tahira, a woman of the Teli (oilmen) *biradari*. At least the neighbours, if not the entire village, and, of course, the family of Tahira knew about the relationship. She was even taunted by the words: “Dilwar *tainu kad key lai jana*” (Dilwar will take you away). Finally the couple eloped.

Dilwar had six brothers and one sister. Only two brothers and one sister (exchange marriage) were married. They were growing old. The family’s chances to conduct proper marriages were dim, since the other landholder of Jat status did not want to give their daughters to any of the members. Aslam, the younger brother of Dilwar, had eloped with Muqsoodan, a woman of the Mirasi (village bard) *biradari*. In another case, Aziz of Jat status had a relationship with Shadan, a girl belong-

and, therefore, do not want to claim its authenticity, yet this story helps understand the structures of honour crimes in the Punjab.

17 The ethnographic data about the Punjab in this article, unless mentioned otherwise, mainly come from rural areas, particularly the villages Misalpur and Jatpur, where the author has done fieldwork during the 1990s. For a detailed ethnography of these villages see Chaudhary (1999).

18 Eglar (1960); Ahmad (1977); Alavi (1972); Lyon (2004).

ing to the (Christian) village sweepers, declaring that she was ready to accept Islam. The family of Shadan sent her to a relative who lived in a distant city, while the family of Aziz finally convinced him to stay away from her and marry into a Jat family. Saleem, a high status Rajput, fearing the family of his wife ran away with a potter woman after his father had died. Having had six children from his first wife, his mother's brother daughter, he went on to sell all of his agricultural land to spend the returns together with his potter mistress. Having wasted the entire amount of money, he returned to his wife, since his lover had left him. My point is that in all these cases no action from the families of the women was taken.

A considerable number of cases involving sexual relations and elopements called *udhal jana* are known among *kamis* and more often than not those eloping get married. Several recourses are applied by the *kami biradaris* (brotherhood of farmers), killing being the rarest among them. Generally conflicts are resolved in a peaceful manner (Haq 2000: 35). The farmers say that *kamis* have no honour anyway, so the question of losing it does not arise. Cases of elopement or sex involving men and women of the farmer *biradaris* are also found though they are relatively rare. It could generally be said that the higher the social status the smaller will be number of illicit sex cases, at least, becoming public. The significant symbol of a higher status women is *pardah*, the seclusion of women, who would hardly be seen in public and accordingly have little access to the "other" men. Haq (2000: 33) writes:

The *zamindar* houses are expensive structures ... Women of the household live in the latter [*deorhi*]. No men except their "*mehrams*" [generally this means relatives] can enter the *deorhi*. On few occasions like family functions, religious gatherings and shopping sprees to the bazaar *zamindar* women leave the *deorhi*. On these occasions the car is parked by the entrance of the *deorhi* and the women sit in the car covered with a gown reaching down to their ankles with their faces covered with the "*niqabs*."

About illicit sexual relations the same author writes that among the *zamindars*, "a mere suspicion of any such incidence is punished by killing of the woman or declaration of the woman as sick or mentally retarded and her subsequent confinement in the house" (2000: 35). My experience is that even the highest social category may, as long as these affairs remain a secret, not apply "capital" punishment. At best, the woman may be immediately married off to the same or another man. In extremely few cases, men and women who have been involved may also be killed. This happened in one case of elopement,

involving a woman and men of the landlord *biradari* in the village. A case of abduction had been registered with the police. The couple was found and brought to the village. The family of the woman tried to convince their daughter to state in court that she had been abducted but she refused. Finally, her brother shot her dead.

The strict punishment of "sex crimes" is awarded in cases of male members of lower social status *biradaris* having sexual relations with women of higher status. When a woman of a Syed family involves herself with a *kami* male, or even farmer, this is almost treated like incest. Syeds are said to be descendants from the line of the Holy Prophet (mpuh) through his daughter Fatima and his son-in-law Ali. Syed women are often believed to be "mothers" for other Muslims. Syed females observe *pardah* very strictly. Illicit sex cases involving Syed females will almost certainly lead to killings, ideally of both culprits but at least that of the woman. The women of the other highest social status groups are treated almost like Syed women. They also observe strict *pardah*, are addressed as *bibiji*, and treated like the Syeds. When a man called Rafique expressed his desire to marry a Syed girl, the women of his own family were the first to snub him and no clue of these intentions was ever conveyed to the Syed family by Rafique's relatives or anyone else in the village. The two families concerned were neighbours and socially closely interlinked in day-to-day affairs.

