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Violence Against Women in Pakistan

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University of San Francisco

Violence Against Women in Pakistan

A Thesis Presented to
The Faculty of the College of Arts and Sciences
Master's Program in International Studies

In Partial Fulfillment
Of the Requirements for the Degree
Master of Arts in International Studies

by
Amina Bath
December 2011

Violence Against Women in Pakistan

In Partial Fulfillment of the Requirements for the Degree

MASTER OF ARTS

in

INTERNATIONAL STUDIES

by

Amina Bath

December 2011

UNIVERSITY OF SAN FRANCISCO

Under the guidance and approval of the committee, and approval by all the members, this thesis has been accepted in partial fulfillment of the requirements for the degree.

Approved:

Advisor

Date

Academic Director

Date

Dean of Arts and Sciences

Date

DEDICATION

To my father.

For stressing the importance of seeking and gaining knowledge.

*For instilling in me the belief that despite societal views, being female did not make me
less than.*

Your faith in my abilities will always surpass my own.

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CHAPTER I

Introduction

“Gender-based violence is the most pervasive and least recognized human rights violation in Pakistan,” reads a manual distributed by the Sarsabz Foundation.¹ According to Sarsabz, gender-based violence “has many forms and shades and is present across all strata. Women are potential victims of violence at every stage of their lives.”² According to data gathered by the Human Rights Commission of Pakistan (HRCP) in 2010, violence against women is a key issue in the country. Approximately 1,790 women were murdered in 2010 and 1,076 of these women were killed by their husbands, fathers, brothers, sons, in-laws and other relatives.³ Not only are these significant numbers, but they also forgo the myriad of cases that are never reported or revealed publicly. The HRCP’s report also makes it clear that violence can take many forms. Nonetheless, the most common type of violence against women in Pakistan is domestic violence, or violence executed by intimate partners.

The findings of the Aurat Foundation, a frontrunner organization in Pakistan targeting issues affecting women, builds on the HRCP’s data. Table 1 (see Appendix) displays the number of cases of violence against women from January through June of 2011.⁴ The table also shows the form of violence and/or its result, as well as the location of the majority of the cases.⁵

¹ Sarsabz Foundation, “Strengthening Local Justice System through Integrated Legal Aid Services,” www.sarsabz.org.

² Ibid.

³ “State of Human Rights in 2010.” *Annual Reports 2010*, The Human Rights Commission of Pakistan. <http://www.hrcp-web.org/Publications/AR2010.pdf>.

⁴ The Aurat Foundation. “Press Briefing: Incidents of Violence Against Women in Pakistan Reported during January to June 2011.” www.af.org.pk.

⁵ However, it is important to note that while the table depicts that the majority of the cases take place in the Punjab province, this does not imply that Punjab is somehow *more* violent than other provinces. This is due only to the fact that that the Punjab province is the largest province in Pakistan with a total of 35 districts.

As this data indicates, violence against women is a widespread problem in Pakistan. The aim of this thesis, then, is to understand violence against Pakistani women in light of Pakistan's history as a nation, Pakistani women's rights, and the relationship between Islam and the state. I will argue that the phenomenon of violence against women in Pakistan has its foundations in the 1947 Partition and eventually came to be affixed to religion and condoned by the state through laws implemented under the banner of Islam.

As such, Chapter Two will provide a general literature review of scholarly work on the topics of human rights, women's rights, Islam, and violence against women in Pakistan. Chapter Three provides historical background on women's rights and movements in Pakistan in connection to its founding principles of democracy and gender equality. In Chapter Four, an in-depth case study of recent incidents of violence against women in Pakistan will be employed as the research method. Chapter Five provides a concluding assessment of the larger meanings gleaned from the findings of this thesis.

Method

An explanation of method is in order to clarify the overall approach of this thesis to the research and data employed. This thesis, in Chapters Three and Four, utilizes secondary sources to provide historical and political analysis of violence against women in Pakistan. The sources in use discuss the 1947 Partition of India, Pakistan's subsequent political agenda and the role of women—as well as Islam—in each of the aforementioned. In choosing to utilize the works of Ritu Menon, Kamla Bhasin, Filomena Critelli, Moon Charania, and Mumtaz and Shaheed—to name a few—the author aimed to make connections between the birth of Pakistan as an independent

nation, Islam, and the violence against women that is so prevalent today. Much of the sources were compiled within the past ten years, and thus, are products of recent scholarship on topics such as: women in Pakistani politics, women and rights in Islam, gender-based violence in Pakistan and, of course, women in the 1947 Partition of India. , This in-depth historical and political analysis of women's rights and issues in Pakistan will illustrate how violence against women has been deeply affected by the policies pursued by those in office in Pakistan since 1947.

In addition, Chapter Four's case study method requires further explanation. A case study consists of detailed analysis the phenomenon being studied (i.e. violence against women in Pakistan) in an effort to make connections between the case being studied and other, larger underlying issues in affect.⁶ According to Bent Flyvbjerg, a case study is “an intensive analysis of an individual unit (as a person or community) stressing developmental factors in relation to environment.”⁷ In accepting the preceding definition, this chapter will present illustrative case studies of gender-based violence in Pakistan to answer the “how” and “why” of violence against women in Pakistan. The incidents relayed are fairly recent, taking place within the last twelve years. Beyond this commonality, every case has in it certain aspects that are not found in the others. The purpose of choosing such cases is to highlight all the different aspects of violence against women and the situations under which it occurs.

Many of the cases studied within this thesis are taken from the Sarsabz Foundation (SF)—a nongovernmental organization, located in the city of Faisalabad,

⁶ Bent Flyvbjerg, “Case Study,” in Norman K. Denzin and Yvonna S. Lincoln, eds., *The Sage Handbook of Qualitative Research*, 4th Edition (Thousand Oaks, CA: Sage, 2011), 301.

⁷ Flyvbjerg, 301.

Pakistan, working to create a democratic and equalitarian society.⁸ SF utilizes qualitative, participatory and applied social research to produce evidentiary material on good governance, political participation, gender justice and social development.⁹ Hence, those case studies put forth in this thesis that have been acquired from SF are actual cases the organization has worked on and, subsequently, formulated into succinct summaries for use in data and funding. Thus, Chapter Four further puts forth those case examples, along with an in-depth analysis of their links to the larger historical and political situations in which they emerge. Further, in addition to the questions of “how” or “why,” this chapter aims at making connections between violence against women and the relationship between Islam and the state in Pakistan. Consequently, each case will be analyzed in its minutiae to address the larger implications of such occurrences. This analysis will address how and why the shifting dynamics between the state and the religion have played a critical role in condoning violence against women.

⁸ Sarsabz Foundation, “Capacity Statement,” ed. June 2011. www.sarsabz.org.

⁹ Ibid.

Chapter II

Literature Review

It is not possible to discuss violence against women, particularly in Pakistan, without taking into account a myriad of contextual factors that highly influence the realities faced by women. A growing body of scholarly work on the issue of violence against women in Pakistan has aimed to understand its characteristics, causes, and effects. The following review of this literature will cover major works speaking most directly to the topics at hand. This review will begin with the broader field of universal human rights, then proceed to look into women and rights in Islam and Muslim countries, followed by historical foundations and violence against women in Pakistan, and finally works on the approach commonly used in addressing issues affecting Muslim women.

As a Muslim country and signatory of the United Nations' (UN) Universal Declaration of Human Rights (UDHR, 1948) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), Pakistan is an interesting site for examining the application of human rights in Muslim countries. Since Pakistan has signed the UDHR, it presumably pledges to uphold the tenets of the UDHR. Also of concern is Pakistan's history as a Muslim country that has on and off enacted laws purported to be "Islamic," especially with respect to women. In addition, violence against women—its foundations and the forms it takes— is also deeply embedded in this project. As discussed previously, in order to understand why violence against women is so pervasive in Pakistan today, it is important to comprehend not only the foundations of this phenomenon, but the larger field of gender-based violence (GBV) in Pakistan.

Universal Human Rights—Women's Rights, and the Rights of Women in Islam

The "universality" of human rights was established with the inception of the UDHR. With the enactment of this declaration, for the first time, states were called upon

to unite in accepting and securing human rights. Many have sought to contest the idea that the contents of the UDHR are *universal*. Indeed, there are outright opponents, staunch supporters and then those who fall in an all-together different category where supporters are able to look through a critical lens and advocate for change. This call for revision truly came to head when the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979). Countries which ratified or ceded to the treaty were bound by international law to ensure the equality of men and women within their legal systems—while at the same time abolishing any laws discriminatory toward women—and create institutions that would maintain the policy of equal treatment.¹⁰ Consequently, scholars such as Sally Engle Merry, who falls in the latter category, argue that despite these advances of the United Nations and human rights law, violence against women is still widely prevalent throughout the world.¹¹ The problem, she argues, is a disjunction between what she calls the “legal” and the “local.”¹² Implementation at the local level becomes faulty when human rights regulations, as put forth by documents like the UDHR and CEDAW, fail to translate into local terms and exist within the local framework.¹³

Likewise, David Hollenbach argues that human rights, via the UDHR, are universal. And, as some of these rights relate specifically to women, they can be dubbed “women’s rights.” Furthermore, despite the differences in culture and religion,

¹⁰ UN Women, “Convention on the Discrimination of all Forms of Discrimination Against Women,” <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>.

¹¹ Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (London: The University of Chicago Press, 2006).

¹² Merry, 1-35.

¹³ Ibid.

Hollenbach argues that most people can agree at least on upholding human dignity by refraining from oppressing, enslaving and starving people.¹⁴ Similar to Merry, he pushes for an understanding of religious and social-cultural norms and shaping strategies to suit a particular people. International human rights law (and its subsequent application), as Merry writes, will be more effective when there is an understanding of the innate differences between peoples.

