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The Face of Honour Based Crimes: Global Concerns and Solutions

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Abstract

This paper comes up with possible solutions to tackle the emerging global concern called honour killing. It has been rampant in many less developed countries and has become increasingly visible in the neo-clash of the modernity with the traditionalists. The post-modern human rights approach which does not shy away from treading into the hitherto untouched cultural and traditional arena of 'family' has brought this topic to the concern of the international agencies. The authors have analysed the problem in depth across cultural barriers and have proposed solutions to mitigate this evil.

Keywords: Honour Killing; Human Rights; Family; Solutions

Introduction

Possession and control of the woman by the man to whom she belongs has nurtured in legal notions of adultery, seduction, and enticement. Fathers are seeking to retrieve their daughters from the men the daughters choose to live with, resort to charging the other man with kidnapping, abducting and inducing the daughters to compel them into marriage. "Honour" killings of women can be defined as acts of murder in which "a woman is killed for her actual or perceived immoral behaviour" (Hassan, 1999). These killings result from the perception that defence of honour justifies killing a person whose behaviour dishonours their clan or family.

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Human Rights Watch (2001) defines honour killings as follows:

A woman can be targeted by (individuals within) her family for a variety of reasons, including: refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce — even from an abusive husband — or (allegedly) committing adultery. The mere perception that a woman has behaved in a way that "dishonours" her family is sufficient to trigger an attack on her life.

Other behaviours that challenge male control (staying out late, smoking, chatting, going to a pub etc.) can also be reasons for 'honour crimes'.

Ruggi (1998) states that honour killing is:

A complicated issue that cuts deep into the history of society. What the men of the family, clan, or tribe seek control of in a patrilineal society is reproductive power. Women, especially of the tribes, were considered a factory for making men. The honour killing is not a means to control sexual power or behaviour. What's behind it is the issue of fertility, or reproductive power (p. 12).

Amnesty International (2001) adds that the regime of honour is unforgiving: women on whom suspicion has fallen are not given an opportunity to defend themselves, and family members have no socially acceptable alternative but to remove the stain on their honour by attacking the woman. Araji (2000) states that:

The conception of honour used to rationalize abuse and killing of women is founded on the idea that one person's honour depends on the behaviour of others; behaviour that must be controlled. Thus, an essential component of one's self-esteem and community status becomes dependent on the behaviour of others. This conception is distinct from the notion that honour depends only on an individual's own behaviour (para 4).

The gravity of the Issue

The United Nations Population Fund (UNFPA) (2000) report estimates that the annual worldwide total of honour-killing victims may be as high as 5,000. As per Warraich (2005) in 2002 alone, over 382 people, of whom 245 women and 137 were men, became victims of honour killings in the Sindh province of Pakistan. As per *The Dawn* (2005), the average number of honour killings for the whole nation ran up to more than 10,000 per year. In April 2008, it came to light that some months prior, a Saudi woman was killed by her father for chatting on Facebook to a man. The murder only came to light when a Saudi cleric referred to the case in an attempt to demonstrate the strife that the website causes (McElroy, 2008). In Jordan which is considered one of the most liberal countries in the Middle East, families often have sons who are considered minors, under the age of 18, to commit the honour killings because a loophole in the juvenile law allows minors to serve time in a juvenile detention center and they are released with a clean criminal record at the age of 18 (Hassan & Welchman, 2006). Another well known case was of Heshu Yones, who was stabbed to death by her father in London in 2002, when her family heard a love song dedicated to her and suspected she had a boyfriend. In the Turkish province of Sanliurfa, a young woman's "throat was slit in the town square because a love ballad was dedicated to her over the radio" (Turgut, 1998).

It is unknown how many women are maimed or disfigured for life in attacks that fall short of murder.

