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Noreen Saher \*

Irage Marjan †

Hadiba Kanwal ‡

## Gauging the Basis of Gendered Crime in Pakistan: Depicting the Insider's View of the Key Players

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**Abstract:** *In Pakistan, crime against women is a notable daily issue. As explored by Mughal (2018), certain violent norms like honour killing are glamorized and desensitized in the name of culture and tradition, which can put lives at stake. Consistently, this phenomenon is contributing to the rate of crime against women, how crime is aligned with the honour and dignity of the group/tribe and why both men, as well as women, extend support to the offenders who indulged in criminal offences against women. This issue has been missed out from insiders' view in the current literature. Consistently, qualitative research has been conducted to explore this missing between practice and research and contribute to the body of literature. This field data has been acquired from prisoners from Adiala jail to assess the influence of religion-patriarchy-based cultural values on their understanding of crime. Additionally, the professionals serving in law enforcement agencies have also been reached out to explore their perception of the ongoing practices of crime against women and its impact on pursuing cases against criminals. The results show that ingrained religio-patriarchal cultural values have created a general mindset that prevails in all segments of society, i.e., commoner-professional, men-women, offenders-officers working in the judicial system etc.; and in turn, desensitizes crime against women.*

**Key Words:** Gendered Crime, Violence Against Women, Patriarchy, Desensitization, Pakistan

### Introduction

Crime is an act which is considered offensive and punishable in the legal sphere, and the one who commits such an act is called a criminal and tried before a court of law. However, despite the universality, it doesn't hold a viable global definition and every culture has its own interpretation regarding the definition of crime. According to Malinowski (1926), crime is the occasional breach of customs. Since customs keep on changing, so does the definition of crime. Moreover, every culture has its own set of dos and don'ts dictated by the underlying societal pattern or value system. Thus every culture with its value system defends and promotes certain behaviours and restricts others regardless of their legal statutes. So is the case in Pakistan. There are certainly violent and offensive behaviours which, in the legal sphere, hold a criminal identity but are reputed in certain cultural

settings. Many crimes and criminal behaviours are justified and normalized in the name of culture and tradition. There are many offensive behaviours whose repeated occurrence is not really considered a crime anymore (Mughal, 2018). Different violent practices are glamorized in the name of culture and devotion. An example of this is violence against women, which in certain sub-cultural groups is desensitized and justified in the name of cultural values. Ullah (2010) argues that violence against women has been so much indulged in the societal patterns of Pakistan that it is not considered a crime anymore. Furthermore, some violent behaviours are justified and desensitized by associating them with prestige. Members of specific sub-cultural groups use violence and crime to attain group pride and prestige (i.e., honour killing). According to Siedler (2011), people with personal vulnerabilities like (poor attachment, low intelligence, and exposure to abuse) and social disadvantages (e.g.,

\* Associate Professor, Department of Anthropology, Faculty of Social Sciences, International Islamic University, Islamabad. Email: [noreen.saher@iiu.edu.pk](mailto:noreen.saher@iiu.edu.pk) (Corresponding Author)

† Department of Anthropology, Faculty of Social Sciences, International Islamic University, Islamabad.

‡ Lecture, Faculty of Humanities and Social Sciences, GIFT University, Gujranwala

poverty, lack of education, disengaged neighbourhood) who have no conventional means to attain social status choose violence to achieve it. Honour killing is one of those crimes which have been desensitized and associated with the status of honour and prestige.

The leading factor of such crimes is the patriarchal values of Pakistani society and its gendered ideologies. This patriarchal environment, along with philosophies constructed through the misinterpretation of religion, contributes to crime and leads to an increased crime rate in the country, specifically gendered crimes. Because the judicial system of the country remains steeped in patriarchy and traditions that prejudice women, crime against women prevails. Consistently, gendered crime and violence against women are increasing as religion-patriarchy-based cultural values are pervasive despite the presence of all sorts of legal regulations and formal institutions in Pakistan. This is in line with the existing scholarship revealing that cultural institutions are stronger than rules and formal institutions (Lyon, 2002; Khilji, 2003, 2004; Saher & Mayrhofer, 2014).