One of these vital differences that cannot be overlooked is religion. The debate on the implementation of human rights laws is overshadowed by the quite popular debate on the so-called “incompatibility” of human rights and Islam. However, in looking at this very same perceived “clash” between religion and human rights, Javaid Rehman argues that the message of Islam is not, indeed, adverse to human rights.¹⁵ While the tenets of Islam may lead to inconclusiveness in this regard, Rehman argues, it is this very same ambiguity that allows for flexibility in the forging together of human rights and religion. According to Khaleel Mohammed, it is not that Islam necessarily lacks values adherent to human rights, but that the misinterpretations and misconceptions fail to acknowledge these values.¹⁶ Islam is not without its problems, and these problems will not go away unless there is change. A major challenge cited by Mohammed is that those with the

¹⁴ David Hollenbach S.J., “Human Rights and Women’s Rights,” in *A Just and True Love: Feminism at the Frontiers of Theological Ethics, Essays in Honor of Margaret A. Farley*, edited by Maura A. Ryan and Brian F. Linnane (Notre Dame: University of Notre Dame Press: 2007), 60.

¹⁵ Javaid Rehman, “Conflicting Values or Misplaced Interpretations? Examining the Inevitability of a Clash between ‘Religions and ‘Human Rights,” in *Does God Believe in Human Rights? Essays on Religion and Human Rights*, Eds. Nazila Ghanea, Alan Stephens and Raphael Walden (Boston: Martinus Nijhoff Publishers, 2001).

¹⁶ Khaleel Mohammad, “A Muslim Perspective on Human Rights,” *Society*, (January/February 2004).

authority to bring about this change will not take into consideration the works of female scholars such as Riffat Hassan and Asma Barlas whose voices are necessary for success.¹⁷

Hassan and Barlas look specifically at women and rights in Islam. In “Women’s Readings of the Quran,” Barlas argues that Islam considers women to be equal to men.¹⁸ In its early days, Barlas writes, Islam provided women with rights and privileges equal to that of men. Over the years, however, this Islam has changed from a religion of equality to one that was misogynistic. And Muslim women were unable to combat the unjust treatment put upon them in the name of Islam because they did not have access to the tools necessary for critical analysis.¹⁹ Likewise, Hassan looks to the creation story of Adam and Eve to argue that there is no solid proof that one was created before the other, or that Eve was—as is accepted in the Judeo-Christian belief—solely responsible for “the Fall.”²⁰ She further argues that because men and women were created equal by Allah, they cannot, in any way, become unequal over time.²¹ She notes a discrepancy between “Islamic ideals and Muslim practice.”²² Hence, those laws that were enacted under the cloak of “Islamization” in Muslim countries reinforced this supposed inequality and led to misogyny, are now being critically viewed by Muslim women as tools of oppression. Looking specifically at Pakistan, Hassan states that during the time of Pakistan’s

¹⁷ Mohammed, 35.

¹⁸ Asma Barlas, “Women’s Readings of the Quran,” *The Cambridge Companion to the Quran* Ed. Jane Dammen McAuliffe (New York: Cambridge University Press, 2006).

¹⁹ Barlas, 260.

²⁰ Riffat Hassan, “The Issue of Woman-Man Equality in the Islamic Tradition,” in *Women’s and Men’s Liberation: Testimonies of Spirit* ed. Leonard Grob, Riffat Hassan and Haim Gordon (New York: Greenwood Press, 1991).

²¹ Hassan, 70.

²² Hassan, 68.

“Islamization” in the late 1970s, not only was there the emergence of anti-women legislation, but misogynistic literature swept across the nation.²³

Pakistani Women Securing Human Rights

Looking more closely at Pakistan, it is helpful to turn to the work of Filomena Critelli on the actions women’s groups (such as Dastak) are taking to address gender-based violence (GBV) in their state.²⁴ Critelli asserts that Pakistani women are not bystanders in the movement to end GBV, they are in the middle of the action, vying for change. They are utilizing a human rights framework, she states, and it is one that takes into account their unique cultural, social and political realities.²⁵ She concludes:

Women’s organizations such as Dastak have played a critical role in the global effort to counter gender violence. In Pakistan, their work is crucial given the absence of concerted governmental effort to document the prevalence of violence against women and lack of political will and appropriation of resources to address the issue.²⁶

Women activists in Pakistan are utilizing the principles of the UDHR and the CEDAW by shaping them to conform with their own ideals and beliefs and still gain the same result: an end to GBV.

Anna King, on the other hand, argues from a different perspective, but does come to the same conclusion—if in a roundabout way. She states that Muslim feminists emerging from the Muslim world are embarking on a type of jihad against social

²³ Ibid.

²⁴ Filomena Critelli, “Women’s Rights=Human Rights: Pakistani Women against Gender Violence,” *Journal of Sociology & Social Welfare* 37, no. 2 (2010).

²⁵ Critelli, 136-137.

²⁶ Critelli, 153.

injustice.²⁷ Nonetheless, her premise is not in line with that of other scholars mentioned in this review, and her focus is not the women who are truly affecting the change, but the likes of Irshad Manji and Ayaan Hirsi Ali, both notorious for their sweeping anti-women presumptions about Islam.

Violence against Women in Pakistan and its Foundations

Studying another important historical backdrop for violence against Pakistani women, the work of Ritu Menon and Kamla Bhasin offers women's perspectives on the Partition of 1947 and the foundations of gender violence.²⁸ Their book *Borders and Boundaries* only strengthens Merry and Hollenbach's premise with regard to knowing, and thus allowing, people to work in tandem with the particularities of their locale. Menon and Bhasin argue that in order to fully comprehend the complexities of the Partition—it is vital to examine the experiences of women. Their feminist reading focuses as much—if not more—on the first hand accounts of Muslim, Hindu and Sikh women as it does on governmental documents and prior historical scholarship. They state that the violence which began with the mass migration of Muslims to Pakistan and Hindus and Sikhs to India sparked—above all else—gross violence against the “honor” of the male: the Hindu, Muslim and Sikh female. The best way to target and injure a man, Menon and Bhasin write, was to dishonor him via a female family member (wife, daughter, mother, sister, etc.). In order to protect the honor of their families, thousands of women committed suicide, and families killed those who did not choose this route.²⁹

²⁷ Anna King, “Islam, Women and Violence,” *Feminist Theology* 17, no. 3 (2009).

²⁸ Ritu Menon and Kamla Bhasin, *Borders and Boundaries: Women in India's Partition* (New Delhi: Kali for Women and Women Unlimited, 2004).

²⁹ This practice, inadvertently, giving rise to the “honor killings” of present day. Consequently, Dr. Riffat Hassan created *The International Network for the Rights*

Perhaps most significant to the premise of this thesis, however, is the connection Menon and Bhasin make between extreme forms of pre-Partition violence against women and the more commonplace abuse that women deal with on a more daily basis in today's Pakistan.³⁰

Moving to the contemporary era, Zafar Hilaly finds that over sixty years after independence, at least eighty percent of Pakistani women experience domestic violence—while one in three is a victim of rape.³¹ This type of abuse is so commonplace Hilaly states, that Pakistan (as of June 2011) has been ranked 152 out of 156 countries on the gender empowerment measure. Instead of observing a decrease in acts of violence against women in light of recent legislation protecting women, it is only becoming more widespread. Critelli echoes Hilaly and links the pervasiveness of GBV to the absence of economic independence and empowerment.³²

It is this very same commonplace violence and abuse that Adeel Khan and Rafat Hussain—as well as Sarfraz Khan and Mirza Rizwan Sajid—elaborate upon in their respective pieces. Khan and Hussain state that a number of studies on violence against women in South Asia concur that violence is “associated with hierarchical and inequitable gender relations.”³³ Similar to Menon and Bhasin, Khan and Hussain argue that there is a strong link between cultural beliefs and norms and domestic violence.

of Female Victims of Violence in Pakistan in 1999 to establish a network in which to address and assist in ending this endemic (<http://ecumene.org/INRFVVP/background.htm>).

³⁰ Menon and Bhasin, 40.

³¹ Zafar Hilaly, “The Dismal State of Women in Pakistan,” *The Express Tribune*, June 22, 2011.

³² Critelli, 242.

³³ Adeel Khan and Rafat Hussain, “Violence against Women in Pakistan: Perceptions and Experiences of Domestic Violence,” *Asian Studies Review* 32 (2008), 239.

They state that the cultural beliefs surrounding family honor are inexorably linked to the chastity of women, the custom of giving dowry, and discriminatory laws. All of these factors come together to create an environment of structural disadvantage that is only aggravated by the state—further obfuscating the GBV problematic and making the victims of such violence more susceptible to it.³⁴ Khan and Hussain conclude that domestic violence is an escalating problem that needs addressing at all levels. Refusal at the state level only exacerbates the issue, reinforcing the reluctance many women feel about openly speaking about their situation.

Khan and Sajid differ from Khan and Hussain in that they narrow the range of their project to look at rural cases. Nonetheless, their proposition is very much the same. They argue that there are numerous factors to blame for the pervasiveness of domestic violence in Pakistan: notions of male-superiority, government indifference, and the additional element of the joint-family system.³⁵ Surprisingly, much of the violence against women within the home is propelled by in-laws. As Khan and Hussain also point out, more often than not, the mother-in-law is responsible for second-handedly inflicting violence—thus perpetuating the cycle of violence.³⁶ Women who have experienced domestic violence are later prone become indirect perpetrators. Khan and Sajid further

³⁴ Khan and Hussain, 240.

³⁵ Sarfraz Khan and Mirza Rizwan Sajid, “Violence Against Women in Pakistan: A Case Study of Wife Battering in Rural Gujrat, Pakistan,” *World Applied Sciences Journal* 12, no. 11 (2011), 2168.

