

Interpreting Honor Crimes: The Institutional Disregard Towards Female Victims of Family Violence in the Middle East

Lindsey N. Devers¹

Sarah Bacon²

Despite international efforts to combat violence against women, women in some parts of the Middle East continue to suffer the most extreme form of degradation – honor crimes. These women are also victims of systematic discrimination due to the institutional failure to protect them against violence. This paper explores how the institutional disregard toward perpetrators of honor crimes are rooted in conventional values and policies that are justified by social norms and existing penal codes. Last, the paper will offers areas of further inquiry which could help to understand this phenomenon in terms of gender threat and social control towards women.

Introduction

The killing of female relatives remains “a serious physical threat to Palestinian women” (Human Rights Watch, 2006:48). This threat is a specific manifestation of the larger persistent threats against women in parts of the Middle East. Women who deviate from traditional gender roles are more likely to be subject to informal social regulations because they cross social boundaries that are deemed as taboo in their culture. Fatal forms of social controls towards women, specifically honor crimes, are the result of this subjugation.

This paper will examine honor crimes as a fatal form of social control by which perpetrators are often granted lenient punishment by criminal justice practitioners. We illustrate this by first defining and exploring the scope and prevalence of honor crimes. Then, we present the specific laws and policies towards perpetrators of honor crimes in Jordan, Egypt and other countries. This section will specifically focus on how men and only men are liable to receive more lenient punishments when committing such crimes. Then, we discuss how other agents of the criminal justice system contribute to leniency against male perpetrators. Last, we close with framing this phenomenon within broader sociological and international research concerning gender threat and social control.

While most countries recognize violence against women as an important humanitarian concern, some governments and institutions are in direct conflict with their policies and they continue to invoke gendered laws. Often, these countries do not have institutional policies to put in place to prevent violence against women. As such, enforcing these international standards is often difficult.

For example, The Palestine Authority, though not a sovereign state, has unilaterally committed to abide by international law. Their constitution requires that basic human rights and

¹ Florida State University, Email: lndevers@yahoo.com

² Florida State University, Email: sbacon@fsu.edu

liberties shall be respected and protected, and that the Occupied Palestinian Territories (OPT) will act in accordance with all regional and international human rights declarations and covenants. In addition, the OPT states that Palestinians shall be equal before the law and the judiciary without distinction based upon race, sex, color, religion, political views or disabilities (Human Rights Watch, 2006:83). Yet in their latest report, Human Rights Watch (2006) found that the level of violence against women is actually worsening while remedies to victims are being further eroded.

It appears that while the international community recognizes violence against women as an international humanitarian concern, an effective and sufficient response to this recognition has yet to be realized (Arnold, 2001; Kogacioglu, 2004; Human Rights Watch, 2006; Nesheiwat, 2005; Shalhoub-Kevorkian, 2002, 2005; Warraich, 2005, Warrick, 2005). Several factors contribute to this chasm between rhetoric and action.

First, the extent of the problem has received little international attention. Second, discussions of the intersection of religion and gender are inherently controversial and many avoid them for fear of being labeled ethnocentric. Lastly, because specific countries are apathetic to acts of violence against women, data on the extent and frequency of the problem is inconsistent. Due to the lack of accurate information on honor crimes, theoretical and empirical studies concerning acts of violence against women has been short coming. This paper aims to address both issues by contributing to the awareness of the problem, by offering a discussion that is both critical and fair, and by highlighting further areas of research.

Definitions and Scope of the Problem

The term 'honor crimes' is often interchangeably used with terms such as honor killings, femicide, crimes of tradition or crimes of honor. Although these concepts often overlap, there is not yet a standard definition or agreement of the best term to use (Kogacioglu, 2004). For the purpose of this paper, an honor crime will be defined as the killing of a female, typically by a male perpetrator, because of perceived or actual misconduct of the victim who has dishonored or shamed her family and clan by actually or allegedly committing an indiscretion.

Honor crimes are often understood as a product of a fundamentalist culture that stresses honor and purity of women inside the family unit. Honor, is a concept that defines one's self worth through their behaviors and actions, and whether those behaviors are inline with modesty and cultural traditions of the community. In Islamic communities, family honor is directly linked to the purity and chastity of the daughters within the family unit. Ayaan Hirsi Ali describes this honor in a recent novel, *Infidel*. She describes the importance of honor prior to her excision or the removal of her clitoris (See Al-Hibri, 1997 & 2005; Al-Hibri & El-Habti, 2006). The surgery is common in Islamic countries and it is perceived that the excision will make her pure

In our household, the whole subject of what was between your legs was taboo. I knew what I needed to know about sex, and my mother knew that I knew it. I was a Somali woman, and therefore my sexuality belonged to the owner of my family: my father and uncles. It was obvious that I absolutely had to be a virgin at marriage, because to do otherwise would damage the honor of my father and his whole clan- uncles, brothers, male cousins- forever and irretrievably. The place between my legs was sewn up to prevent it. It would be broken only by my husband. I don't remember my mother ever telling me these things, but I knew them. (2007:72)

