

Crimes of Honor
In Jordan and the Arab World

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1. INTRODUCTION

"With cursing and pleading eyes, the victim gave her murderer a farewell look, casting an eternal spell over him, his family, and whoever encouraged him to commit such a shameful "Crime of honor!".

"Crimes of honor"! What a horrifying and paradoxical title! Are they really "crimes of honor", committed in the name of honor? They are crimes, but certainly not of honor; they are against honor, nullifying it from its noble reference.

To me, no crime whatsoever, may be justified for the sake of this moral cause, honor. These crimes are committed to perpetuate shame, ignorance, backwardness and social conspiracy; they are sometimes referred to as crimes of shame and dark ages.

2. DEFINITION

In the Arab Islamic world, there are negative attitudes towards the birth of a girl, connecting females to the concept of "honor" (or lack of it thereof).

Honor, especially in the Middle East, is defined as a mechanism to control female sexuality and ensure gender segregation – Ta'ah and shari'ah. Hence, honor crimes are generally acts of violence, usually murder, committed by male family members against female family members who are held to have brought dishonor upon the family upon the family. Females, to some, are males' properties, and they are entitled to discard with them anytime, and anywhere they deem fit.

Crimes of honor are (by far) socially applauded crimes, applying male's superiority to liquidate their woman folk should they commit or be suspect of a bad sexual behavior.

In their (edited) book 'honor', Lynn Welchman and Sara Hossain define "crimes of honor" as follows:

"The definition of 'crimes of honor' is by no means straight forward. The imprecision (in particular in the West) of its use are among the reasons for caution in use of the phrase. At its most basic, the term is commonly used as shorthand, to flag a type of violence against women characterized by (claimed) 'motivation' rather than by perpetrator or form of manifestation." They quote Lama Abu Odeh as saying.'

"A paradigmatic example of a 'crime of honor' is the killing of a woman by her father or brother for engaging in, or being suspected of engaging in, sexual practices before or outside marriage."

The two editors refer to the UN Special Rappporteur's report (in Lebanon) on violence in 1999 as having received 'numerous communications' on the subject of 'honor crimes' against women, whereby the family kills a female relative deemed to have defiled the honor of the family". She continues:

"Honor is defined in terms of women's assigned sexual and familial roles as dictated by traditional family ideology. Thus, adultery, premarital relationships (which may or may not include sexual relations), rape, and falling in love with an 'inappropriate' person may constitute violations of family honor".

3. CONTEXTUAL BACKGROUND

Universally, women are discriminated against, including the civilized, western countries; it is, more or less, a man's world. To some it has always been considered as a gender straggle whereby man has always emerged victorious.

It is more acute in the Arab and Moslem world where people tend to give more weight and importance to what the community thinks rather than thinking of their own individual interests.

In many instances, if the society does not know of a 'bad sexual conduct', women may escape harm or killing. Sexual breach is tarnishing or hurting family honor if it becomes social knowledge- in other words, same fury of hypocrisy.

Historically, and in the pre-Islamic era, women, especially newly born girls were considered liabilities (from all aspects).

Some Arab tribes (again pre Islamic) used to bury their girls alive until Islam came and banned this inhumane practice.

Although some fanatic preachers or clergymen would condone crimes of honor, Islam would never punish adulterers until it is proven (by far trustworthy witnesses). In other words Islam, in this case, would be punishing some kind of prostitution, a public offence (which is banned even in the West).

So, it is mostly societal traditions and customs that drive people of this part of the world to resort to such shameful, irreligious acts. In Islam, it is a sin to take people's lives in one's own hands.

Crimes of honor are therefore social in the full sense of the word. Perpetrators see it as 'social cleansing of shame', seeking the community's approval.

Some of them would go out of household, brandishing their tool of murder shouting "now I have cleansed my honor of shame; I killed my (relative) female".

This is a clear indication of how much they give weight to what the society thinks.

A final, peculiar phenomenon in this context is that family women do encourage, applaud and endorse crimes of honor.

4. LEGAL BACKGROUND

Deriving from European laws (especially French and Italian), the Ottoman Empire, ruling almost all Arab countries, since the 16th century, enacted lower penalties on perpetrators of 'crimes of honor'.

Article 324, paragraph 2 of the French Penal Code of the year 1810, which the Ottomans adopted and practiced, gives the husband a lower penalty if he caught his wife committing adultery in the marital house. The old French law was lenient with crimes committed by husband vs. wife, affected by the

Roman laws which considered that the utmost control within families is for the father and husband.

Article 587 of the Italian Rocco Code enabled consideration of the 'cause of honor' in homicide or physical injuries, providing: 'whoever discovers unlawful sexual relations (i.e. sexual relations outside marriage) on the part of their spouse, daughter, or sister and in the fit of fury occasioned by the offence to their or their family's honor causes their death, shall be punished with a prison term from three to seven years.