Honour-based violence is a common occurrence within a variety of cultures and communities (Faqr, 2001). The term 'crimes of honour' encompasses a variety of manifestations of violence against women, including honour killings, assault, confinement or imprisonment, and interference with choice in marriage. In this issue, the publicly articulated justification is attributed to a social order claimed to require the preservation of a concept of 'honour' vested in male control over women and specifically over women's sexual conduct: actual, suspected or potential (Welchman & Hossain, 2006). A report was submitted by the Special Rapporteur at the 58th session of the United Nations General Assembly (2002) concerning cultural practices in the family that reflect violence against women (E/CN.4/2002/83). The report indicated that honour killings had been reported in Egypt, Jordan, Lebanon, Morocco, Pakistan, the Syrian Arab Republic, Turkey, Yemen, and other Mediterranean and Persian Gulf countries. In addition, the migrant communities in Western countries such as France, Germany and the United Kingdom, had also encountered honour killings. There is some evidence that homosexuality can also be perceived as grounds for honour killing by relatives. In one case, a gay Jordanian man was shot and wounded by his brother (Jimenez, 2004). In another case, a homosexual Turkish student, Ahmet Yildiz, was shot outside a café, who later died in the hospital. Sociologists have called this Turkey's first publicized 'Gay honour killing' (Bilefsky, 2009).

It is historically persistent and highly topical. Media attention has been focused primarily on so-called *honour killing*. However, killing is not the only crime committed in the name of honour, but simply the most violent one. Honour-based crimes are motivated by a desire to preserve family or community honour (Almosaed, 2004). The victims are predominately female and the perpetrators are usually male relatives (fathers, brothers, husbands, and occasionally sons) (Stewart, 1994; Wikan, 1984). Currently, there is no definition of honour-based violence that is appropriate or relevant cross-culturally. This is hardly surprising considering that any such definition would need to represent both cultural and outsider perspectives (Safety and Justice, 2003; Sen et al., 2003). However, the absence of a definition does not mean that honour crimes do not exist, or that they are restricted to only some societies. Female honour may be stained by a variety of unacceptable behaviours, such as relationships with persons of different faiths, relationships not sanctioned by the kin network, or pre-marital sex (Wikan, 1984). The 'honour' invested in control over women and specifically women's sexual conduct, control over economic and social resources and property are often intimately linked in these equations.

It is clear that the concept of honour can be very broad and inclusive, containing an entire codex of concepts and behaviours. Coomaraswamy (2006) holds that 'honour' is generally seen as residing in the bodies of women. And as Gill (2006) states "Codes of honour define the boundaries of acceptable behaviour and even thought, and women must sometimes tread carefully to avoid transgression". Her social group, extended family, or community will decide if these mostly-informal codes of honour were breached. Violation merits punishment, which might mean isolation, a ban on going to college or university or work, beatings, and even death (Abraham, 2000). Women in the family tend to support the honour killing of one of their own, agreeing that the family is the property and asset of men and boys. Alternatively, matriarchs may be motivated not by personal belief in the misogynistic ideology of women as property, but rather by pragmatic calculations. Sometimes a mother may support an honour killing of an "offending" female

family member in order to preserve the honour of other female family members, since, many men in these societies will refuse to marry the sister of a "shamed" female whom the family has not chosen to punish, thereby "purifying" the family name by murdering the suspected female. Often cases are unresolved due to the unwillingness of family, relatives and communities to testify. Begikhani (2006), Touma-Sliman (2006), CEWLA (2006) and Shalhoub-Kevorkian (2006) note significance is attached to female virginity and the resulting imposition (or attached imposition) of virginity testing on females suspected of having 'violated' family honour. Siddiqi (2006), Hoyek et.al. (2006) and Sen (2006) state that the role of women family members in instigating or colluding with honour crimes, particularly in enforcing controls over marriage choices, and also in acts of violence cannot be ignored. In these contexts, the rights of women to control their own lives, to liberty or freedom of expression, association, movement and bodily integrity mean very little.

Wilkinson's (2005) research shows that there is a strong positive correlation between violence against women, and women's social power and equality; and a baseline of development, associated with access to basic resources, health care, and human capital, such as literacy and women lose out not just physically and economically, but crucially because men who feel subordinated will often try to regain a sense of their authority in turn by the excessive subordination of those below them, i.e. women. Welchman and Hossain (2006) interpret 'crimes of honour' within an understanding of violence against women. Coomarswamy and Kois (1999) 'accepts the fact that structures that perpetuate violence against women are socially constructed and that such violence is a product of historical process and is not essential or time bound in its manifestations'.