When there is a suspicion or actual evidence that a female member of the household has dishonored the family and clan, other mechanism of informal social control can be used to atone for the dishonorable act such as stonings, lashings and forced marriages. Depending on the circumstances of the discretion, murdering the perpetrator (most often the female) can be perceived by the clan as a reputable way to salvage family status and reputation. Subsequently, men in the direct family lineage such as a father, brother, grandfather, or uncle, commit the

majority of honor crimes; victims are most commonly women though sometimes the male adulterer is a victim as well. Male victims of honor crimes are rare and they are typically viewed as collateral victims. That is, men are usually victims of honor crimes only when both the male and female are killed in an act of adultery (Nesheiwat, 2005).

Other perpetrators of honor crimes can include sisters, in-laws, neighbors, and friends. Mothers have been known to commit honor crimes, typically when their intent is to protect the family honor because of their daughter's premarital sexual activity or pregnancy (Khafagy, 2005; Human Rights Watch, 2006). In some cases the female family members act indirectly in the crime because they are encouraged by the head of the household to convince the daughter or sister to return to the family with an assurance that they will not be harmed (Nesheiwat, 2005: 259).

While violence against women remains problematic in many places, honor crimes represent the most graphic illustration of "deeply embedded, society-wide gender discrimination" (Human Rights Watch, 2006:49). In some cases, families target women for honor crimes because they have voluntarily violated the moral code, or because they have been a victim of sexual violence. Rapists are sometimes forced to marry their victim because the purity of the woman has been defiled. Honor crimes are the most common in Islamic countries where honor and purity of women are stressed. They are also the most severe form of social control imposed upon women in these countries.

Honor crimes are seen in countries such as Palestine, Pakistan, Afghanistan, Yemen, Lebanon, Egypt, Turkey, Iran, Iraq, Saudi Arabia, and Jordan. The United Nations estimates that 5,000 honor crimes take place around the world every year (Jamison, 1999). Although Jordan does not report honor crimes as a separate category in crime statistics, the official honor crime rate varies between 20 to 30 deaths per year (Warrick, 2005:325). In Pakistan, an estimated 4,101 honor crimes were reported between 1998 and 2003, including 1,327 male victims, 2,774 female victims, and 3,451 cases registered (Warrick, 2005: 80). Lebanon only had twenty-five reported cases of honor crimes during 1980-2003 (Hoyek, Sidawi, & Mrad, 2005:129). In Egypt, the 1995 report of the Department of General Security cited statistics produced by the National Centre for Social and Criminal Research that of the 843 murders that year, 52 were honor crimes. In 1999, the report's authors found that 10% of murders in Egypt were crimes of honor (CEWLA, 2005:138).

As illustrated above, statistics on honor crimes vary dramatically between countries. Because this crime is underreported in many countries, it is difficult, if not impossible, to accurately estimate the extent of the problem. For example, in many reviews it is often acknowledged that male honor crimes are almost non-existent (Arnold, 2001; Nesheiwat, 2005). However, statistics previously mentioned above illustrate that there were 1, 327 male deaths pertaining to honor crimes in Pakistan. It is also important to note that Pakistan estimates are higher than almost every country. This may be due to underreporting in other countries, or to variations in legal definitions and methods of reporting. While it is beyond of the scope of the paper to delineate these inconsistencies, future research is necessary to address this problem.

Many countries have failed to undertake initiatives to ascertain the rate of violence against women (Human Rights Watch, 2006). Thus, such crimes often go unreported or are disguised and classified as accidents or suicides (Warrick, 2005). For example, in her analysis of honor crimes in Palestine, Shalhoub-Kevorkian (2005:161) found that 86 percent of honor crimes were incorrectly classified as death due to "fate and destiny." Further, despite the full cooperation of the District Attorney, Shalhoub-Kevorkian (2002:584) reports that researchers often had trouble with missing data and ambiguous classifications.

Moreover, the gender of the victim often had to be inferred through the victim's name or by grammatical context when extrapolating data from the documentation available in the district attorney files on "deaths resulting from suspicious circumstances and criminal acts." In addition

to problematic classification systems and local underreporting, statistics on women in Muslim countries are tightly controlled by the governing authorities, making them difficult to obtain when they do exist (Goodwin, 2003). Many observers such as the police and nongovernmental organizations acknowledge that existing data are often unreliable and that most cases go unreported (Human Rights Watch, 2006; Shalhoub-Kevorkian, 2002 & 2005).

Furthermore, even when cases are reported and they make it into the court systems; perpetrators often received relaxed and lenient punishments. In Islamic countries, only men can testify to the court. Thus, courtrooms are dominated by men and because honor crimes are family-focused and are based on fundamental beliefs as to how women should act, theoretically, the caste system prevails (Shalhoub-Kevorkian, 2002). However, more empirical research is necessary to support these arguments. In these countries, there are two types of law: legal law and religious law. Because these crimes are perceived as stemming from familial practice and custom, traditional law often trumps legal law depending on the practitioners. The next section of the paper will illustrate with the available empirical evidence how honor crimes are condoned by the legal and criminal justice system that ultimately favors males and subsequently is discriminatory towards women.