Inheriting the Roman, French, Italian, Ottoman laws, legislative measures dealing with crimes of honor in the Arab World, Jordan included grant a full or partial excuse for perpetrators.

While the penal code condemns the perpetrator, they may grant full or partial excuse which could reduce the penalty or totally exempt murderers from punishment.

Jordanian law, article 340 (a) "stipulates" he who discovers his wife or one of his 'maharem' (female relatives of such degree of consanguinity as precludes marriage), while committing adultery with another man and kills, wounds, or injures one or both of them, is exempt from any penalty; (b) he who discovers his wife, or any of his sisters, or female relatives with another man in an illegitimate bed, and kills, wounds or injures one or both of them, benefits from a reduction of penalty.

However, article 98 of the Jordanian law stipulates: "he who commits crime due to extreme anger caused by an illegal, and to some extent, dangerous act, committed by the victim benefits from reduced penalty."

5. GENERAL LOCALE

There is a common, well spread, misconception that crimes of honor do occur in the rural and Bedouin areas. Jordanian activists and statisticians insure that this is not true; they maintain that the vast volume of those crimes do take place in the urban, popular areas.

Bedouins in the popular heritage are known to be wise in handling similar affairs, and the 'sheikh' of the tribe has a big positive role in reaching amicable solutions to such matters as sexual misconduct.

It is well known, all over the world, and Jordan is no exception, that the middle class is so conservative that such crimes may be committed in this milieu and even among classes A and A+.

6. UNDERLYING RATIONALE (Reasons)

- Rumors
- Suspicion
- Victim of rape
- Victim of incest
- Pregnant out of wedlock
- Marrying against family wishes
- Financial reasons
- Inheritance
- Missing from home
- Talking to or seeing a man, not family member
- Caught in brothel (house of prostitution)
- Escaping from home
- Prostitution (in some countries committed by moral police)

7. PERPETRATORS

(According to statistics in the following order)

- Brother
- Father
- Son
- Cousins and nephews
- Uncle
- Mother
- Sister
- Other relatives

8. THE JORDANIAN CASE

8-1 General

In Jordan, which is no exception to its neighboring countries, crimes of honor are as many as an average of 25 a year. However, Jordanians elected to open Pandora's Box and started; in recent years, addressing this horrifying taboo. This does not make Jordan 'the country of honor crimes', but the country which allowed civil rights activists speak loud and combat this uncivilized phenomenon. This is encouraged by the Monarch and His Royal family, some members of whom have participated in demonstrations against article 98 and 340 of the Penal Code.

In some areas of Jordan, a woman's life is at risk if she talks to a man not being a relative, or refuses to marry someone who was chosen by the family, or marry someone of whom her family does not approve, or marry a man from different religion. In brief, she will be endangering her life if she has done anything to bring social and/or sexual dishonor to herself, which will automatically affect her family's honor.

Although women are nominally granted equality under Jordan's constitution, some laws directly violate this guarantee by denying women full legal competence. The existence of these discriminatory laws jeopardizes Jordan women's lives.

There is no law that grants a man the right to kill a female relative if she brings shame to the family. However, such killers spend an average of six months to one year in prison. If he is a juvenile, he will be put in one of rehabilitations centers, taking into consideration that this incident of killing a female, will not be filed in his records as a juvenile and by law his records are protected from mentioning such issues. This encourages families to choose a juvenile to do the killing. Article 98 of the Penal Code can reduce the penalty up to six months if the victim's family waives charges

against perpetrator who happens to be another family member.

Traditions require that a woman marry only with the approval of a male guardian. Male family members feel that they are guardians of the family's reputation and they have the right to punish any female member who tarnishes or damages this reputation or even challenges the power dynamics in the family. Usually, women are taking care of the family in the house, while men work outside. The life of women is destined to raise the children and take care of the household. Their well-being and protection is the responsibility of a male relative: the father, husband or brother. The father has to sustain his daughter until she gets married. If a married woman gets divorced she usually returns to her family and her father will take care of her again.

Children 'born out of wedlock' are considered a product of a crime, she can not claim custody for such children, and they are placed in government care until they are eighteen years of age.

A divorced woman loses custody of her legitimate children if she remarries.

Men can pass their nationality to their foreign wives and children, while Jordanian women married to foreigners are not entitled to have the same right.

Men would never marry a girl that is not a virgin, although some do not mind having affairs or marry foreign women who are not virgins. The family is responsible to keep their daughters relations 'clean'. Middle and higher class families are changing. However, the 'virginity' is still very important in society. Otherwise, the reputation of the family is endangered, and it will affect all girls in the family which will reflect on decreasing the chances for these girls to get a good husband, and people would look down on such a family. The only way to clear this situation is to kill the girl who committed the wrongful act so that the shame would be erased.