In another case reported in one of my articles (Chaudhary 2011), the Syed family who received the marriage proposal of a non-Syed male for their daughter – since the two liked one another – those of higher status were only stopped from killing the two principals after the complete secrecy of these intentions had been guaranteed. In a case of illicit sex involving a woman of the higher and a male of the lower status group (for details see Chaudhary 1999) that became public in the village, the male and his family left the village before the affair became public knowledge. The village *panchayat* met outside the village (such matters cannot be discussed within its boundaries), the house of the man was burned, and it was decided that when being caught, the man and his family would be given an exemplary punishment. The girl was first confined to the house and later married to a distant relative far away.

The case of Mukhtaran Mai (case study 2) also falls into this category. Mukhtaran's brother Shakkor was alleged to have had sex with Salma who belonged to the higher social status group. As mentioned above, this falls almost into the incest category and ideally demands the killing of the male or at least a very severe punishment. After the rev-

elation of the sexual relationship between Shakoor (brother of Mukhtaran) and Salma, Mukhtaran was gang-raped, paraded naked in the village and Shakoor was sodomised. There is no tradition of receiving a sister in marriage in return for an illicit sexual relationship with one's sister in the Punjab. Similarly, even after marriage, brothers and fathers will always be held responsible for any ill behaviour of their sisters and daughters. Never the husbands are blamed. His only possible reaction is a divorce, but he can never kill his wife. Husbands may complain to their brothers-in-law. If the sexual affairs can be kept as secrets, punishments may be avoided even in the higher category of *biradaris*. In one case, a landlord woman who lived with her sister in a city ran away with a construction worker. After hectic efforts of her relatives, the woman was recovered. She was taken back to the village and married to a distant cousin who was almost of her father's age. The case was never disclosed.

Conclusion

Honour crimes in two Pakistani cultures, that of Pukhtuns and Punjabis, should not be treated as "placeless principles" (Geertz 1983: 215). They have to be embedded within the local cultural context for "giving particular sense to particular things in particular places" (Geertz 1983: 232). The nature and practices related to honour crimes vary from culture to culture even in the same country and among the followers of the same religion, as the two case studies have shown. The people of both cultures are Pakistani and followers of the same religious denomination (Sunni Islam), but the nature of the honour crimes against women differs between the two cultures, since the social structure and the value systems of the two cultures differ greatly.

Pukhtuns are basically a tribal society with members believing in the equality of their men. The most central of all the values in the model code of Pukhtun life (*pukhtunwali*) are the values of *nang* and *ghairat* (honour) as well as *badal* (revenge). The life of a man seems to revolve around protecting his *nang* and *ghairat* which is closely linked to the women of his family. Any challenge to *nang* and *ghairat* is repelled even at the cost of one's life, following the principles of *badal* or an eye for an eye, a tooth for a tooth. The status of the parties involved remains irrelevant. A typical example of the honour situation is only a rumor, or the discovery, of a heterosexual affair. All involved will be killed. Similarly, married Pukhtun women submit to the responsibility of their husbands and their family-in-law in

general, as may be a consequence of the institutionalised bride-price. Divorce will always remain a stigma for a husband, the most severe of all abuses being the term *zan talaq* (divorced by woman) or being called the child of such a man. A woman demanding divorce may be killed instantly.

The basic principle of the Punjabi social structure is social hierarchy. Human beings are not of equal value. This attitude significantly influences honour crimes against women. Punishments depend upon the status of the *biradaris* of the two involved in an illicit sexual affair. As a rule, the female belonging to the lower status *biradari* will receive no or only slight punishments while one of a higher status category – when compared to the male involved – receive a strict punishment. Married girls remain the responsibility of their fathers and brothers. The husband, as a rule, is not allowed to punish his wife for her infidelity. Compared to the Pukhtun society there are very few honour killings in the Punjab as a whole, but the women of the lower status *biradaris* are often sexually abused by high ranking men.

A large number of women are killed and an even more are punished in many ways ranging between physical assault and unwanted marriages or the permanent confinement to the house. The main reasons for such punishments are illicit sexual relationships, suspicions of such relationships, fear of such affairs, marriages or desire to be married, and a divorce against the will of the family. But it is unfair to suggest that the killing of a sister, mother, or wife for a variety of economic interests is an easy matter in Pakistan. Social pressure calls for punishment in the cases of so-called honour crimes. It is known as *pegor* (taunt) among the Pukhtuns and *taana* among the Punjabis. Accordingly, only those cases of illicit sexual relations are punished that become public talk or those which are only based on the suspicion of sexual affairs. Rumors are treated as actual affairs. The sexual conduct of a woman not only affects the concerned individual (sister/daughter), the entire family, especially the female members, suffer as a result. This includes both the married and unmarried daughters and sisters. The unmarried will not find a husband and the married will be taunted on any given opportunity for the ill behaviour of their sisters. The males of the family are blamed by fellow villagers for their lack of control over their women folk. Similarly, the punishment of sisters for the crimes of their brothers has to be seen in the collective family perspective. That also explains why such decisions are generally taken in a family meeting, which also designates a young man from within the family, usually a brother or a cousin of the victim, to carry out the crime that means it

is a collective deliberate decision (Na-na'im 2007: 67). Failure and success of each individual member of the family is the failure or success, punishment or reward of the entire social unit. Similarly, if a brother or a father is killed, the entire family will be affected. The actions and the reputation of an individual member of a family will always reflect upon the whole. The punishment of the sister or daughter is actually the punishment of all.