The practice of 'honour killings' is more prevalent although not limited to countries where the majority of the population is Muslim. In this regard it should be noted that a number of renowned Islamic leaders and scholars have publicly condemned this practice and clarified that it has no religious basis (United Nations General Assembly, 2010). Sunni and Shia Muslim concept of 'Baghi' (Rebel) relate to family honour and laws relating to the treatment of rebels are governed by Ibadi and non-Ibadi school. According to the Shariyat Act, 1937 Muslims belonging to different schools may inter-marry freely with one another and a mere difference of school of law such as Shiite or Sunnite, Hanafi, or Shafii, is entirely immaterial (Fyzee, 2005, p. 96). While honour killings find no sanction in the Quran, prophetic traditions, or law, these sources cannot be absolved of all responsibility for placing a greater share of the burden of maintaining societal chastity on women. Though the Quran commands both men (Verse - 24.30) and women (Verse - 24.31) to "cast down their gazes" and to "protect their chastity," it specifically regulates only women's dress (Q. 24.31; 33.59). Yet it is a long stretch from these commands, which have the declared intention of protecting women from harassment (Q. 33.59), to the legal rules that allow men, especially husbands, to impose seclusion on women, forbid them from leaving the home, and limit their access even to other relatives. Human Rights Watch has observed: "In countries where Islam is practiced, they are called honour killings, but dowry deaths and so-called crimes of passion have a similar dynamic in that the women are killed by male family members and the crimes are perceived as excusable or understandable" (Brown, 2002; cited in Mayall, 2002; cited in Sen, 2006).

More modern times have seen the honour concept operate in southern Europe as the link between the individual and the community. Honour in this context provides a moral framework for behaviour, norms or rules that provide a basis for acceptance in collective life. It is through the holding of honour that individuals find a place in their community,

and thus the concept of honour is imbued with great power (Campbell, 1964, referring to Greece cited by Sen, 2006). It is true that men kill women across cultures and across times for a variety of reasons, often benefiting from sympathetic judicial practices if and when they face justice systems and the elements of control over women's behaviour, especially of women's sexuality, by men and to a degree by women, and the assumed right of men in their family and marital relationships to chastise, punish or kill them, find parallels in a range of cultures. Analysis of the social aspects of 'honour crimes' indicates that they cut across class lines and are perpetuated by feudal structures intent on retaining their social and political hold over local communities (Ali, 2001).

Shalhoub-Kevorkian (2006) holds that:

In light of this uneasy fit between the formal legal perception of gender-related issues, sexual crimes and honour, it should not be surprising that informal modes for processing disputes coexist with the formal system. The institution of tribal adjudication, the parallel legal system, becomes an address for people to turn to in cases of sexual abuse. This institution has become further empowered due to the lack of political stability and the failure in the post-Oslo (Palestine) period to entrench due legal process in the formal system.

The flaw in the Law

The law – whether as articulated in the statute, or as applied and interpreted by members of the judiciary, or as 'unwritten' law – describes a particular nexus of state, society and family, and the gendering of relationships between these fields, and may be instrumental in the structuring of those relationships. Insisting on all these manifestations of the 'law' and those who form it and apply it as instruments of change, means working on law itself as an instrument in need of change (Welchman & Hossain, 2006). Since honour crime takes place in the families, most countries have traditionally used its private context as a reason for non-intervention. Until recently, the same pretext has been used by international human rights institutions to exclude crimes of honour from their agendas for action (Goonesekere, 2000). Consequently, violence against women, whether or not it has occurred in the name of honour, has not been situated in the framework of human rights violations. Instead, honour crimes have been left within the sphere of cultural and family frameworks, places that remain outside the scope of legislative reform. Yet, such de-politicisation ignores the fact that the persistence of honour crimes is to be explained in part by permissiveness on the part of State agencies and institutions. Indeed, many judicial systems around the world contain legal provisions that provide leniency to the perpetrators of honour crimes (Sen et.al., 2003).

Since the 1948 UN Declaration of Human Rights, there have emerged numerous human rights conventions and legal structures, and declarations have evolved into powerful global human rights institutions (Gill, 2006). Although many of these declarations have been widely praised for their progressive aims, there has also followed much criticism, mostly directed towards discourses that universalise rights that are culturally engendered by liberal Western traditions (Gill, 2006). At the core of these debates is the notion of 'culture' or 'community' (terms that are often used interchangeably, thereby further clouding their already complex meanings), and the way they operate trans-national human rights institutions (Coomaraswamy, 2003). Under contention is how the changing dynamics of community and culture can be reconciled

with homogeneous legal concepts, nation-building agendas, and disagreements over what constitutes *rights*.