³⁶ Ibid.

state that religion is also misused in an effort to justify violence in rural Gujrat.³⁷ This aspect is not, however, limited to just that geographical location.³⁸

Approaching the topic of Violence Against Women: Domestic Violence in Pakistan

Accordingly, in looking at issues affecting women, especially women in developing nations, it is vital to restrain from utilizing rhetoric that succeeds only in victimizing the female. This rhetoric is one in which the subject (in this case the Pakistani woman) ceases to be seen and accepted as an agent and hence evokes feelings of pity and cultural superiority in relation to the victimized “other.” The author—while not claiming any expertise—hopes to exercise the utmost caution and care not to view Pakistani women as faceless, helpless beings or contribute to epistemological violence in the process of studying them.

³⁷ Khan and Sajid, 2169.

³⁸ Violence against women—on a larger scale—in Muslim countries is often connected to Islam. This is a baseless assumption. Islam neither dictates nor promotes violence against females. As Kamran Pasha writes: “To those who know little about Islamic history, it may sound laughable to assert that Islam began as a proto-feminist movement. But it's true” (Kamran Pasha, “‘Honor Killings’ and Islam,” *The Huffington Post*, February, 19, 2003, World Section). Perhaps it was due to the myriad of rights *denied* to the women in Arabia at the time that one of the most important aspects of Islam came to be women’s rights. As Islam entered into the picture, the foremost goal of the Prophet—and the very few number of people that had accepted Islam thus far—was to educate those who would listen on this subject. “One of the first Arab practices he [Prophet Muhammad] outlawed was female infanticide. Pre-Islamic Arab men would bury alive unwanted baby girls in the desert, a horrific tradition that Prophet Muhammad ended forever. There is a powerful scene in the Holy Qur’an depicting Judgment Day where the souls of all the girls who were slain would rise and confront their fathers, asking the men: ‘For what crime did you kill me?’ And then their fathers would be flung into Hell. It is a vivid image meant to inculcate the true horror of such crimes...” (Ibid.)

The Lasting Effects of Colonialism

The phenomenon of victimizing women (or men) who are perceived to in some way be different than oneself (especially with regard to the East/West dichotomy) has its roots in colonialism. Despite colonizers' obvious physical withdrawal from their colonies in the twentieth century, the ideas and sentiments ensconced during that era still exist in certain scholarly writings. The late Edward Said, in his renowned 1978 book *Orientalism*, articulated this sensation simply as neophyte explanations—by outsiders—of a particular region (in his case, the Middle East) shaped significantly by attitudes of imperialism. European imperialist attitudes included assumptions of cultural superiority and a strong belief in the need for “civilizing the uncivilized.”³⁹ This concept was utilized to justify European imperialism in the 18th and 19th century, and was believed to have been abolished along with imperialism and colonialism. However, the notion of other women as helpless and oppressed continues to appear in contemporary discourses about Muslim women: a Western desire to “help,” to aid the women, children, and minorities of such nations, and to secure their “rights.” Indeed, there remains no shortage of Americans and Europeans wanting to “do their part,” “give back” and help these women escape their victimization from “behind the veil.”

Western feminists, too, have fallen into this trap when it comes to women of developing nations. Discussions of human rights violations—like the present topic of violence against women in Pakistan—have led many United States scholars and feminists to call upon the government to take definitive action in assisting third-world women. In critically analyzing the reasons behind the U.S occupation of Afghanistan, Charles

³⁹ Haroon Khalid, “An Introduction to Edward Said’s *Orientalism*: 1994. <http://www.renaissance.com.pk/FebBoRe2y6.htm>.

Hirshkind and Saba Mahmood write of U.S feminist organizations as early as 1999 embarking on a mission to “save third-world women.”⁴⁰ It was, perhaps, one of the very rare times all different groups—feminists, Republicans, Democrats, and the military—came together to unite in one cause: saving the Afghani women from the burqa enforcing Taliban.⁴¹ The overt mission of Operation Enduring Freedom was to get Afghani women literally and figuratively to lift the veil and come out into society. Nonetheless, the mission failed because many women did not want to remove the burqa as it was an article of clothing worn by women in the region. What did alter drastically upon U.S occupation was the decrease and, eventually, outright halt in the availability of necessities (i.e. food, clothing, etc.) for women and children. Most ironic, however, was the spike in violence against women. Where women were once safe to leave their homes without the fear of harassment and/or rape, they were no longer able to do so. Much of this situation resulted from the fact that the U.S felt secure that its involvement was the best thing for Afghan women.⁴²

Likewise, Laila Lalami writes about the pitying feelings Muslim women inspire in Western hearts. This concern, she argues, is reserved solely for Muslim women and their “plight,” never for Christian or Jewish women residing under the same circumstances. Further, as Lalami argues, this type of behavior is too often greeted with wary and outright suspicious responses in the Muslim world. Muslim women have become enigmas, never ceasing to puzzle because of their failure to seek assistance. Lalami

⁴⁰ Charles Hirshkind and Saba Mahmood, “Feminism, the Taliban, and Politics of Counter-Insurgency,” *Anthropological Quarterly* 75, no. 2 (2002): 339-41.

⁴¹ Ibid.

⁴² Hirshkind and Mahmood, 345-346.

writes that it is difficult for Western thinkers to fathom why Muslim women do not look to the West for help in subverting all forms of “backward” thinking.⁴³

Like Lalami, Shabana Mir asserts that not only do Muslim women *not* need saving, but they themselves have been taking risks in some ways far surpassing those of their Western counterparts for quite some time.⁴⁴ While indifference to their situation is not the answer, Mir argues that commandeering will not and cannot work. Contrary to popular belief, Muslim women know what is best for themselves; Mir urges humility and an acceptance of solutions that do not always come from this part of the world. Lila Abu-Lughod echoes these sentiments, arguing that there is no need to “save” because this can only lead to more violence and feelings of superiority.⁴⁵ By falling subject to this type of thinking, Muslim women fail to be accepted as equals and are viewed as less than.

Likewise, the breadth of work surrounding the topics of women’s rights (within human rights) and in Islam, violence against women and, more specifically, violence against women in Pakistan is quite large. Needless to say, gender violence is a global problem, prevalent not only in the Third World, but the First World as well. It is a mistake to assume that in the case of Pakistan, such violence is uniquely widespread solely due to religion (as is often the assumption with Muslim countries). This is a gross over-simplification of the issue and completely overlooks the relationship between Islam and other root causes, as well as the diversity and flexibility of Islamic thought.

⁴³ Laila Lalami, “The Missionary Position,” *The Nation*, June 19, 2006, <http://www.thenation.com/doc/20060619/lalami>.

⁴⁴ Shabana Mir, “How Not to Rescue Muslim Women,” January 24, 2008, www.religiondispatches.org/archive/sexandgender/26/how_not_to_rescue_muslim_women.

⁴⁵ Lila Abu-Lughod, “Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and its Others,” *American Anthropologist* 104, no. 3 (2002): 92-111.

Thus, the study at hand will approach the issue of violence against women in Pakistan with the understanding and belief that Pakistani women have themselves been working actively to put an end to all forms of violence against women. Further, this thesis does not endeavor to provide solutions. Utilizing an approach encompassing the arguments discussed above, the author aims to contextually analyze the phenomenon of violence against women: its historical foundations, its causes and its effects.

CHAPTER III

History and Background

The history of Pakistan is essential to fully comprehending the issue of violence against women in Pakistan. According to Human Rights Watch, some 70 to 95% of women in Pakistan experience domestic violence, and such rates of frequency do not surface overnight.⁴⁶ Violence against women has its roots in the tumultuous time before, during, and after the birth of Pakistan. Likewise, the 1947 Partition of India (resulting in the creation of Pakistan as a state for Muslims) as well as the lasting effects of the country's experience of colonialism have played a pivotal role in how Pakistan has defined Islam in its legal and political spheres, especially with regard to women.

Pre-Pakistan

According to Imran Munir, the partition of India in 1947 “was one of the bloodiest upheavals in human history, during which more than 10 million people crossed the border between India and Pakistan, and more than 200,000 were butchered on both sides of the divide.”⁴⁷ People were on the move as early as 1946, and Muhammad Ali Jinnah—then leader of the All-India Muslim League—urged the prudence of devising “some mechanism for their smooth and safe transit.”⁴⁸ However, nothing of the sort was constructed. Indeed, as Yasmin Khan argues, “partition was loftily imposed from above.”⁴⁹ British leadership went forth with plans to divide the nation without thought to how such a plan would be carried out, or what affect it would

⁴⁶ Human Rights Watch. “Crime or Custom? Violence Against Women in Pakistan,” *Women’s International Network News*, Winter 2000, 39.

⁴⁷ Imran Munir, “From Independence to Fundamentalism: Pakistan’s Search for Identity,” *Critical Asian Studies* 39, no. 4 (2007): 617-618.

⁴⁸ Ritu Menon and Kamla Bhasin, *Borders and Boundaries: Women in India’s Partition* (New Delhi: Kali for Women and Women Unlimited, 2004), 33.

⁴⁹ Yasmin Khan, *The Great Partition* (Yale University Press), quoted in Susan Williams, “Chasms and Cataclysms.” <http://www.independent.co.uk/arts-entertainment/books/reviews/the-great-partition-by-yasmin-khanbrindian-summer-by-alex-von-tunzelmann-460879.html>.

have on citizens. No one person from the British envoy—namely Lord Louis Mountbatten, last British viceroy of India—stopped to really ponder *how* such a great divide could be implemented in the best way. Mountbatten announced on June 3, 1947 that the British would hand over power to the new Pakistani and Indian leadership in a mere six weeks.⁵⁰ This announcement created frenzy amongst the people. There was confusion about where the country was to be divided, where the borders would lie and, most importantly, where people were to go. Not surprisingly, clarification came slowly, resulting in mass violence in the ensuing chaos. Power was transferred too quickly and the process was not at all well thought out.⁵¹

The Partition also came with certain inequalities between India and Pakistan. The border was only one of the many areas that would fall in India's favor; more fertile land was to remain Indian Territory, whereas the less irrigable portion was allotted to Pakistan. One Pakistani official recalled: "State property was divided and a rule of thumb agreed, by which 80 per cent [of land] went to India and 20 per cent to Pakistan."⁵² The army, too, was never equally divided and India inherited the highly trained British Indian Army. Indeed, the Partition did not leave Pakistan the tools on which to build a prosperous nation. Consequently, aside from an independent Muslim state, Pakistan had few benefits to offer its new citizens.