References Cited

Ahmad, Saghir

1977 *Class and Power in a Punjabi Village*. Lahore: Punjabi Adbi Markaz.

Ahmed, Akbar S.

1976 *Millennium and Charisma among Pathans. A Critical Essay in Social Anthropology*. London: Routledge and Kegan Paul.

Alavi, Hamza A.

1972 Kinship in West Punjab Villages. *Contributions to Indian Sociology* (New Series) 6: 1–27.

Ali, Shaheen Sardar

1997 A Critical Review of Family Laws in Pakistan. A Women's Perspective. In: R. Mehdi and F. Shaheed (eds.), *Women's Law in Legal Education and Practice in Pakistan*. North South Cooperation; pp. 198–223. Copenhagen: New Social Science Monograph.

Al-Shafey, Mohammed

2007 Married to the Quran. <<http://www.aawsat.com/English/news.asp?section=3&id=9656>> [20.07.2009]

Amnesty International (AI)

1999 Pakistan. Violence against Women in the Name of Honour. *Amnesty International* (September 21th): 1–63. [AI Index: ASA 33/17/99]

An-na'im, Abdullahi

2007 The Role of "Community Discourse" in Combatting "Crimes of Honour." Preliminary Assessment and Prospects. In: L. Welchman and S. Hossain (eds); pp. 64–77.

Barth, Fredrik

1959 *Political Leadership among Swat Pathans*. London: University of London, Athlone Press. (London School of Economics; Monographs in Social Anthropology, 19)

Chakravarti, Uma

2007 From Fathers to Husbands. Of Love, Death, and Marriage in North India. In: L. Welchman and S. Hossain (eds.); pp. 308–331.

Chaudhary, M. Azam

1999 *Justice in Practice. Legal Ethnography of a Pakistani Punjabi Village*. Oxford: Oxford University Press.

2009–10 The Logic in the Traditional Share of the Daughter in Father's Patrimony. A Case Study of the Punjab. *The Journal of Law and Social Research* 1: 29–40.

2011 A Woman's Marriage to the Quran. An Anthropological Perspective from Pakistan. *Anthropos* 106: 411–422.

Cohn, Bernard S.

1967 Some Notes on Law and Change in North India. In: P. Bohannan (ed.), *Law and Warfare. Studies in the Anthropology of Conflict*; pp. 139–159. New York: Natural History Press.

The Dawn

2011 Bail Dismissed in Swara Case. *The Dawn* (Pakistan, 02.08.2011): 5.

Eglar, Zekiye

1960 *A Punjabi Village in Pakistan*. New York: Columbia University Press.

Geertz, Clifford

1983 Local Knowledge. Facts and Law in Comparative Perspective. In: C. Geertz, *Local Knowledge. Further Essays in Interpretative Anthropology*; pp. 167–234. New York: Basic Books.

Haq, Huma

2000 Feminist Islam and Sexist Muslims. A Case Study of Rural Punjab. *Pakistan Journal of Social Sciences* 23: 25–46.

Hoebel, E. Adamson

1965 Fundamental Cultural Postulates and Judicial Lawmaking in Pakistan. In: L. Nader (ed.), *The Ethnology of Law*; pp. 43–56. Menhassa: American Anthropological Association. [*American Anthropologist* (Special Publication) 67/6.2]

Khan, Aftab Hassan

n. d. Women in Sindh. <<http://www.islamawareness.net/Marriage/Quran/sindh.html>> [13.11.2013]

Kressel, Gideon M.

1981 Sororicide/Filiacide. Homicide for Family Honour. *Current Anthropology* 22/2: 141–158.

Kurkiala, Mikael

2003 Interpreting Honour Killings. The Story of Fadime Sahindal (1975–2002) in the Swedish Press. *Anthropology Today* 19/1: 6–7.

Lindholm, Charles

1996 *Frontier Perspective. Essays in Comparative Anthropology*. Karachi: Oxford University Press.

Lyon, Stephen M.