As per Rawls (1958), "Justice is the first virtue of social institutions, as truth is of systems of thought". Any social institution, be it family or caste cannot be justified to act against the established principles of individual liberty. Mill (1859) states as his basis for liberty, that "over himself, over his own body and mind, the individual is sovereign". Mill (1859a) makes this assertion in opposition to what he calls the "tyranny of the majority", wherein through control of etiquette and morality, society is an unelected power that can do horrific things. Nira Yuval-Davis (1997) explains that minority ethnic women must often carry 'the burden of representation'. Women, in 'backward' societies, like women elsewhere, have long contested the gender relations that obtain in their worlds. They are vocal, articulate and organized, especially so in relation to violence against women (Molyneux, 2000; Basu, 1995; Wieringa, 1995; Sen, 2003). Indeed, women are perceived to be the symbolic bearers of identity and honour, both personally and collectively. Cultural relativism (or respect for multiculturalism) is often employed to excuse the violation of women's rights by inhumane and discriminatory practices in the community and family – despite such practices being clearly contrary to international human rights law. Honour crimes may, depending upon the exact circumstances, violate right to life, liberty and bodily integrity; the prohibition on torture or other cruel, inhumane, or degrading treatment or punishment; the prohibition on slavery; the right to freedom from gender based discrimination, sexual abuse and exploitation; the right to privacy, to marry and start a family; the duty to modify customs that discriminate against women; and the right to an effective remedy (Coomaraswamy, 2006).

The relationship between international human rights law and multicultural accommodation is undeniably problematic. An extensive literature on multicultural accommodation has established that well-meaning group-based accommodation can harm individuals within the accommodated group, in particular vulnerable group members such as women and children (Solomos, 2000; Alibhai-Brown, 2005). The justification, usefulness, and strengths and weaknesses of multicultural accommodation are the subjects of lively debate among political theorists. The first wave of multiculturalism focused on the justice claims of minority groups and was mainly concerned with redefining the relationship between the group and the state (Kymlicka, 1995). The second wave of multiculturalism elaborates on the potentially conflicting needs and interests of three major players in any multicultural system: the group, the state and the individual (Kymlicka, 1995). Shachar (2001) has divided this second wave of multiculturalism into two dominant streams: the re-universalised citizenship option and the unavoidable costs approach. They present two seemingly opposing points of view. On the one hand, proponents of re-universalised citizenship argue that the "state must throw its weight behind the individual in any conflict between the individual and her minority group, even if the state contributes to the alienation of the individual from her group in so doing" (Okin, 1999).

As Connors (2006) sets out, international human rights law requires states to exercise due diligence in protecting women from such violations by private actors, while domestic legislation, court practice and informal legal structures vary in the level of protection and remedy they offer women, in particular where family or conjugal 'honour' is invoked. The Secretary-General's report on working towards the elimination of crimes against women committed in the name of honour (A/57/169) makes clear that human rights treaty bodies, the commission on Human Rights (CHR), its sub-commission and the

Special Rapporteurs, particularly the Special Rapporteur on violence against women, have continued to address the question of crimes committed against women in the name of honour (E/CN.4/2004/66). Where the broad human rights issue of violence against women is concerned, the Secretary-General's in-depth study of all forms of violence mandated by the General Assembly in Resolution 185 at its 58th session in 2003 provides a further opportunity for violence against women in all its forms, whether perpetrated in the private or the public sphere, to remain a human rights issue.

The importance of state responsibility for private acts is significant to the issue of violence against women (Hester, 2004; Home Office, 2005). Another well-established idea is that only state entities are capable of violating human rights. Whilst anyone can commit a crime, only a state and its agents can be found guilty of human rights violations under international law. Thus, the perpetrators of domestic violence cannot be treated as the subjects of international human rights law unless the state can be held responsible in some way (Gill, 2006). Although this situation has changed since the majority of countries have subsumed domestic violence cases under state criminal law, it remains doubtful that it is viewed as an international human rights issue. It is important for the women's rights movement to keep pursuing the broader acceptance of state accountability in international human rights discourse regarding violence against women. The provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979, its interpretation by the CEDAW Committee, and the terms of the Declaration on the Elimination of Violence Against Women (a UN General Assembly resolution adopted in 1993), have reflected a fundamental shift in categorizing violence in the family as a violation of women's human rights – and rejecting the justification of violence against women on the basis of custom or tradition. The development of the concept of state responsibility, including due diligence in preventing, prosecuting and punishing violence against women committed also by non-state actors, confirms that the issue of violence against women is very much the concern of the international legal order (Coomaraswamy, 2006).