⁵⁰ Susan Williams, "Chasms and Cataclysms." <http://www.independent.co.uk/arts-entertainment/books/reviews/the-great-partition-by-yasmin-khanbrindian-summer-by-alex-von-tunzelmann-460879.html>.

⁵¹ Alistair Lawson, "Partitioning India Over Lunch," *BBC News*, August 10, 2007, South Asia sec.

⁵² Susan Williams, "Chasms and Cataclysms." <http://www.independent.co.uk/arts-entertainment/books/reviews/the-great-partition-by-yasmin-khanbrindian-summer-by-alex-von-tunzelmann-460879.html>.

Radha Kumar writes: “Partition...has its own sordid history, not arising as a means of realizing national self-determination, but imposed as a way for outside powers to unshoulder colonies or divide up spheres of influence—a strategy of divide and quit.”⁵³ In the case of Pakistan, the “strategy of divide and quit” was more a strategy of divide in favor of India, and then quit. The British were known, in all of their colonies, to utilize a tactic of favoritism. This worked very well in creating divides amongst the colonized, as was the case in India. The effects of being colonized alone are resounding; the effects of being the “lesser” of those being colonized are even greater. Those Muslims who became a part of the newly minted nation of Pakistan were carrying with them aftereffects of this strategy.

It is to these consequences of British colonialism that Moon Charania attributes Pakistanis’ mobilization of Muslim identity. Charania writes:

The increased presence of Islam in the cultural context of Pakistan can be first attributed to the repercussion of colonization. In trying to overcome the cultural dislocation experienced under colonial rule, former colonial states are in the process of reasserting their ‘own’ identities and cultures.⁵⁴

In the case of Pakistan this “reassertion” focused on Islam, resulting in particular consequences for Pakistani women, as discourse on the status and rights of women in Pakistan has always invoked Islam.

⁵³Radha Kumar, “The Troubled History of Partition,” in *Decolonization: Perspectives from Now and Then*, ed. Parnajit Daura (New York: Routledge, 2004), 163.

⁵⁴ Moon Charania. “Untangling Accusations of Western Conspiracy: Pakistani Women’s Activism, Crisis of Legitimization and New Forms of Resistance,” *American Sociological Association*, 7.

Pakistan as a State

As it stands today, Pakistan is bordered by China on the north, India on the east, and Afghanistan and Iran on the west. It encompasses four provinces: Punjab, Sindh, North West Frontier Province and Balochistan—in addition to the Federally Administered Tribal and Northern Areas and Azad Jammu and Kashmir. There are approximately seven different ethnic groups existing within Pakistan: Punjabi, Sindhi, Pashtun, Baloch, Muhajir, Saraiki, and Hazara.⁵⁵ Figure 1 (see Appendix) illustrates the geographic location of the aforementioned groups in Pakistan. Ninety-seven percent of Pakistan's citizens are Muslims. Of those, 77% are Sunni and 20% are Shia. The remaining 3% consist equally of Hindus, Christians and other religions.⁵⁶

Despite the fact that Pakistan has been predominantly Muslim since its inception, and that it was a nation “created” for Muslims, the mantra of its founding leader, Jinnah, was to build a nation that was both secular and democratic. He envisioned a nation that would be a safe haven for *all* its citizens, Muslim and non-Muslim alike, one that would be a “forward-thinking modern secular nation-state.”⁵⁷ Muhammad Ali Jinnah asserted that the citizens of Pakistan were free to choose their faith and places of worship, as these choices were to be completely separate from the affairs of the state.⁵⁸

According to Akbar Ahmed, “Jinnah envisaged a country that would foster human rights, women's rights, minority rights and the rule of law.”⁵⁹ Prior even to the

⁵⁵ U.S. Department of State: Diplomacy in Action. “Background Note: Pakistan.” <http://www.state.gov/r/pa/ei/bgn/3453.htm>, October 6, 2011.

⁵⁶ Ibid.

⁵⁷ Filomena M. Critelli, “Beyond the Veil in Pakistan,” *Journal of Women and Social Work* 25, no. 3 (2010): 237.

⁵⁸ Ibid.

⁵⁹ Akber Ahmed, “The Villain of Partition,” *New Statesman Ltd.*, August 23, 2010.

creation of Pakistan itself, Jinnah was known to be quite vocal in this regard. He was a firm believer in securing rights for minorities: “It is a crime against humanity” Jinnah stated in 1944, “that our women are shut up within four walls as prisoners. There is no sanction anywhere for the deplorable conditions in which our women have to live. You should take your women along with you as comrades in every sphere of life.”⁶⁰ During Jinnah’s time, not everyone was ready to accept his vision and goals for Pakistan. The nation was divided both literally (East and West Pakistan) and figuratively (some in Pakistan were never in favor of the division because of their support for a united India under Gandhi and consequent opposition to Jinnah’s leadership). Much of Jinnah’s time was spent appeasing dissidents in different provinces.⁶¹ Instead of paving the road to the prosperous future he so wanted for Pakistan, Jinnah was forced to travel from region to region urging citizens to realize that they all shared a common goal and that uniformity was necessary for success. His cries landed on deaf ears, and before he could make any progress—Jinnah was gone. On September 11, 1948, only a short time after gaining the much-coveted independence, Jinnah passed away, leaving the newborn country in disarray.⁶²

Pakistani Women and the Push for Equality

A few months later, Pakistan’s Constituent Assembly produced the “Objectives Resolution” stating “the future constitution of Pakistan was to be based on principles of

⁶⁰ K. Mumtaz and F. Shaheed, “Women of Pakistan: Two steps forward, one step back?” (London: Zed Books), quoted in Filomena M. Critelli, “Beyond the Veil in Pakistan,” *Journal of Women and Social Work* 25, no. 3 (2010): 237.

⁶¹ Lawrence Ziring, *Pakistan: At the Concurrent of History* (Oxford: Oneworld Publications, 2003), 50.

⁶² Ziring, 51.

democracy, freedom, equality, tolerance and social justice as enunciated by Islam.”⁶³ Discourse began on what would constitute the “role” of Islam, and subsequently, the “acceptable” place for women within society. This debate garnered public attention and came to the forefront in 1955 when then Prime Minister Muhammad Ali Bogra took a second wife. Reactions varied amongst the elite women of Pakistan. Organizations such as the All Pakistan Women’s Association (APWA), the women’s branch of Anjuman-e-Taraqqi-e-Urdu, and the League for the Rights of Women (which was formed solely in response to Bogra’s polygamous marriage) rallied stalwartly on behalf of the “first wives” of Pakistan. Likewise, women in East Pakistan (present-day Bangladesh) pushed for a complete abolition of the practice while their counterparts in Lahore and Quetta took to the media to vocalize their vehement displeasure.⁶⁴ In response to these mass protests, the prime minister publicly announced that his first wife would continue to receive equal treatment and was free to act in her own best interest. He also stated that a commission would be formed focusing solely on reforming Pakistan’s marriage and family laws.⁶⁵

As Sarah Ansari argues, polygamy was not a common practice of Pakistanis at that time. Still, it fell within the murky waters between “state” and “religion,” and questions arose regarding its jurisdiction. Bogra’s polygamous marriage became the “pole” around which Pakistani women rallied. This incident had an over-arching impact, raising key questions such as: What were the rights of Pakistani women? Should the

⁶³ Sarah Ansari, “Polygamy, Purdah and Political Representation: Engendering citizenship in 1950s Pakistan,” *Modern Asian Studies* 43, no. 6 (2009): 1422.

⁶⁴ Ansari, 1428.

⁶⁵ Ansari, 1429.

state define marriage and family laws, or Islam? Ultimately, Pakistani state law would go on to define Islam in very rigid and narrow terms, reflecting the ideology of those in office at the time.

Pakistan's first true constitution was enacted in 1956. Unlike other nations where women struggled to obtain the vote, Pakistani women held it from the start. Female participation in the Constituent and legislative assemblies was also quite unique. While these women were, indeed, from well-established, elite political families, their work and successes benefited all Pakistani women. The two female members of the Constituent Assembly (Begum Jahanara Shahnawaz and Begum Shaista Ikramullah) had strongly pushed to secure the 1948 Shariat Bill.⁶⁶ Organizations like APWA also lobbied for the Shariat Bill to recognize the right of females to inherit all forms of property.⁶⁷

However, women's struggle to secure equal footing was ongoing. Pakistani women's organizations strove for greater access to education for females, as well as more involvement in the political sphere. Throughout all this, their focus remained on the restructuring of Pakistan's marriage and family laws, in which respect they saw only minute progress. The Rashid Commission report of June 1956 (authorized by Bogra), advised the creation of special courts to deal with matters of matrimony, promoted gender equality in divorce and recommended that second marriages were only allowed with official consent.⁶⁸ To many, only the outright abolishment of polygamy was equitable to

⁶⁶ Ansari, 1444.

⁶⁷ Peter Blood, *Pakistan: A Country Study* (Washington: GPO for the Library of Congress, 1994).

⁶⁸ Ansari, 1458.

success, but others applauded this accomplishment and looked toward what they presumed would be a brighter future.