Institutional Discourse

Studies in masculinity and legal practices have demonstrated that there can be a permissible double standard in law and practice, especially concerning issues of sexuality (Brownmiller, 1975; Shalhoub-Kevorkian, 2002). Foucault (1979) argues that the deployment of power and knowledge is facilitated by certain discourses' claim to speak the truth and thus it exercises power in society that values this notion of truth. While Foucault does not analyze the law per se, Smart (1990) uses the law to raise questions concerning the legitimacy and the authority of the law as a base for knowledge and power.

Not only because the central question as to why laws exist has focused on the power of law to occupy a given position in culture, but also because it enacts a range of measures that defines what is right and what is wrong. If the law is objective, then it can have claims to the truth or divine knowledge. However, if the law is gendered or ideological, then it may reflect the power of males in a particular society to objectify the world (MacKinnon, 1982, 1983, & 1987). More important, it seems that fundamentalism, in general, often emerges in male-dominated societies. These societies use the law as a tool to enforce their ideology.

Explanations for how and why law is used range from those who lay claim to law as a reflection of natural justice or divine intervention, to those who see law as a reflection of normative values, or to those who see it as a tool of class interests or uses of a capitalist state. Counter to these explanations, feminists argue that the law is a reflection of male interests or values, and that law is a fundamental part of the patriarchal state (Smart, 1990:195). In addition, law and power dominate forms of knowledge which are specific, gendered and subjective. Thus, law must be perceived through values and norms, rather than as forms of truth or natural justice (Smart, 1990:198). Islamic feminists and modernists argue that law in the Middle East often takes this form (See Beit-Hallahmi, 2004; Euben, 1997; Habermas and Ben-Habib, 1981; Kazemzadeh, 1998; Keddie, 1998; Lawrence 1989; Moaddel, 1998; Moghadam, 2002; Riesebrodt, 2000; Shehadeh, 2003; Shukrallah, 2003; Yamani and Andrew, 1996).

According to scholars of criminal law, Middle Eastern law favors men in cases of honor crimes by granting leniency to *only* men who kill in the name of honor (Arnold, 2001; Nesheiwat, 2005; Shalhoub-Kevorkian, 2002, 2005; Warraich, 2005; Warrick, 2005). While governments often deny the gendered identity of the law, recent amendments to make laws more gender neutral have been underway. However, in practice, this is not always the case.

What is interesting to note is that nowhere in existing penal codes is the verbiage of “honor” included in the actual law, as it is the sole basis for the mitigating excuse and for the social understanding of the creation of the law (Warrick, 2005:326). Different penal codes are encoded in legislation that excuses perpetrators from punishment in certain situations. It is quite often that legislation is proposed in such a way that only men can benefit from these excuses.

Consequently, biases from the law transfer over to the legal system with courts and criminal justice agencies often showing leniency to criminals who commit honor crimes (Human Rights Watch, 2006; Shalhoub-Kevorkian, 2002, 2005). This type of leniency tends to be the most prominent in tribal communities where *muktars*, or tribal heads, are the presiding jurisprudence in that area. *Muktars* are often granted greater discretion in classifying types of crimes and causes of death (Human Rights Watch, 2006; Shalhoub-Kevorkian, 2005). In addition, because of the way that these laws are gendered, judges grant mitigating and extenuating circumstances to perpetrators who commit violent murders against women resulting in light sentences for perpetrators, seemingly justifying the murder and blaming the victim. As long as it can be proved that the victim’s behavior was questionable before the time of death, the justice system had the capability to mitigate punishments for offenders, thereby reinforcing the gender identity and the authority of the law.

Before describing both gendered law and the criminal justice system it must be noted that many countries acknowledge that there are types of homicides, which consider mitigating or exculpating circumstances to reduce punishment for acts of murders. These defenses range from conditions such as justifiable homicides, military murders, military accidents, mistake of fact, protection from others, and varying degrees of first and second-degree murder charges. The idea that murder is justifiable or excusable and whether one is capable of perceiving the depth of harm created by one’s own actions stems from self-defense rhetoric. However, honor crimes are vastly different from these types of homicides considering that they only target specific population young, Islamic women. More so, these crimes are distinct because the honor of the family is the sole cause and justification for the homicide.

Jordanian and Egyptian penal codes are examined to illustrate how law is gendered. Then, criminal justice agencies will be discussed as they relates to the practice of law and how authorities condone lenient punishments for perpetrators. This section explores how both the law and criminal justice system work against rather than for gender equality.