Analyzing the possible solutions

Coomaraswamy (2006) recommended the development of national penal, civil and administrative sanctions to punish violence in the family. Other interventions include health and awareness-raising programmes, and adoption of appropriate education measures to modify social and cultural behaviours that sanction violence against women. Women's right must be asserted in a manner which allows women to be full participants in the communities they choose. There is a need to support women working within their communities at all levels, particularly those who are at the forefront of efforts to combat violence and struggle for women's rights. Where international attention and leverage are rooted in culturally sensitive strategies and locally supported, they can give strong underpinning to our situation-specific approaches and interventions on the ground.

It is abundantly clear that a narrowly legal approach, particularly one focusing on 'state law' and state legal systems as a stand-alone strategy unaccompanied by broader and deeper initiatives and understandings, is unlikely to change practice or to combat 'crimes of honour' effectively (Welchman & Hossain, 2006). In this regard we must recognize the limitations inherent in the fact that our 'orientation towards the circumscribed disciplines or sub-disciplines remains strong' (Dobash & Dobash, 1998:2). In particular, we look to the contribution of anthropologists in seeking to destabilize assumptions about 'honour

and shame', sexuality, class, and the gendering process in specific contexts (Lindisfarne, 1993; Joseph, 1999). The most viable solution that seems workable across cultures is the peaceful method of 'dialogue'/'discourse' as has been propagated by Sen (2005) and Habermas in the recent years. The term 'community discourse' is used throughout to denote discussion of every aspect of 'crimes of honour' within the local communities where they occur. The means include radio and television programmes in local languages, Friday sermons and discussions at local mosques, songs, formal and informal education in school, sports and youth clubs, and women's or other community associations (An-Na'im, 2006).

It is not enough to condemn the crimes without developing specific strategies to prevent their occurrence, and to deal with perpetrators and their supporters. Transforming family and community attitudes towards these crimes by engaging in an internal discourse would contribute to their elimination by addressing the underlying causes in addition to encouraging state officials and institutions to hold individual perpetrators and their supporters accountable for their action. Community discourse against crimes of honour can be an effective means of denying them support. At another level, community discourse helps generate and sustain the political will to allocate resources and implement policies for combating crimes of honour to punish perpetrators, and to deny them any moral or material benefit from their crimes. A more fundamental rationale for the proposed approach, indeed its *raison d'être* (the most important reason), I would suggest, is respect for the moral autonomy of individuals and families, and the self determination of their communities. It is necessary to gain their co-operation and support through an internal discourse within the community around cultural norms and institutions associated with these crimes. The question is one of long-term strategy – in addition to, not instead of all that can be done immediately. Shalhoub-Kevorkian (2000) points to the interrelation between sexism, crimes against women, masculine-patriarchal gender biases, and the socio-political and cultural context of a given society (see Smart, 1995). And unless such reasons for this kind of male dominance or survival of the tribal social structure is not destroyed no solution can give lasting results.

Even if one maintains that these crimes are so serious that an exclusively coercive approach to their prevention and punishment is justified, there is still the question of who is going to enforce their prohibition, and how. After all, the same local elite and state officials who are supposed to devise and implement the necessary measures are themselves a product of the same culture and context that produce the crimes. These critical actors are politically responsive to the same communities, even if they are not formally accountable to them in a democratic manner. As clearly illustrated by cases from Turkey with regard to honour killings the decision to kill the woman is taken in a family meeting which also designates a young man within the family, usually a brother or cousin of the victim, to carry out the crime. By their very nature and alleged rationale, these crimes arise out of a collective deliberate decision that is to be executed in public, or at least publicized for the purported purpose to be achieved. What does this collective, deliberate and public nature of the crime mean for the responsibility of the family and the community at large? Some additional questions arising out of the nature and context of crimes of honour to be asked are: Whose honour is at issue? Why are the women killed in the name of protecting it? Do these crimes constitute human rights violation? What practical difference can such a characterization make?