Some have called those early years the “golden age” of women in Pakistan. Not only were the organizations catering to women’s issues and rights quite active and vocal, but the principles on which Pakistan was founded were still fresh in the minds of leadership: a secular, democratic nation in which everyone would remain equal and human rights upheld at all times. It may sound strange to assert that a nation could strive to be both secular and democratic when it was created solely for the followers of a specific religion (i.e. Islam), yet this was the goal Jinnah had hoped to accomplish. Pakistan, he proposed, would be a secular Muslim country where Islam would be the official religion, but where other faiths could be practiced openly and without fear. The implementation of democratic institutions would, in his belief, pave the way toward such secularity and tolerance.

Nonetheless, these expectations met with disappointment when General Ayub Khan took over as President in Pakistan’s first military coup d’état and ended civilian rule within the country. And yet, despite the method of his gaining office, Khan proceeded to surprise the body politic by speaking and acting on democratic principles. He did, indeed, attempt to combat the already rampant corruption in Pakistani government, as well as put forth the much-discussed Muslim Family Law Ordinance (MFLO)—which would legally amend any such laws (i.e. polygamy) which did not grant equality to both sexes. Nonetheless, Khan’s reform—in the form of the MFLO—

met with opposition from Pakistan's religious scholars and conservatives groups and failed to pass legislation.⁶⁹

Khan's MFLO would become the target of more backlash during General Zia-ul-Haq's "Islamization" some years later. While the Pakistani constitutions of 1962 and 1973 did call for the creation of a Council of Islamic Ideology to ascertain that all laws were conforming to Islam, none valued this decree more than the military regime of Zia-ul-Haq. Zia-ul-Haq came to office via a military coup on July 5, 1977 and became Pakistan's third military president in only 30 years.⁷⁰ Most notable about his time in office was the introduction and implementation of Islamic Sharia Law in to Pakistan's existing civil, criminal and family law. His "Islamization" program was the direct result of his alliances with the *ulama* (religious scholars) who adhered to a strict interpretation of Islam. Needless to say, Zia-ul-Haq's acquaintances had a large influence in the laws he wished to implement and the way he chose to run the country. During his tenure in office, Zia-ul-Haq provided troops for the protection of the Saudi Royal family (the country which, consequently, gave birth to the strict and at times extreme sect of Wahabism within Islam) in return for their economic assistance. He likewise channeled approximately two million dollars in covert American aid to anti-Communist fighters in Afghanistan and opened Pakistan's borders to radical forces that would assist in fighting America's war against Soviet communists under the banner of Islam.⁷¹

⁶⁹ Ansari, 1460.

⁷⁰ Ziring, 160.

⁷¹ Husain Haqqani, "'Weeding Out the Heretics:' Sectarianism in Pakistan" in *Current Trends in Islamist Ideology* 4 (2006).

Zia-ul-Haq's motivation for enacting the Hudood ordinance was to make existing Pakistani laws conform to a strict interpretation of Islam. The most controversial inclusion within the Hudood Ordinance was the *Zina* Ordinance. The *Zina* Ordinance stated that illicit sex would now be a crime punishable by the state. Under the terms of the new law, accusations of rape without witnesses and/or viable evidence were accepted as admittance of the crime of adultery (for married women) or illicit consensual sex (for single women).⁷² Further, the *Zina* Ordinance called for the former to be punishable by death via stoning and the latter by 100 lashes.

In crafting the ordinance, Zia-ul-Haq refused to discuss alternative interpretations of Islamic law. Shahnaz Khan notes: "When questioned as to how differing interpretations of Islam would be handled within his Islamization program he replied, 'We are not getting into that debate. We are going to the basic laws [in] *Qur'an* and *Sunnah*. We are not going into various schools of thought.'"⁷³ As Khan argues, Zia-ul-Haq thus failed to examine, utilize, or demonstrate the complexities of Islamic tradition and law in his refusal to glance beyond "fundamentals" of Islam.⁷⁴

Garnering a great deal of attention from Western media and human rights organizations, the *Zina* Ordinance has profoundly impacted Pakistani society, particularly women, who have been incarcerated at extraordinarily high rates as a result of this law. The Hudood Ordinance was amended in 2006 under the regime of General Pervez Musharraf, when Pakistan's General Assembly passed the Protection of Women

⁷² Shahnaz Khan, "Locating the Feminist Voice: The Debate on the *Zina* Ordinance," *Feminist Studies* 30, no. 3 (2004): 661.

⁷³ Khan, 662.

⁷⁴ *Ibid.*

Act (PWA). This act holds that rape and/or adultery will be prosecuted under Pakistani civil law instead of Islamic Sharia Law. Human rights activists, led by Asma Jahangir of the Human Rights Commission of Pakistan, were stalwart supporters of the PWA. Activists had been pushing for this amendment since 1979, but the end result came as a disappointment to some. That reporting rape without witnesses would no longer constitute a crime was a step in the right direction, but Pakistani women wanted more. They wanted to see a Pakistan completely free of the Hudood Ordinance.⁷⁵ Consequently, as recently as 2010, Pakistan has put into effect the Criminal Law Amendment Act of 2010, as well as The Protection against Harassment of Women at the Workplace Act of 2010.⁷⁶ The goal of both laws is to get more women into the work force by creating a safer, problem-free workplace.

The Positive Effects of Female Contribution

The history of Pakistan is unique in that women were a fundamental part of the nation-building process. The pertinent issues affecting women, as well as their rights as Pakistani citizens, were never forgone in an effort to first build the nation itself; to the contrary they were central to national discussion since Pakistan's inception. Prior even to the creation of Pakistan Jinnah was noted as saying "no nation [could] make progress without the co-operation of its women"⁷⁷ This idea was honored in the creation of the

⁷⁵ Carin Zissis, "Pakistan's Uneven Push for Women," *Council on Foreign Relations*, March 1, 2007. <http://www.cfr.org/pakistan/pakistans-uneven-push-women/p12702>.

⁷⁶ Dr. Munir Ahmad Mughal and Muhammad Khurram, *Hudood Laws* (Lahore: Muneeb Book House, 2011), 61-64.

⁷⁷ Muhammad Ali Jinnah, quoted in Sarah Ansari, "Polygamy, Purdah and Political Representation: Engendering citizenship in 1950s Pakistan," *Modern Asian Studies* 43, no. 6 (2009): 1434.

Women's Relief Committee by Jinnah's sister Fatima, which later gave way to APWA. Similarly, the aforementioned Begum Shaista Ikramullah (first female member of Pakistan's 1st Constituent Assembly) and Begum Rana Liaquat Ali Khan (activist and founder of the All Pakistan Women's Association) were all instrumental in creating a voice for women in Pakistan.

In its elementary years, Pakistan was perceived by the majority of Pakistanis to rise from the ashes left behind by Partition as a nation securely bound by the unwavering principle of gender equality. Nonetheless, those early years were followed by growing confusion over the intricate relationship between the nation, Islam and women. Still, in understanding violence against women in light of Pakistan's history as a nation and Pakistani women's rights, the author asserts that such violence has its roots in the Partition of 1947 and, overtime, came to be associated with religion and pardoned by the state via laws enacted under the guise of Islam.

CHAPTER IV

Case Examples and the Shifting Relationship between Religion and State in Pakistan

Historical Foundations of Violence against Women in Pakistan

In “Daughters of Eve: Violence Against Women in Pakistan,” Muhammad Jehanzeb Noor writes: “For centuries, many Pakistani women have been slaves to social and cultural restrictions that are reflective of gender-based injustices in the region.”⁷⁸ Violence against Pakistani women must be understood in light of “cultural and psychological factors” as well as deep-rooted prejudices that give rise to extreme brutality toward women.⁷⁹ As Menon and Bhasin argue, the gross violence against women during Partition slowly gave way to the more mundane violence of today.⁸⁰ The division of India and the horrid incidents that ensued in its aftermath brought to bear the issue of female ownership and sexuality. The concept of male honor was (and is) equated to female ownership. This very same notion led to extreme sexual violence against women.⁸¹ Viewed not as individuals in their own right but as the property of males, women became easy targets for violence. As Noor argues, “specific forms of family and kinship and a strong ideology linking family honour to female virtue allow men to control women.”⁸² During Partition, sexual assault became the weapon of choice and women were raped, mutilated, disfigured, and tattooed or branded “with triumphal slogans” on their genitalia, as well as subjected to inhumane cruelty all around.⁸³ Needless to say,

⁷⁸ Muhammad Jehanzeb Noor, “Daughters of Eve: Violence Against Women in Pakistan” (B.S. Thesis, Massachusetts Institute of Technology, 2004), 13.

⁷⁹ Menon and Bhasin, 39.

⁸⁰ Menon and Bhasin, 40.

⁸¹ Deepa Narasimhan-Madhavan, “Gender, Sexuality and Violence: Permissible Violence Against Women During the Partition of India and Pakistan,” *Hawwa* 4, no. 2-3 (2006): 396-416.

⁸² Noor, 15.

⁸³ Menon and Bhasin, 42-43.

many forms of violence against women in Pakistani society today stem from such scenes of the Partition.

Amongst the pillaging, rape and murder was the kidnapping. The exact numbers of women who were kidnapped and reported missing are debatable, but, after the fact, it became an issue of “national honor” for each side (India and Pakistan) to secure the women. In *Life and Words: Violence and the Descent into the Ordinary*, Veena Das extrapolates: “Taken at face value it would appear that the norms of honor in the order of the family and the order of the state were mutually supportive.”⁸⁴ Even the return of the women to their respective nations was a transaction conducted between men; to abstain or withhold women was to strike against the honor their families.⁸⁵

During the first eight months (December 1947-July 1948) of an initiative to find missing women, 9,362 women were recovered in India and 5,510 in Pakistan.⁸⁶ Still, despite returning, women on both sides of the border were not safe from the stigma attached to their prolonged absence. The idea that they were sullied having been out of their homes and away from the protection of male family members was such a deeply embedded belief that many women chose either to not return or end their lives to uphold the sacred value of familial honor.⁸⁷

In understanding the birth of Pakistan as a nation and the events of the Partition, the foundations of violence against women become more apparent.⁸⁸ The analysis of the

⁸⁴ Veena Das, *Life and Words: Violence and the Descent into the Ordinary* (Berkeley and Los Angeles: University of California Press, 2007), 24-25.