Jordan, Egypt, and Other Middle Easter Penal Codes

Jordan has received much attention for the application of laws that aggravate and mitigate punishment for men who kill women in the name of honor. Many of these laws are applicable not only in Jordan but also in parts of the West Bank and Gaza Strip, because the Palestinian Authority is sectioned off into three distinct territories (Human Rights Watch, 2006:23). While it is not known how often these laws are applied, reducing punishment justifies the crime and reinforces the value that men should be granted leniency. Jordanian (340), Egyptian (237), Syrian (548), and Lebanese (1943) penal codes illustrate the ways in which Middle Eastern law is gendered by providing reductions or elimination of penalties when the victim is female, the perpetrator is a male relative, and the circumstance of the women’s behavior justifies the crime (Warrick, 2005: 326).

1. He benefits from an exculpatory excuse who surprises his wife or one of his female unlawful [*muharim*, a woman related to him by a close enough degree to preclude marriage between them] in the act of adultery with another man and kills, wounds, or injures one or both of them.

2. The perpetrator of a killing, wounding or injury benefits from a mitigating excuse if he surprises his wife or one of his female ascendants or siblings with another in an unlawful bed (Jordanian Penal Code 1961: Article 340 [Warrick (2005), translation])

The first law offers impunity by eliminating punishment. Any male perpetrator who finds his wife in bed with another man may escape punishment. This law was controversial because it potentially violates Article 6 of the Jordanian constitution, which states that Jordanians are equal under the law with equal rights and obligations (Nesheiwat 2005: 275). On the basis of these concerns, this portion of the law was eventually terminated 2001. The second law was retained and a new clause was added providing that a wife who surprises her husband committing adultery could also invoke a mitigating circumstance.

Because of the international attention the law received, gender-neutral changes have been made. However, refusal to eradicate the law in its entirety is still under debate. Furthermore, this change was only made in a form of a “temporary law,” or a law that was enacted while the Parliament was out of session (Warrick, 2005; 328). Thus, this law must be reviewed and ratified by the Parliament when it returns to session. Nevertheless, even if gender neutral entities were revised, these laws only benefit men in practice, since honor crimes are predominately a male on female crime and it is an anomaly for a female to kill her husband.

While Article 340 is quite controversial, it is rarely used as a defense for premeditated honor crimes because it requires the husband to be “surprised” in order to take advantage of the reductions in punishments (Nesheiwat, 2005; Shalhoub-Kevorkian, 2002; Warrick, 2005). It is difficult for men to meet these requirements because the husband must catch the victim in the act, he must commit the crime immediately after the discovery, and the perpetrator must be related to the victim (Nesheiwat, 2005:275). Regardless of whether this law is frequently used, it illustrates how the law is clearly gendered.

However, there are other options (Article 98 or Article 328) if they can not meet these requirements (Nesheiwat, 2005; Shalhoub-Kevorkian, 2002; Warrick, 2005). Article 98 states that

He who commits a crime in a fit of fury resulting from a wrongful and dangerous act on the part of the victim shall benefit from a reduced penalty. (Nesheiwat, 2005: 276)

If the defendant can present evidence showing the victim as acting wrongfully and dangerously, standards for this article make it easier for a man to qualify for reduced punishment. In the cases of honor crimes, the offender was previously convinced that the female has acted precariously or else he would not have killed her. Since 1953, the court has held that a “wrongful or dangerous act,” against a male did not include a dishonorable action, or an illegitimate pregnancy. However, the Jordanian Court of Cassation reversed its position in 1964, and held that Article 98 can be used to complement Article 340 for reductions in punishments since requirements in Article 340 are stringent (Nesheiwat, 2005: 276).

Furthermore, because of the requirements of Article 340, records from Jordanian Cassation Court and three years in the West Bank Court have revealed that honor crimes are most often tried under Article 326 (intentional murder) or Article 328 (unintentional murder) (Shalhoub-Kevorkian, 2002:587). Article 328 states

He who kills a person [un] intentionally shall be punished for fifteen years of imprisonment with hard labor. The one who kills intentionally shall be sentenced to death [however]:

- 1) if the act was committed with a premeditated intention to kill;
- 2) if it was committed as a preparatory method to allow the occurrence of a felony, or to help co-conspirators or provocateurs of such a felony, or to prevent them from being punished; [or,]

- 3) if it was committed against one's antecedents (Article 328)

These circumstances stated above are clearly biased. Moreover, this law will reduce punishment if not completely do away with it for those who commit premeditated murder. According to Article 328, only the male head of the household has the right to invoke these circumstances. Consequently, males are the perpetrators of these crimes and the victim has no rights.

Men understand these possibilities for a reduced sentence for honor crimes under this article because, in most cases of honor crimes, they turn themselves over to the police almost immediately after committing the crime. This is not only to show that the family is honorable, but used as a way for the offender to receive sympathy from the legal system (Shalhoub-Kevorkian, 2002: 592). Not only do men receive leniency from judges, but also the law is consistently misapplied, making the ambiguity of this law confusing among practitioners.