It is counterproductive to suggest that the family and community have no right to regulate sexuality at all. Even the appearance of suggesting that will undermine the credibility of any effort to combat crimes of honour, thereby rendering the women of communities implicated in such practices even more vulnerable to violence in the name of protecting the honour than they are at present. Welchman and Hossain (2006) state, that the role of religious right–political groupings that invoke religion and religious traditions as justifications for their activities, including those which seek to marginalize or obliterate the rights of women or minorities – is key here, as well as the role of those who challenge the validity of such positions. Hence by the use of the community discourse method if even some elements of the religious right can be persuaded not to change their ways altogether but just not to incite/incur honour crimes, that can turn out to be a great step towards eliminating this menace from the society.

An-Na'im (2006) argues that one can object to crimes of honour from a human rights perspective because they are excessively violent and discriminatory against women, without necessarily arguing that the community's view of sexual propriety is itself objectionable from a human rights perspective. Feminist activists and non governmental organizations (NGOs) have succeeded in opening shelters for battered women, research centres, and organizations that can lobby for legislative reforms and the adoption of administrative measures to protect the rights of women, with some considerable recent successes. A 'community discourse' approach is necessary, as a means of transforming family and community attitudes about these crimes, as well as prompting and supporting state officials and institutions to combat them more effectively. For example, such an internal discourse within the community about crimes of honour is critical for the early socialization of children against cultural values and condone, even reward, 'crimes of honour' and for transforming the institutional culture and priorities of state officials concerned with various aspects of these crimes.

Including a community discourse component is also required out of respect for the moral autonomy of individuals and families and the self-determination of their communities. Like all principles, the concept of universal human rights is truly tested only when faced with a strong challenge, like the temptation to violate the human rights of perpetrators of violations in the name of protecting the human rights of their victims. No strategy for combating 'crimes of honour' can be implemented in practice, and sustained over time, without the consent and cooperation of the communities in question. The basic prevailing model of human rights advocacy can be described as 'mobilising shame' against offending governments by carefully monitoring and publicizing human rights violations in the hope of generating pressure on those governments to respect and protect rights. This scenario assumes that there are constituencies that are ready and able to act on the information and with sufficient power actually to succeed in influencing the conduct of offending governments. Due to the realities of offending governments in developing countries and civil society organizations that are either unable to confront their own government or lacking the power to influence its policies, there arises serious doubts over the sustainability of this tactic. The mounting limitations and general unpredictability and unreliability of the present model of international advocacy clearly indicate, in my view, the need to invest in developing and supporting local constituencies for combating 'crimes of honour', instead of relying on foreign pressure. The only problem with this over simple 'discourse' method is that one leaves unchallenged those elements of traditional sexual ethics that create a climate of hyper-attention to women's bodies and behaviour.

In the Indian scenario, the constitution speaks about the principles of Equality, Fraternity, Liberty and these principals are also part of state policy. But where their presence is most felt is the social fabric. Honour killings are homicide and murder which are serious crimes under the Indian Penal Code (IPC). It also amounts to the violation of the rights ensued under Articles 14, 15(1), 15(3), 19, 21 and 39(f) of the Constitution of India. The Indian example provides for the reasons for the persistent problem despite legal actions when this issue tends to put the blame on the legislators of the world. When the society fosters such actions even though the law may be in opposition, when John Austin's political sovereign is located in the social norms, honour killing is justified by the principals of natural law theories. The traditionalists argue that modernization need not mean wholesale Westernization and insist that traditional practices can be continued in modern India keeping the institution of family intact. The balance between individual freedom and traditional obligations, under such chauvinism, seems impossible to attain. Certain traditions must end: individuals must be free to make their own choices when it comes to marriage, and the rule of law must take precedence over local customs. Critics do not necessarily see honour killings as 'traditional' in themselves, but rather as an indication that traditional practices simply can't coexist with modern freedom, since those practicing them do not respect individual liberty.