⁸⁵ Ibid.

⁸⁶ Menon and Bhasin, 69.

⁸⁷ Menon and Bhasin, 74-75.

⁸⁸ This is not to imply that there are no cases of gender violence prior to the partition of India.

cases provided below will draw out the connections between violence against women and this larger historical context.

Case # 1: Samia

Perhaps the most well-known honor killing in Pakistan was that of twenty-seven year old Samia Sarwar. Samia was shot to death in the office of her attorney, another prominent Pakistani human rights lawyer and activist Hina Jilani, for attempting to seek a divorce. For six years Samia had suffered domestic violence in silence, ultimately deciding to end her marriage when her husband threw her down the stairs while she was pregnant with their second child.⁸⁹ She returned to her parents' home and notified them of her decision, only to be told they would kill her. Indeed, on April 6, 1999 Samia's mother stormed inside Ms. Jilani's office with two armed men and had her daughter shot.⁹⁰

Case # 1 Analysis:

There is a stigma attached to divorce. To suffer silently as a victim of domestic violence is better than to speak out or seek divorce. Victims of domestic violence most often do not speak out—habitually carrying the shame and failure associated with such situations as their own burden. However, the stigma against “failure” (connected to the female) in intimate gender relationships is one found to be pervasive in *all* patriarchal societies. In discussing gender inequality and wife abuse in Palestine, Muhammad M.

⁸⁹ Tariq Ali, “Diary: Murder in the Family,” *London Review of Books* 30 no. 4 (2008): 35.

⁹⁰ Human Rights Watch, “Crime or Custom? Violence Against Women in Pakistan” *Women's International Network News* 26 no. 1 (2000): 38.

Haj-Yahia, utilizes M. A. Straus' framework on defining patriarchy.⁹¹ Haj-Yahia argues that an eight-part conceptual framework applies indiscriminately to all patriarchal societies.^{92,93} In Samia's case seven of these concepts are applicable:

1. Protecting the authority of men: society granting less resources to Samia in terms of getting out of her abusive relationship, and more power and resources to her husband.
2. Compulsive masculinity: Samia's husband, consequently, learned from a young age on how to "correctly" behave and preserve his masculinity. Physical abuse became a part of this compulsive masculinity.
3. Economic constraints and discrimination against women: Samia's dependency on her husband and family was due to lack of employment resources available to women in and out of the family. This further hindered any steps she may have taken to remove herself from the abusive situation.
4. Women bear the burden of child rearing: Samia had two young children to consider in her situation—with little to no financial assistance on childcare should she have sought it. This reinforced the belief that the male is the provider for the family and the female the caretaker. Without the provider, then, it was accepted that adequate care could not be given

⁹¹ M. A. Straus, "Sexual Inequality and Wife Beating," In M. A. Straus & G. T. Hotaling (Eds.), *The Social Causes of Husband-Wife Violence* (Minneapolis, MN: University of Minnesota Press, 1980), pg. 86-93.

⁹² Muhammad M. Haj-Yahia, "On the Characteristics of Patriarchal Societies, Gender Inequality, and Wife Abuse: The Case of Palestinian Society" in *Adalah's Newsletter* 20 (2005): 2-5.

⁹³ While the majority of the world's societies can be termed "patriarchal," only Pakistani society will be discussed. Nonetheless, as is the expectation throughout the entire length of this thesis, the reader should not assume that such occurrences are found solely in one part of the world.

5. The single-parent family myth and the negative attitude to divorce: Samia's greatest fear could, perhaps, have been of ostracism from society. Her situation would come to be seen as her own doing—not her husband's. Similar to number 4, there is the additional belief that life without a male would be one of poverty.
6. Traditional views about the female role as mother and wife: belief that because Samia was seeking to end her marriage, she was unsuccessful. A strong presence of the idea that women can only attain successful status by becoming wives and mothers; leading to negative attitudes toward women who forgo family life to work, and/or aim to balance work and family.
7. Negative self-image: Samia was likewise subject to the innate belief in society—passed on from a young age—that she cannot amount to the same status as, for example, her husband. That she was, some how, less than and, therefore, the one to bear the blame.⁹⁴

Thus, when looking at Samia's case—as well as all the subsequent ones to be discussed later in the chapter—this framework can be applied to help paint a picture of the society in which the cases are occurring. The fact that Samia herself was subjected to abuse for a number of years was not a cause for uproar, but the idea that she was trying to obtain a divorce was worthy of murder. The negative attitude toward divorce is apparent in this case: women bear the blame of being unable to keep their home intact. Samia's husband's behavior was never called into question by her family. In the eyes of her family, Samia was the culprit in the dissolution of her marriage in seeking to obtain a divorce. While they may have accepted that her husband was abusive, this

⁹⁴ Haj-Yahia, 2-5.

acknowledgement was overshadowed by deeply embedded societal views on familial honor.

Case # 2: Mukhtar Mai

The 2002 gang rape of Mukhtar Mai is also comparable to Samia's case. Mai's brother was falsely accused of having illicit sex with a woman from a tribe of higher status. Mukhtar's rape was ordered as punishment for her twelve-year-old brother's alleged crime. Mai was raped and then paraded around the village, this action sending out the message that women's bodies are sites of honor. The norm for young girls, after such incidents, was committing suicide to preserve what little was left of the family's honor. Mai, however, with the assistance of her family and the visiting *imam* came forward to report the atrocious crime.⁹⁵ Her case went to court and many—if not all—of her attackers were brought to justice.

Case # 2 Analysis:

Prior to the rape, Mai's attackers justified their actions by stating, for the entire village to hear, that justice could only be upheld via the concept of "an eye for an eye." Thus, no one questioned the vigilante justice that took place in the village that night. Firstly, civil law was not involved and the claims against Mai's twelve-year-old brother were accepted as is without any evidence. Also, there was no questioning as to why Mai would have to pay for her brother's crime if, indeed, he had commit said crime.

Mai's case garnered media attention and slowly came to define Pakistani attitude toward women. Despite the fact that much, if not all, of Pakistan's population was enraged on Mai's behalf, outside observers began to look at Pakistan as a place strongly

⁹⁵ The New York Times, "Mukhtar Mai," March 18, 2009. Nytimes.com.

disconnected with reality and morality. Those who were determined to look into the root of the case noticed that crucial factors, such as lack of general education (Pakistan's total adult literacy rate is little over half at 54%) and awareness about the law and judicial system were at play.⁹⁶

Additionally, due to the lack of police presence, i.e., the presence of civil law, in Mai's Southern Punjab village of Meerwala, no one questioned the carrying out of "justice." Further, following the media frenzy this case caused, many people began to question if such vigilante justice was endemic to Pakistan and rooted in Islam.

Case # 3: Tasleem Solangi

The case of seventeen-year-old Tasleem Solangi also bears mentioning. Solangi, the daughter of a livestock trader in the Khairpur District of Sindh, agreed to forgo her dreams of becoming a doctor and, instead, marry her cousin. It was hoped that the marriage would settle the land dispute between two branches of her family. When Tasleem's father-in-law came to take her to her home, he swore on the Quran that she would not be harmed. A month into the marriage, Tasleem secreted a note to her mother stating that she (her mother) was right to have dissuaded her from this marriage. Tasleem wrote she was fearful for her life. On March 7, 2008, when Tasleem was eight months pregnant, her father-in-law accused her of adultery and claimed that the baby was not his son's. Tasleem went into labor and immediately upon the baby's arrival; dogs were unleashed upon the infant. While she begged for mercy, the dogs were unleashed on her

⁹⁶ Unicef, "Education Statistics," in *Pakistan*
http://www.unicef.org/infobycountry/pakistan_pakistan_statistics.html#77.

as well. She was ultimately shot dead.⁹⁷ After being charged and awaiting trial, Tasleem's husband finally confessed to her murder.⁹⁸

Case # 3 Analysis:

This case is one that highlights deeply embedded mistrust toward women. Tasleem's father-in-law was adamant in his belief that the child was not his son's. Despite her endless assurances of fidelity, both husband and father-in-law did not deem her worthy of such honesty. Ingrained within them was the idea that women are less in character and, thus, not to be trusted. Her acceptance of the marriage to quell any disruptions regarding family land, despite the fact that she had other aspirations for her life, failed to be seen and accepted as characteristics of a strong and loyal woman. She was labeled as an adulterer, and nothing she could say would redeem her because she was born a female, and as such, could amount to no better. One can only speculate on the rationale of Tasleem's father-in-law in killing her. Via the Hudood laws in Pakistan, women who come forth to report rape and those who are accused of adultery are often subject to incarceration or stoning. As discussed in Chapter Two, in enacting the Hudood Laws, Zia-ul-Haq paved the way for the emergence of blatant gender discrimination as well as gave rise to violence against women without fear of prosecution.

Case # 4: The Women of Baba Kot

Five women from Baluchistan were buried alive in Baba Kot village. Three of the women were young and hoping to marry men they had selected themselves, and the two others were older and attempting to provide assistance. Police stated that the brother

⁹⁷ Ali, 35.