On the other hand, in case of family violence related to honor, and to protect the women from being abused or killed, they will be kept in prison. Time spent in prison might vary from weeks to tens of years. Governors at different governorates will be using "preventing from Crime" law for such cases. Governors have the authority to imprison women who are threatened by family members to protect women's lives, as there are no shelters that would protect these ladies and the only place for protection is prison under the term of "protective custody".

Jordanian NGOs together with few governmental and security departments were gathered March 2006 and formed the "Jordanian Coalition to support the women who are at the protective custody". There was close cooperation between this coalition and Jweideh Women's Correction and Rehabilitation Center management. There were many visits to the women in prison who were seen individually. Accordingly, it was decided to start a new project which was called "New Start" which was funded by the European Commission through the Embassy of Holland in Amman the year 2006.

The Coalition started its visits through the New Start project, and then visits the Governor who arranged for putting them in jail collected information, then discussed the issue, if possible, with their families and measured the risks of their lives at that point.

The number of ladies that were dealt with through this project was 122 women. 54 of them were given legal consultations, or presented in front of different courts and/or given shelter with their children.

8-2 Combating the Social Syndrome.

Although Jordan is signatory to the convention on the Eliminations of All Forms of Discrimination Against Women and the International Covenant on Civil and Political Rights, the Lower House of the Parliament failed to end impunity for men who murder female family members in the name of preserving the "honor" of the family.

Public debate about "honor killings" heightened on the heels of this legislative failure. Civil rights activists intensified their lobbying against the unjust Penal Code articles 98 and 340.

Jordan's Monarch himself, and members of His Royal Family support the civil campaigning, and the King's Cousin, Prince Ghazi spearheaded a demonstration calling for harsh punishment against "honor killers".

The debate against this tragic issue, which claims 22-25 lives a year, is almost nationwide now, putting intensified pressure over the legislative body to incur amendments to the unjust laws.

8-3 Defenders.

Defenders of the antique, unlawful law do advocate that these can also be called "crimes of passion".

This significance of their defences lies in the fact that the crime may be committed in a 'fit of fury' or a 'sudden spark of anger'. They allow the court to rule on "manslaughter", rather than "pre-determined" murder-hence, they request a reduced penalty.

On the other hand, and as mentioned before, there is the social conspiracy of silence and condoning, in addition to some fanatic social and religious defenders who terrorize others under the banner "honor and chastity of society".

8-4 Statistics.

Official statistics indicate that the majority of women killed in honor crimes are predominantly teen agers. Most are buried in unmarked graves, disgraced even in death.

Jordan has one of the lowest rates of homicide; however, a 1998 United Nations study of official figures from the mid 1990's showed that murder was the most frequent crime against women, and the honor crimes (including murder, and accidental murder) accounted for largest category 55%

report violence, especially if perpetrated by a member of the family.

The UN estimates 5000 a year (victims, but not necessarily killed) categorized as follows:

- Permitted under Jordanian law, articles 98 and 340;
- Usually carried out by father or brother of victim;
- Partner faces penalties if victim found not to have been virgin.

Additionally, there is an average of 25 crimes in Jordan occurring every year clearly as honor crimes. Almost 99% of these crimes target women only. However, the number of honor crime cases that are categorized under other reasons such as suicides or accidents.

The following are based on activists' investigations over a period of almost 13 years, (taking into consideration that the real numbers could be higher than are registered under other different crimes as mentioned above):

<u>Year</u>	<u>Number</u>
2009	10 (till the end of April)
2008	4
2007	19
2006	17
2005	19
2004	20
2003	18
2002	22
2001	19
2000	21
1999	19
1998	23
1997	25

9. RECOMMENDATIONS

- (1) Awareness towards the International Human Right Law (as the umbrella);
- (2) Creating a human rights library, and finding human rights culture specially among youngsters;
- (3) Incessant attempts to combat the unjust articles of the Jordanian Penal Code and Preventing Crime Law;
- (4) Social awareness towards:
 - gender equality
 - Islamic teachings of respect of females.
 - Islamic penalty of taking peoples lives without justification.
 - Good customs and traditions.
 - Bad customs and traditions.
 - The real meaning of 'honor'.
- (5) Government support and interference;
- (6) Bigger role of clergymen of both religions;
- (7) Comprehensive activists campaigning on all fields and targeting all audience;
- (8) Improve services, including shelters, extended to abused women.

10. REFERENCES.

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- (3) Honor Killings (Arabic), A Legal Study, Fadi Magheizel, Mirrella Abdul Sattar, Joseph & Lore Mgheizel, 1999.
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