Furthermore, most judges do not enjoy a great deal of discretion when practicing jurisprudence; consequently, decisions are perceived to represent the political interests of the regime and the social force of traditional values (Shalhoub-Kevorkian, 2002: 340). The male exceptions to the existing penal codes illustrate the discriminatory practice of law and the existing gender discrimination held by the institution (Nesheiwat, 2005:275). Discretion of judges also plays an integral part in the Egyptian code.

Men from the Gaza Strip and Egypt can mitigate punishment for murder committed in the name of honor through Article 17 of the Egyptian penal code. This article allows judges to decrease sentences given in the cases of murder when they decide that the condition of the murder requires so. Because the article is vague, judges have some discretion depending on the context of the crime. This will be discussed in further detail next. Thus, the murder of a wife (but not a husband) in the act of committing adultery is categorized as an extenuating circumstance, thereby reducing the murder sentence to the level of a misdemeanor (Human Right's Watch, 2006:25).

Article 274 (Egyptian Penal Law No. 58) imposes harsher penalties for women who commit adultery. A man's act of adultery is labeled as adulterous only *in* the nuptial home, but a wife can be adulterous either outside or inside the marital home, and need not to be discovered by her husband to benefit from this defense (Khafagy, 2005). For adultery, evidentiary standards for punishment are different for men than women. A wife is penalized for two years, whereas a husband is penalized for no more than six months if found guilty of adultery (Human Rights Watch, 2006:25).

In sum, Middle Eastern penal codes are gendered and exist in order for male offenders of intentional and premeditated murder to receive reduced punishment if there is proof of provocation (Shalhoub-Kevorkian, 2002: 587). In addition, these articles exempt men from responsibility leaving women with no options to escape abuse or receive any restitution for their offenders to be rightly punished, leaving the interests of women often on the backburner. Consequently, honor crimes represent a major fear for girls and young women in the Middle East (Shalhoub-Kevorkian, 2005:168). Only one instance of an actual or alleged honor crime within the community may deter future women from acting "deviously," especially when the penalties are losing one's life. Furthermore, if women in the community understand that offenders knowingly turn themselves in to receive compassion from the court system; they must be fearful of being subjected to such family violence.

The course of law is more often political, rather than serving the interests of the greater good. Articles that exist do not only represent struggle for political power within the state, but also in the sociopolitical order; perpetuating the social subordination of genders and challenging the principles of equality, inherent rights and popular sovereignty (Warrick, 2005: 315-317). This is important not only because it maintains existing gender roles but because the legal codes reinforce the status quo. Criminal justice agencies often have the same political objectives as the legal codes. They are discussed next.

Islamic Jurisprudence and the Criminal Justice System

Islamic criminal law is different from Western law. While Western law separates religious law, in Islamic law there is no separation between church and state. The literal translation of Islam means, "To submit to Allah's will" (Wiechman, Kendall, & Azarian, 2007). Therefore, Muslims must obey Allah in all aspects of life, both public and private. Theology controls all aspects of the government, law and religion. Moreover, there are different types of Islamic criminal law. *Shariah*, or Islamic law, relies upon the Qur'an; the *Sunnah* is the composite of teachings of the Prophet Mohammad not included in the Qur'an; the *Ijma* outlines interpretations by religious scholars; and the *Hudud*, *Qiyas* and *Tazir* provide three different classifications of criminal punishment.

The *Shariah* establishes rules of conduct for issues such as personal hygiene, marriage, sexual behavior, divorce, child-rearing, and inheritance (Wiechman, Kendall, & Azarian, 2007 : 3). *Shariah* teaches respect for human life and encourages Muslims not to interfere with other people's lives nor to spy on or speculate about other people's personal affairs (Nesheiwat, 2005:264). Islam is intolerant of falsely accusing others of crimes. More specifically, the Qur'an states that those who make false accusations against chaste women and fail to bring forth witnesses to prove the allegations, shall be lashed 80 times and their testimony shall not be accepted (Nesheiwat, 2005:264). However, in reality this is not always the case.

Criminal punishment under Islamic law is divided into three distinct categories. They are the *Hudud*, (*plural* for *Hadd*) or offenses against God; *Qisas*, crimes of assaults and murder punishable by retaliation; and third, *Tazir*, or an all-encompassing category. The *Hudud* consists of seven crimes, which are specified by the Qur'an. They include adultery and fornication, defamation, drinking intoxicating fluids, theft, highway robbery, transgression and apostasy. These crimes are considered God's restrictive ordinances (Nesheiwat, 2005:264). *Hadd* crimes are taken seriously because they are considered to be a claim of God.

Additionally, because sexual crimes (adultery and fornication) are prohibited in the Qur'an and in custom, there are specific conditions that must be proved in cases of adultery and fornication. Citizens are not allowed to give their own form of punishment for *hadd* crimes (Nesheiwat, 2005:266). Furthermore, it is important to note that non-*hadd* crimes such as homicide, bodily harm and damage to property, are prosecuted civilly and any liability resulting from these crimes is encouraged to be handled privately (Nesheiwat, 2005:266). This is one reason why so many honor crimes are not reported to the police and are not handled in the public arena. When women ask for assistance, they are most often convinced to go back home and to work it out with their family and communities (Human Rights Watch, 2006:74).