⁹⁸ Violence is not our Culture: The Global Campaign to Stop Violence Against Women in the Name of 'Culture,' "Tasleem Solangi," January 2011. www.stop-stoning.org.

of two of the young women admitted to shooting three and then helping bury all five though none were dead.⁹⁹

Case # 4 Analysis:

As observed across diverse Muslim contexts, a variety of interpretations of Islamic law frequently grant to both men and women the right to choose a spouse. Pakistani law, too, states that citizens have a right to marry a person of their choosing. Unfortunately, some purport to abide by the former or latter, but fail in adhering to either. Consequently, the underlying sentiments existent within this case are similar to that of those mentioned previously: the justification of murder for the sake of protecting family honor, and the idea that women are not correctly practicing their religion. Both sentiments again signal a lack of education and/or resources to obtain that education.¹⁰⁰ When making note of cases such as this one of the women of Baba Kot village, one is again forced to contend with the effects of narrowly defined interpretations of Islam.

Case # 5: Madeeha

Likewise, Madeeha¹⁰¹ had been betrothed since childhood to a boy named Haroon.¹⁰² As she reached maturity, her parents exercised a change of heart and decided to get Madeeha married to a man many years her senior. Despite her numerous refusals to accept the impending marriage, Madeeha's parents went forth with their plans in hopes to make a financial gain. Throughout all this, Madeeha's cries of protest landed on deaf ears; in her desperation to marry her original betrothed, she did so by eloping with him.

⁹⁹ Ali, 35.

¹⁰⁰ The Quran states: "Do not inherit women against their will." Consequently, across many parts of the Islamic world, many *ulama* argue that to force a marriage against the will of the either party is *haram*, or forbidden.

¹⁰¹ Name changed due to confidentiality.

¹⁰² Ibid.

Madeeha's father, brother, and other male relatives then came to her new home and physically abused her to such an extent that her clothing was shredded. Again and again they attempted to make her renounce her marriage and take her back home with them. Madeeha refused and sought protection from their attacks. A paralegal working with the Sarsabz Foundation (SF) referred Madeeha to a free legal aid clinic in Samundari, Pakistan where an SF coordinator convinced Madeeha that SF would assist her in attaining freedom from this threat. A subsequent complaint was filed and the police intervened to assure that Madeeha would not have to experience any further harassment.¹⁰³

Case # 5 Analysis:

Madeeha's case was unique in that she was able to obtain assistance from the judicial system. As it happened, the state and the religion were in harmony regarding the particulars of Madeeha's situation, though this is often not the case with other women. Nonetheless, prior to SF's involvement on the case, Madeeha was not making much leeway. As is often the case with female victims of violence, the police force failed to take adequate action. However, by joining Madeeha in her fight, SF was able to provide more manpower and thus, gain results. Were Madeeha to have stood alone, as many women do due to lack of awareness regarding the resources that are available to them, she would have been pressured to pay her way for law enforcement assistance. This phenomenon will be further discussed toward the conclusion of the present chapter.

¹⁰³ Case study taken from the data and documents compiled by the Sarsabz Foundation in Pakistan.

Case # 6: Sadia

Indeed, the aforementioned facts and statistics are accentuated by the story of a young woman named Sadia.¹⁰⁴ In Sadia's marriage to Ihsan¹⁰⁵ she experienced emotional and physical trauma at the hands of her husband. She experienced countless beatings until she was forcibly ejected from her home by her husband. After such episodes, Sadia and her daughter often sought solace at her parents' home. However, the physical confrontations with her husband were followed by bouts of Ihsan's remorse when he would make his way to Sadia's parents' home and convince her to return. Ihsan would argue that Sadia was dishonoring her family by remaining at her parents' home. This type of emotional abuse would lead to Sadia back to Ihsan. The very same process occurred twice before Sadia realized that the situation was escalating and that her well being—as well as the safety of her child—was in jeopardy as long as she remained with Ihsan. Sadia then removed herself from the violent environment and sought a divorce and financial assistance in raising her daughter.¹⁰⁶

Case # 6 Analysis:

Sadia's case highlights and brings to the forefront quite a few key issues present in Case # 1. Not unlike Samia's case, Sadia was pressured by Ihsan to return with him because by not doing so, he urged, she would bring shame upon her family. Such urging fell in line with the pervasive idea that an unsuccessful marriage—or one in which the female was repeatedly abused—was due to the fault of the women. More important, however, is the reflection in this case of the anti-woman sentiment that began

¹⁰⁴ Name changed due to client confidentiality.

¹⁰⁵ Ibid.

¹⁰⁶ Case study taken from data gathered by the Sarsabz Foundation in June of 2011.

to arise in Pakistan after the implementation of the Hudood Laws. The word of a woman was not accepted by law and, thus, they began to be perceived, generally, as dishonest and dishonorable. In Pakistan's case, the state has played a further role by promoting such behavior via impactful laws said to have religious foundations.

Islam and the State in Pakistan

In the tumultuous years following the Partition, Pakistan has experienced mass confusion in defining and interpreting Islam and, ultimately, determining the role Islam would play in the affairs of the state. Consequently, when observing the phenomenon of violence against women in Pakistan, questions arise with regard to the role of Islam in this phenomenon. The cases provided above reflect only the small number of cases reported to human rights organizations. The following section will highlight the connection between the state and Islam in order to shed light on why cases like those mentioned above are so prevalent.

Chapter Three states that in founding Pakistan as a nation for Muslims—but one in which all different faiths would have the freedom to practice freely and without fear of persecution—Jinnah hoped to create a secular democracy. As ironic as it may appear, Jinnah's mission was to implement democratic governance while still upholding the tenets of Islam. A Western-educated Lawyer, Jinnah sought to emulate the U.S. in separating state and religion while still maintaining Islam as the state religion. The blurring between civil and religious law in Pakistan, however, suggests that his vision has not been realized. Observing Pakistan's past and present socio-political climate, many scholars and experts have argued that Islam has been manipulated for political purposes

and defined in an extremely rigid and narrow manner. Women have suffered greatly from such interpretations of Islam.¹⁰⁷

In “Contested Identities: Gendered Politics, Gendered Religion in Pakistan,” Farida Shaheed argues that religion has always been affixed with politics in Pakistan. Shaheed states:

Short-sighted attempts to harness the emotive appeal of religion (to quell political opposition or justify undemocratic measures) by secular actors, the civil/political as well as the military establishment, legitimized religion as political coinage and paved the way for politico-religious forces to assert discursive hegemony.¹⁰⁸

Shaheed goes on to argue that negative consequences for women reached their height under the military regime of Zia-ul-Haq: “The mostly politically motivated usage of Islam peaked under General Zia-ul-Haq (1977-88), whose ‘Islamization’ policies both negated state promises of equality for females and non-Muslim citizens and encouraged society’s most bigoted sections.”¹⁰⁹ Asifa Quraishi argues that such laws forgo the gender equality many scholars of Islam have argued is a central tenet of Islam. Patriarchy colors the implementation of Islamic Law and results in the same malfeasance that many scholars argue the Quran warns against.¹¹⁰ Further, Quraishi argues, in prosecuting the offense of *zina-bil-jabar* (adultery) under the Zina Ordinance of the Hudood laws, the

¹⁰⁷ Ibid.

¹⁰⁸ Farida Shaheed, “Contested Identities: Gendered Politics, Gendered Religion in Pakistan” *Third World Quarterly* 31 no. 6 (2010): 851-2.

¹⁰⁹ Ibid.

¹¹⁰ Asifa Quraishi, “Her Honor: An Islamic Critique of the Rape Laws of Pakistan from a Woman-Sensitive Perspective,” in the *Michigan Journal of International Law* 187 no. 287 (1997): 1-2.

absence of four male witnesses has often led to rape victims being charged with *zina*.¹¹¹ Women who are not charged have often been held in jails for unspecified amounts of time, often years.¹¹² As it stands, five years after Musharraf's *Protection of Women Act* entailing that rape would no longer be tried in the Islamic Sharia Courts, there are women still awaiting re-trial in Pakistani jails due to original false *zina* convictions.¹¹³

The 2006 amendment to the Hudood Laws came with strong resistance among communities to administer change. Not only did it go against ingrained custom for some, but many object to what they perceived as the state doing away with something "Islamic." Indeed, Charania writes, "At the heart of the debate on whether or not to repeal the Hudood Ordinance was a uniquely crafted space of whether this repeal would be an embrace of Islamic principles or Westernized notions of women's rights."¹¹⁴ In response, Islamic scholars, feminists, and politicians participating in such discussions argue that human rights discourse is not an invention of the West, pointing to the works of both Andalusian philosopher Ibn-Rushd and Iranian philosopher Ibn-Sina as evidence of authentically Islamic arguments for gender equality.¹¹⁵ Such arguments, however, have not won over the majority of the populace.

Islam has played a vital role throughout Pakistan's short history. Chapter Three argued that colonized groups often call for a return to authentic religion in re-asserting

¹¹¹ A charge of *zina-bil-jabr* is put upon that person who is said to have had sexual intercourse with a man or woman to whom he or she is not married with or without the consent of the other.

¹¹² Quraishi, 3.

¹¹³ Sarsabz Foundation, "Research on Laws Pertaining to Women in Pakistan." June 2011.

¹¹⁴ Charania, 10.

¹¹⁵ Charania, 11.

their identity.¹¹⁶ This is especially true for Pakistan, a nation that was formed specifically for Muslims and where Islam was one of the nation's founding ideals. And, while it was to have been kept apart from state affairs, the years after Jinnah's death saw it slowly being re-shaped and defined according to political interests. Regardless of the fact that all of Pakistan's constitutions have clearly stated that men and women are equal before law, the reality on the ground does not reflect this. Even with the enactment of women's protection and anti-harassment bills, there exists a strong undercurrent of suspicion when dealing with human rights and women's rights. Overtime, anti-Western sentiment has colored general attitudes toward Pakistani feminists and women's rights NGOs working to eradicate all forms of violence against women and create an egalitarian society.