2004 *An Anthropological Analysis of Local Politics and Patronage in a Pakistani Village*. Lewiston: Edwin Mellen Press. (Mellen Studies in Anthropology, 12)

Mehdi, Rubya

2002 *Gender and Property Law in Pakistan. Resources and Discourses*. Lahore: Vanguard.

Moon, Penderel

1930 *Strangers in India*. London: Faber and Faber.

Moore, Erin

1985 *Conflict and Compromise. Justice in an Indian Village*. Lanham: University Press of America. (Monograph Series; Center for South and Southeast Asia Studies, 26)

The New Indian Express

2000 Honour Killings on the Rise in Pakistan. *The New Indian Express* (13.02.2000) <<http://www.islamawareness.net/Marriage/Quran/news2.html>> [14.11.2013]

The News

2011 Empower Women. *The News* (Pakistan, 18.08.2011): 7.

Pfeffer, Georg

2007 Verwandtschaft als Verfassung. Südasien als Beispiel. [Unpubl. Manuscript]

Siddiqui, Hannana

2007 There is no "Honour" in Domestic Violence, Only Shame! Women's Struggle against "Honour Crimes" in the UK. In: L. Welchman and S. Hossain (eds); pp. 263–281.

Steul, Willi

1981 Paschtunwali. Ein Ehrenkodex und seine rechtliche Relevanz. Wiesbaden: Steiner. (Beiträge zur Südasienforschung, 54)

Welchman, Lynn, and Sara Hossain

2007 Introduction. Honour, Rights, and Wrong. In: L. Welchman and S. Hossain (eds); pp. 1–21.

Welchman, Lynn, and Sara Hossain (eds.)

2007 "Honour." Crimes, Paradigms, and Violence against Women. Melbourne: Spinifex Press. [1st Ed. 2005; London: Zed Book]

Anthropology of Art

Indigenous Concepts in Contemporary Art in Guatemala

Gabriela Jurosz

Looking at the anthropology of Guatemala, it seems largely underinvestigated. There are still certain anthropologists out there who look upon the country's indigenous ethnics as people of folklore costumes. The composition of their contemporary society, with its ethnic complexity, seldom becomes the subject of anthropological investigation. Correspondingly, anthropological publications about indigenous art mostly focus on the art of weaving. Yet, it is the contemporary visual art production of these ethnics which condenses ancestral and social values and, therefore, it is of special anthropological interest.

This article is an entry into the discourse of anthropology of art through the introduction to some concepts of indigenous art in Guatemala. I attempt to lay out a spectrum of themes, hoping they would be discussed in further detail, eventually by other authors.

The Development of the Anthropology of Art

Anthropology concentrates on the research of sociocultural, economic, medicinal, archaeological, and linguistic aspects. All of the above have a developed discipline of their own, whereas the anthropology of art as a separate category hardly exists. The young discipline looks back to its beginnings with Franz Boas' 1927 publication "Primitive Art" (Boas 1955). As Adrian Gerbrands states, indigenous art, up to around 1950, has been considered not more than a "style" which was to determine the place and year of origin of an art object (1969: 58). Today, however, this approach is scientifically insufficient. Art is not only "an object with aesthetic and/or semantic attributes ... that are used for representational or presentational purposes," as Morphy and Perkins have cited (2006: 12), although the authors also stress the importance of studying a work of art in its social and cultural context (2006: 16). Since Boas, many anthropologists have recognized that it is necessary to research origin in terms of content; focus should also be set on the social aspects, as represented by the object and its content. The object of art is a vehicle to transport meaning of cultural and social behavior, historic and contemporary.

The first publications on a singular theme about art started to appear in the 1980s. Coote and Shelton, contributing to the beginnings of such writing, suggest that it is necessary to distance oneself from art as an art-lover in order to be able to see art with scientific eyes. One must break with the aesthetic experience to reach an objective point of view (1992: 4 ff.) – an understanding the anthropologist could have learned long before from art historians. The separatist perspective on art of Radcliff-Brown has still impact on contemporary anthropology. Alfred Gell detects the reason for the late entry of anthropology of art into the anthropological field as an overestimated evaluation of art as something almost "religious" (1992: 3) while Robert Layton believes art is being overestimated in its value and is, therefore, "elitist" (1991: 42). As such, he states, art cannot be considered as a subject of anthropological research.

Additionally, the neglect of anthropology of art is a result of the fear to face iconology. Seen in this way, art in addition to being sacrosanct becomes "untouchable." It is the interpretation of art which – despite established art historical "objective" plastic art values – may in reality never be completely objective and which anthropological science may, therefore, prefer to avoid. As such, this cannot be reason enough for ignoring the problem overall. We need to face the time-consuming studies of a