Judges

Because of the private nature of these homicides, honor crimes are generally handled in private arenas. If a case goes to court it brings additional shame to those involved because the message is that the matter could not be handled privately. Judges, who are most likely male, are reluctant to intervene in domestic violence conflicts, and at times will informally broker deals in cases of sexual impurity. According to Shalhoub-Kevorkian (2002: 594), there is a strong tendency for the court to believe that the victim is not absolved of guilt. For example, in a case where a man killed his sister because of rumors that she was in an adulterous relationship, the man received a reduced penalty because "the accused sister stabbed his manhood." Rumors and hearsay evidence are commonly used as a factual basis of evidence in honor crimes (Arnold, 2001; Nesheiwat, 2005; Shalhoub-Kevorkian, 2002; 2005). In this specific case, the court sided with the man and justified his criminal act, failing to protect the woman.

Judges' favorable bias toward men is evident in Shalhoub-Kevorkian's interview (2002:595) of a judge who said:

When a man kills another man in a war, you do not consider it a crime, but an act of heroism. When a woman violates the most sacred socio-cultural code, she puts herself in a state of war where there are no winners, and the actor cannot be considered a criminal either.

This statement illustrates how the legal system perceives women as polluting the integrity of law and worthy of punishment when they compromise the “socio-cultural code.” In effect, the legal system defines how the community perceives honor crimes, ultimately reinforcing the status quo that such acts warrant strict punishment. While judges often excuse the offender for committing a homicide against a family member, *muktars* (or village heads) often excuse or even cover up these killings.

While *muktars* are authorized by the Health Code (Law 43, 1996) to issue a death certificate under certain circumstances, in rural areas, *muktars* can circumvent the requirement that the deceased must be examined and pronounced dead by a licensed physician before burial. Interviews with *muktars* suggest that such practices have taken place and may be common (Shalhoub-Kevorkian, 2002: 592). Thus, *muktars* impact how honor crimes are addressed in remote areas by manipulating the cause of death. Furthermore, they also have the discretion to prescribe frequent medical tests to establish virginity, regardless of the psychological stress on a woman. Thus the informal government systems act as autonomous mechanisms and they have no monitoring system to hold them accountable for fixing public documents and regulating sexual allegations.

Prosecutors and District Attorneys

Article 35, Law 9 (1961) states that the job of the prosecutor is to investigate the crime (event, place and time) and he/she is to question the accused and all witnesses holding information that bears on it. Prosecutors must prepare indictments, which must be approved by the District Attorney, listing all evidence that would favor the maximum penalty entitled under the law (Shalhoub-Kevorkian, 2002:593).

However, according to Shalhoub-Kevorkian (2002), in practice, prosecutors are more sympathetic to the perpetrator than the victim. Further, prosecutors often neglect to collect evidence that would support the victim’s case, including available evidence, potential advocates to testify for the victim, and even allowing for the application of Article 98 (reduced sentence for a mitigating circumstance) when certain requirements were not met. Further, judges have often ruled their case in favor of the offender, because prosecutors fail to gather evidence on behalf of the victim (Shalhoub-Kevorkian, 2002:593). Overall, it appears that prosecutors only partially investigate cases of honor crimes. It must be stated that this study is only of a few cases; one must be hesitant to generalize these cases to the entire Middle Eastern criminal justice system. However, it is the most extensive work to date and the conclusions are consistent with other studies (Arnold, 2001; Nesheiwat, 2005; Warraich, 2005, Warrick, 2005).

Police

The few Palestinian females who do make the decision to report abuse to the authorities are often confronted with a series of obstacles that prioritize the reputation of their families over their own health and safety. Instead of ensuring the confidentiality of the case, often times police officers mediate or resolve cases of abuse or sexual abuse at the police stations, such as proposing marriage as a solution. The belief here is that there is no harm or shame in rape if the rapist restores the honor of the victim and her family by marrying her. The head of the police for the West bank and Gaza state that “their goal is to guarantee the women’s interest so that she can get

out of the situation with the least problems,” (Human Rights Watch, 2006:60). Despite this, women are often mocked and degraded at police stations. They are often told that they are liars when they report incidents of violence.

Because of the stigma associated with reporting domestic incidents to criminal justice agencies, victims of violence will sometimes come to the governor’s office in their town to seek protection. Sometimes there will be shelters provided for these women and other times governors ignore their pleas for help. Furthermore, governors sometimes act as brokers between the family members that promise them they will not harm the abused when they return home. Unfortunately, this practice has resulted in the deaths of several women and girls (Human Rights Watch, 2006:73-74). Because of the stigma involved in reporting abusive family members to the government, when sent home, the women may tip the family member over the edge, resulting in her own death.