Some sociologists see honour killings as a frightened reaction to rapid social change in India. In a landmark judgment, in March 2010, Karnal District Court ordered the execution of the five perpetrators in an honour killing case, while giving a life sentence to the khap (local caste-based council) head who ordered the killings of Manoj Banwala (23 years) and Babli (19 years). In June 2007, Manoj and Babli - members of the same clan - eloped and got married. Despite being given police protection on Court orders, they were kidnapped; their mutilated bodies were found a week later from an irrigation canal (BBC, 2010). In June 2010, scrutinizing the increasing number of honour killings, the Supreme Court of India issued notices to the Central Government and six states including Uttar Pradesh, Punjab, Haryana and Rajasthan, to take preventive measures against the social evil. Ghurye (1950) puts the burden of the rampant caste system in India on the strict following of endogamy, which has prevented any inter-mixing of castes. As Thapar (1992,) states, India portrays a major lineage society and all can identify themselves to some lineage. Hence these castes still identify themselves as unique irrespective of a 'purity-population' hierarchy (Blunt, 1960). The entire structure of caste and its reproduction, as a system, was contingent upon carefully controlled endogamous marriages within certain bounded groups. Reproduction everywhere has historically been a social rather than an individual act, but it is also inextricably linked to the political economy of communities and the ways these communities organize and reproduce themselves as 'identifiable communities'.

Activists say despite growing modernization — or perhaps, because of it — the number of honour killings has been rising steadily in the last few years, particularly in some northern and central Indian states, where village elders often order such killings. The concept of honour in punishing the 'defilers' is essentially a means of maintaining the maternal structures of 'social' power and social dominance. 'Love' marriages present a clear threat to this intricate web of social, maternal and cultural factors requiring specific marriage structures. Once 'love' or 'choice', is conceded, reining in the choice to suitable partners from within an acceptable circle becomes difficult (Chakravarti, 2006). Elopement thus provides an avenue to realize the 'love' or 'choice' marriage that families

actually prevent or are perceived as preventing. However, elopements have also provided the space for development of the 'criminality of marriage' in India (Chakravarti, 2006).

In the light of such incidences the proposed law called The Endangerment of Life and Liberty (Protection, Prosecution and other measures) Act, 2011, proposes to put enhanced penal sanctions against outraging the modesty of women. It declares a public meeting as unlawful assembly if done to discuss a marriage matter of a couple who have married by choice, removes the requirement of notice under the Special Marriage Act, holds the members of the assembly as liable (with the burden of proving the case otherwise on them), and holds boycott and such other methods as illegal. This is a welcome step in India as we could see many instances of gross human rights violations in the name of honour.

In a bizarre duality, women are viewed on the one hand as fragile creatures who need protection and on the other as evil witches from whom the society needs protection. The vulnerability of women around the world to this type of violence will only be reduced when these patriarchal mindsets are challenged and effectively confronted. Research from around the world points to the fact that violence against women can only be combated if there is a healthy partnership between women's groups and the state apparatus. While women's groups must protect their independence, on certain issues they have to work effectively with the criminal justice system, joining forces to protect the rights of women victims. State authorities frequently ignore their obligation to prosecute honour killings. They should be viewed as "co-conspirators" in such crimes, and held accountable by organizations such as the United Nations.

The following recommendations will go a long way to the elimination of such crimes:

- A combined external and domestic political struggle that makes honour crime and unfair subsequent legal treatment of women a shame on the nation (Nadelmann, 1990, p. 480; Weldon, 2006);
- Placing serious penal sanctions against such crimes, taking administrative measures to prevent the crime, and ensure conviction;
- Active police, local government and the entire government apparatus committed towards this goal;
- Imparting education that shuns the violence against women, de-objectifies them and recognizes the Kantian thought of the moral autonomy of the people at large, especially people from rural areas;
- Active collaborative participation of civil society and international bodies relating to women empowerment, to enhance a dialogue and to conduct community hegemonic discourse;
- Reaching out to women of all ages and from all walks of life, to make them realize that they are equal to men;
- Persuading elements of the religious right to shun at least the 'honour crimes' if not moral policing; and
- Democratic setup that provides a ground for popular changes.

Honour crimes are outcomes of the social control mechanism that operates as a social threat framework justified on the basis of social customs and traditions, preventing individuals from exercising choice or having any moral autonomy. These customs are part of the popular belief and thinking pattern and it is a Herculean task to mark an end to this kind of crime which can only be done through a substantial change in the popular

thinking. Change, like always, will find resistance not so much by any kind of forces to be thoughtful, but by the darkness of ignorance which has its own comfort that it gives to the people living in them and which makes any enlightenment so hard to bring and any change so hard to occur. As Poet Shelly has said, "When winter comes can spring be far behind" and so the winds have started to change directions. Empirical evidence needs to be gathered and concrete steps need to be taken to ensure the elimination of honour crimes.

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