The Shifting Relationship between Religion and State: the Condoning of Violence Against Women

When discussing the pervasiveness of gender-based violence in Pakistani society, it has often been said that while Islam was originally a source of enlightenment, it is now used as a tool of exploitation. In Pakistan, when the degradation of women is stamped with something even remotely Islamic, no one questions its validity.¹¹⁷ Likewise, Critelli argues that the articles within the Hudood Ordinance undermine the right of women to be safe and secure by promoting murder and other violent crimes while at the same time, eliminating any possibility of state prosecution.¹¹⁸ They further

¹¹⁶ Charania, 7.

¹¹⁷ Sarsabz Foundation, "Research on Laws Pertaining to Women in Pakistan." June 2011.

¹¹⁸ Critelli, 239-40.

gave rise to anti-women sentiment to such an extent that those women who do go forward with their cases—despite the odds against them—are not met with a cooperative police force. Quraishi writes:

Police action and inaction in rape cases in Pakistan have in fact been widely reported as an instrumental element to the injustice. There is evidence that police have deliberately failed to file charges against men accused of rape, often using the threat of converting the rape charge into a zina prosecution against the female complainant to discourage women from reporting.¹¹⁹

This type of behavior—coming from those who create and implement such laws—exacerbates the vigilante justice being carried out in Pakistan today. Aggressors are under the common presumption that their faith and country warrant such actions. Some may argue that lack of education and resources are to blame for such views. And, while that may be the case, it does not excuse the responsibility of the state to adhere to its constitution and provide equal protection to its citizens through law. By using Islam as an instrument for political gains, Pakistani leadership has cemented the idea that Islam ordains the inferiority of women, and thus, their mistreatment is justified.¹²⁰

¹¹⁹ Quraishi, 3.

¹²⁰ Interestingly enough, Quraishi concludes that crime of *zina*, as set forth by the Quran, is, basically, one of public indecency. During the Prophet Muhammad's time, accusations of *zina* were almost impossible to prove because of the requirement of four witnesses to view the act without breaching privacy. In basic terms, this meant that four persons were to have observed the act of *zina* occurring in a public domain. While not entirely impossible, the likelihood of such an incidence was extremely slim. The purpose behind the rigid prerequisites of meeting an accusation of *zina* was to protect women from being slandered. In "Shattering Illusions—Western Conceptions of Muslim Women," Saimah Ashraf similarly argues that loosely hurling accusations about women is greatly discouraged in Islam. Ashraf writes that the dignity of a woman in Islam is not

Consequently, the gross discrepancies between the very narrow interpretation of Islamic Sharia law imposed during Zia-ul-Haq's regime (as well as that which still exists today) and the more encompassing interpretations set forth by scholars like Asifa Quraishi make a resounding statement. In failing, as Shahnaz Khan has argued, to interpret Islamic law in a broader manner, Pakistan has preceded to condone the acts of violence against women.

something to be taken lightly, nor should one cogitate about her sexual conduct: "In the face of any hint of a woman's sexual impropriety, the Quranic response is [to] walk away. Leave her alone. Leave her dignity intact. The honor of a woman is not a tool, it is her fundamental rights" (Saimah Ashraf, "Shattering Illusions- Western Conceptions of Muslim Women," <http://www.islamfortoday.com>).

CHAPTER V

Conclusion

When addressing violence against women in Pakistan, many scholars and activists stress that Pakistani leadership is not doing enough to combat this problem. They cite grave statistics—more than 75 percent of women in Pakistan, in some capacity, experience violence in their lives—as evidential support. And, while the author concedes to the aforementioned, there exists another factor within this problematic that bears mentioning.

Pakistan's history has been tumultuous. Much of its sixty-four years have been spent under military rule. Since 1947, it has struggled to achieve Jinnah's goal of secularity, democracy and equality. The women's rights movement within the country has also had a unique history—thriving at times and completely quelled at others. Women were heard loud and clear in the early days of Pakistan's inception. However, with the passage of time, Pakistani women continued to push for their causes and rights but were disregarded by policy makers in Islamabad. With the emergence of what was purported to be Islamic Sharia Law, and the subsequent Hudood Ordinance, Pakistani leadership paved the way to a colossal spike in violence against women. The *Zina* Ordinance led to the punishment of women victims who reported rape, and jails began to overflow with female prisoners. Thus, by way of such laws, the state illustrated to its citizens that women were at fault for these occurrences, and hence deserved punishment. The additional stamp of “Islamic” on the Hudood Laws only justified state action even more.

Still, it can be said that, as of 2011, human rights and women's rights organizations in Pakistan have made an abundance of progress in targeting the issue of violence against women. It can also be stated that Pakistani leadership—via the

Protection of Woman Act—has accepted gender-based violence as forefront issue and, therefore, begun to take steps to put an end to the atrocities. Nonetheless, despite the enactment of such laws, the heart of the problem—i.e. enactment of laws discriminatory to women and deemed Islamic—has been overlooked and left unaddressed.

It is not that Pakistan, today, is unaware of the gross violence taking place against women; but that it has to contend with the misconception that such action is necessarily “Islamically” ordained. The shifting relationship between religion and state in Pakistan, as well as the politically motivated use of Islam, has, alternatively, condoned acts of violence and created great obstacles in combating violence against women in Pakistan. By taking a more forceful approach to addressing violence against women—as well as formulating new legislation in support of the rights of female citizens—Pakistan can recreate the gender equality that was existent in its formative years.

APPENDIX

Table 1: Forms of Violence against Women in Pakistan

Crime Category	Total Number of Cases	Majority Province
Abduction/Kidnapping	1137	Punjab
Murder	799	Punjab
Domestic Violence	356	Punjab
Suicide	402	Punjab
Honor Killing	382	Sindh
Rape/Gang Rape	396	Punjab
Sexual Assault	57	Sindh
Acid Throwing	22	Punjab
Miscellaneous	881	Punjab

Table 1: The data for this table was taken from the Aurat Foundation’s press briefing on cases of violence against women in Pakistan during the first half of 2011.¹²¹

¹²¹ The Aurat Foundation. “Press Briefing: Incidents of Violence Against Women in Pakistan Reported during January to June 2011.” www.af.org.pk.

APPENDIX

Figure 1:

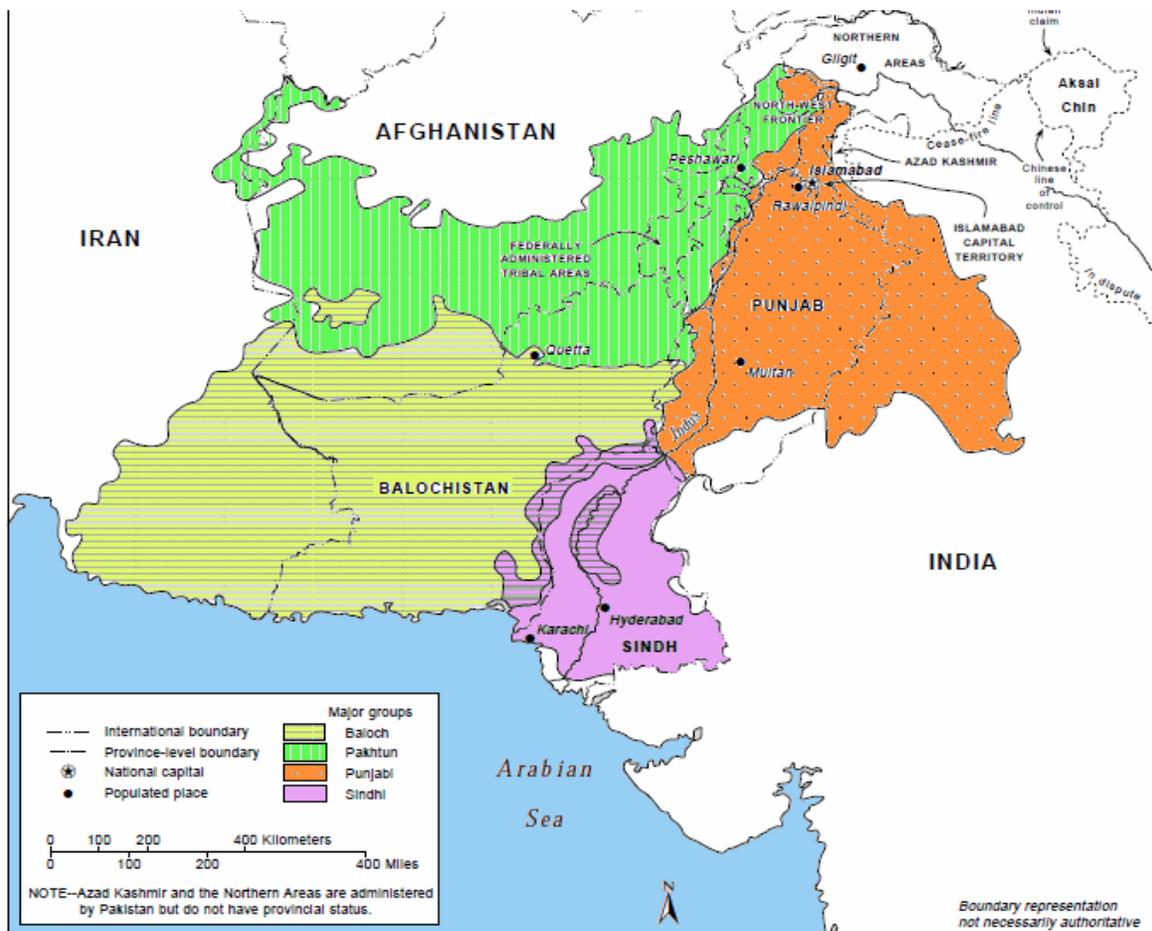


Figure 1: Ethnic map of Pakistan containing the four major groups—Punjabi, Balochi, Sindhi, and Pathan (Pashtun).¹²²

¹²² U.S. Department of State: Diplomacy in Action. “Background Note: Pakistan.” <http://www.state.gov/r/pa/ei/bgn/3453.htm>, October 6, 2011.

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