Reporting Violence in Palestine

Because of the domestic nature of non-*hadd* crimes, Palestinian women rarely report violence to the authorities. According to a Palestinian Central Bureau of Statistics survey of 4,212 households in the OPT conducted in December, 2005 and January, 2006; only a small number of victims of violence sought any form of redress with the Palestinian institutions. Twenty-three percent of women surveyed had experienced physical violence, 61.7 % psychological violence, and 10.5 % sexual violence at the hands of their husbands. Only 1.2 % of the women polled who had experienced domestic violence had filed a complaint against their husbands with the police. Further, less than 1% had sought counseling and protection from the police station (Human Rights Watch, 2006:33).

Despite the fact that the Qur’an denounces vigilante justice, perpetrators of honor crimes continue to be punished lightly for murdering their female relatives. Furthermore, the current conditions of criminal justice agencies that practice Islamic law negatively affect women’s rights by not invoking standards of justice and sympathizing with male offenders. More specifically, governments have failed to create an effective institutional framework to prevent violence against women and girls, punish these abuses when they do occur, encourage victims to report incidents, and have failed to protect those in danger from future violence (Human Rights Watch, 2006:55). Thus, women who need help are forced to endure living with the threat of future violence and often have no avenues to escape.

Discussion

Thus far, honor crimes have been presented as predominately a crime against females which has been perpetuated through gendered law that is inherently discriminatory towards women. To date, the international arena has failed to generate such mass condemnation of such polices. In order for change to occur, what appears to be needed is a combined external and domestic political struggle on behalf of women that ultimately makes honor crimes and the unfair subsequent legal treatment of women shameful for countries to permit (Nadelman, 1990:480; Weldon, 2006).

While this recommendation is rather overzealous, more immediate research is needed to understand the various types of social control that is geared towards women and why these types of controls lead to death. As noted above, the prevalence and frequency of data on such crimes, if available, are often unreliable and inconsistent. Even when it does exist, governments are not always willing to release such data to the public. Overall, most aggregate level data is not available. However, this does not mean that the individual level processes could not be explored so that there could be better understandings of the perceptions and attitudes of those who are deeply embedded in the Islamic tradition and fundamentalism.

Honor crimes are a fatal form of social control and are a result of a broader form of gender threat. These incidents are not isolated phenomenon from other types of fatal controls such as lynchings (See Liska, 1992 and Blalock 1967). Honor crimes and lynchings have quite similar characteristics as a social control mechanism because both mechanisms are fatal types of social control by which the state was limited in their capacity to regulate. Honor crimes like lynchings are an aggregate level measure of social control by which the state does not actively partake in punishing. Furthermore, gender in this context is a specific type of threat because the perception of the immoral behavior is perceived to be antisocial and need of punishment. At the individual level, women who violate these norms are considered a threat the community simply by the fact that they are antisocial or deviant to social mores and norms. At the macro level, because there is a lack of punishment by the state, men receive lenient punishment because this type of crime is seen as a traditional, cultural and familial, rather than an issue of law.

Overall, this type of crime needs to be perceived in the larger context of social control both at the micro and macro level. The first level of inquiry should be to frame this crime within the larger social threat framework and to empirically test how individual predictors of gender threat effect attitudes towards punishment. Once aggregate data becomes available, macro level predictors should be utilized to analyze why men receive lenient punishment for these crimes compared to other crimes of murder. Without empirical evidence of gender discrimination and leniency towards male perpetrators within the criminal justice system, this phenomenon will remain an international and sociological concern.

References

- Ali, Ayann., H. 2007. *Infidel*. Free Press: New York, NY.
- Arnold. K. 2001. Are the Perpetrators of Honor Killings getting Away With Murder? Article 340 of The Jordanian Penal Code Analyzed Under The Convention Of Elimination of All Forms of Discrimination Against Women. *Journal of Gender, Social Policy, and the Law*, 11:2.
- Al-Hibri, A. 2005. "The Nature of the Islamic Marriage: Sacramental, Covenantal, or Contractual?" Pp. 182-216 in *Covenant Marriage in Comparative Perspective*, edited by J. Witte & E. Ellison. Cambridge: Wm. B. Eerdmans Publishing Co.
- (1997). Islam, Law and Custom: Redefininf Muslim Women's Rights: *AM. U. Journal of International Law & Policy*, 12(1):1-44.
- Al-Hibri, A., & El-Habti. 2006. "Islam" Pp. 150-225 in *Sex, Marriage, & Family in World Religions*, edited by D.S. Browning, M.C Green & J. Witte Jr. New York: Columbia University Press.
- Beit-Hallahmi, B. 2004. "The Return of Martyrdom: Honour, Death and Immorality" Pp. 11-34 in *Religious Fundamentalisms and Political Extremism*, edited by L. Weinberg & A. Pedahzur. New York: Routledge.
- Blalock, H. 1967. *Toward a Theory of Minority Group Relations*. New York: John Wiley and Sons Publishers.
- Brownmiller, S. 1975. *Against our will: Men, women, and rape*. London: Secker & Warburg.
- Center For Egyptian Women's Legal Assistance. 2005. "Crimes of Honour' as Violence Against Women in Egypt" Pp. 137-159 in '*Honour': Crimes, Paradigms, and Violence Against Women*, edited by S. Hossain & L. Welchman. London: Zed Books.
- Euben, R. 1997. Premodern, antimodern or postmodern? Islamic and Western critiques of modernity. *The review of politics*, 59:429-459.
- Foucault, M. 1979. *The History of Sexuality, Vol. 1, An Introduction*. London: Penguin.

- Goodwin, J. 2003. *Muslim Women lift the Veil of Silence on the Islamic World*. New York: Plume.
- Habermas, J. & Ben-Habib, S. 1981. Modernity versus Postmodernist. *New German Critique* 22:3-14.
- Hoyek, D., Sidawi, R., & Mrad, A. 2005. "Murders of Women in Lebanon: 'Crimes of Honour' between Reality and the Law" Pp. 110-136 in *'Honour': Crimes, Paradigms, and Violence Against Women*, edited by S. Hossain & L. Welchman. London: Zed Books.
- Human Rights Watch. 2006. *A question of security: Violence against Palestinian women and girls* 18(7):1-100.
- Jamison, L. 1999. *Killing for 'Honor': Legalized Murder*. Amnesty International Organization: Pakistan.
- Kazemzadeh, M. 1998. Teaching the politics of Islamic fundamentalism. *Political Science and Politics*, 31(1):52-59.
- Karabell, Z. 1997. Fundamental Misconceptions: Islamic foreign policy. *Foreign Policy*, 105:76-90.
- Keddie, N.R. 1998. The new religious politics: Where, when, and why do "fundamentalism" appear? *Comparative Studies in Society and Human History*, 40(4):696-723.
- Kogacioglu, D. (2004). The Tradition Effect: Framing Honor Crimes in Turkey. *A Journal of Feminist Cultural Studies*, 15(2):118-151.
- Nadelmann, E. 1990. Global Prohibition Regimes: The Evolution of Norms in International Society. *International Organization*, 44(4):479-526.
- Nesheiwat, F. 2005. Honor Crimes in Jordan: Their Treatment Under Islamic and Jordanian Criminal Laws. *Penn State International Law Review*, 23:251-281.
- Lawrence, B. 1989. *Defenders of God: The fundamentalist revolt against the modern age*. Harper & Row Publishers: San Francisco.
- Liska, A. 1992. *Social Threat and Social Control*. Albany: State University of New York Press.
- Mackinnon, C. 1982. Feminism, Marxism, and the state: An agenda for theory. *Signs*, 7: 515-544.
- , 1983. Feminism, Marxism, and the state: Towards feminist jurisprudence. *Signs*, 8:535- 668.
- , 1987. *Feminism unmodified: Discourse on life and law*. Boston: Harvard University Press.
- Moaddel, M. (1998). Religion and women: Islamic modernism versus fundamentalism. *Journal for the Scientific Study of Religion*, 37(1):108-130.
- Moghadam, V.M. (2002). Islamic feminism and its discontents: towards a resolution of the debate. *Signs*, 27(4):1135-1171.
- Riesebrodt, M., (2000). Fundamentalism and the resurgence of religion: Religions in the disenchanted world. *Numen*, 47(3):266-287.
- Shalhoub-Kevorkian, N. 2005. "Researching a Women's Victimization in Palestine: A Socio-legal Analysis" Pp. 160-180 in *'Honour': Crimes, Paradigms, and Violence Against Women*, edited by S. Hossain & L. Welchman. London: Zed Books.
- , 2002. Femicide and the Palestinian Criminal Justice System: Seeds of Change in the Context of State Building? *Law & Society Review*, 36(3):577-605.
- Shehadeh, L., 2003. *The idea of women under fundamentalist Islam*. University press of Florida.
- Shukrallah, H. 1994. The impact of the Islamic movement in Egypt. *Feminist Review*, 47:15-32.
- Smart, C. 1990. Law's power, the sexed body, and feminist discourse. *Journal of Law and Society* 17(2):194-210.
- Warraich, S. 2005. "'Honour Killings' and the law in Pakistan" Pp. 78-110 in *'Honour': Crimes, Paradigms, and Violence Against Women*, edited by S. Hossain & L. Welchman. London: Zed Books.
- Warrick, C. 2005. The Vanishing Victim: Criminal Law and Gender in Jordan. *Law and Society Review*, 39(2): 315-348.

- Weldon, L. 2006. Inclusion, Solidarity, and Social Movements: The Global Movement Against Gender Violence. *Perspective*, 4(1):55-74.
- Wiechman, D., Kendall, J., Azarian, M. 2007. *Islamic Law: Myths and Realities*. Retrieved from the World Wide Web on February, 8th. http://mulim-canada.org/Islam_myths.htm
- Yamani, M., and Andrew, A. 1996. *Feminism and Islam: Legal and Literary Perspectives*. New York: New York University Press.