This patriarchal desensitization causes a surge in the rate of crime against women, as it constructs the definition of crime in its own way and safeguards certain criminal offences. To date, this issue has not been deeply explored in the context of Pakistan. Thus, to fill this missing clue, qualitative research has been conducted at Adiala jail with prisoners to assess the influence of religio-patriarchal cultural values on their understanding of crime. Additionally, the professionals serving in law enforcement agencies have also been reached out to explore their perception of the ongoing practices of crime against women and its impact on filing/pursuing cases against criminals, for which exploratory research was conducted to have an in-depth understanding of the issue at hand.

## Review of Literature

Many violent practices are glamorized by culture and religion (Macey & Marie, 1999). These practices have been desensitized by their regular occurrence, and these are not considered crimes anymore. This desensitization, on the one hand, tears apart the social fabric of society while, on the other hand, it leads to an increase in the crime rate in the country. Unfortunately, one of the examples of desensitized crimes is violence against women, which is not considered a crime anymore. Mughal (2018) also counts domestic violence as a desensitized and normalized crime. Because according to surveys conducted in some rural areas of Punjab and Khyber

Pakhtunkhwa, villagers believed in the discriminatory decisions by 'Jirga' and 'Panchayat' towards women. The logic behind this confirmation was that there are certain situations in which banning violence against women is a western concept, and we cannot assemble with it (The New Humanitarian, 2013).

Ideologically those situations include women breaching the perceived honour, demanding freedom, etc. Through this desensitization, some crimes and criminal behaviours are associated with social status and made a source of prestige. For example, the violent practice of honour killing, which is prevalent in certain sub-cultural groups, is considered a source of restoring their perceived status of honour. Honour killing is one of those interpersonal obligations that people of particular group conduct to restore their group pride or status. It has nothing to give them in return but a sense of satisfaction that they have fulfilled their obligations towards their group status. According to Sielder (2011), people with personal vulnerabilities like (poor attachment, low intelligence, and exposure to abuse) and social disadvantages (e.g., poverty, lack of education, disengaged neighbourhood) who have no conventional means to attain social status choose violence to achieve it. Thus, honour killing, for such groups, is a way to achieve group pride, and it has lost its identity as a crime, so it continues to prevail in certain sub-cultural groups.

Moreover, honour, prestige, and social status is linked with women as she is considered a commodity, not human being. This association of honour with women restricts her fundamental choices in life. She needs to act according to the prescribed and instructed ways; if she acts otherwise, she is considered a threat to cultural order. In Pakistan, there are numerous examples of such cases where women succumb to death because they are considered a threat to the societal order, i.e., the Qandeel Baloch case of 2016 (Boone, 2017)

In light of the above literature, it has been acknowledged that crimes and violent behaviours are desensitized and normalized in the name of culture and traditions and how this desensitization leads to an increasing crime rate in Pakistan. But the underlying cause of this desensitization and normalization of crime and violence is not much explored; how this influenced the criminal justice system was yet to be discovered. For this purpose, a qualitative study was conducted that contributes to this gap in the existing literature by taking this unexplored issue into account. The findings of the current study are discussed as the details proceed.

## Research Methodology

Neuman (2009) says exploratory research is conducted when little is known about a pertaining issue. Moreover, phenomenology is issue-based research that explores the lived experience of people about a specific social issue. The approach also meets the demand of the current study, which is why it was used to get valid data and results. The study was conducted at Adiala jail with offenders and officials; additionally, a psychologist outside Adiala jail was also consulted to vet the stances of the officials in the jail. The purposive sampling technique was used to select respondents for in-depth interviews and to locate information-rich cases. The in-depth interviews were conducted with the help of an interview guide in Urdu and Punjabi language depending on the requirement of the situation and respondent.

The field data was analyzed using Thematic Analysis Technique (TAT). Themes were generated from field data with the help of an extensive literature review. New themes were also extracted from the primary data making a contribution to existing secondary data. Respondents' dialogues and mini-case studies have been used to add validation to the results. The names of respondents have been changed to maintain privacy besides responding to the requirement of research ethics.

## Results and Analysis

The results of the current study highlighted how religio-patriarchy-oriented cultural norms and prevailing practices define crime and guard criminals. Different responses were recorded while collecting field data, which will be discussed in this section. The ongoing prodigy contributes to an increase in the rate of crime, more specifically, gendered crime. In the current system, women are the most vulnerable and disadvantaged. Women also follow these cultural values (ingrained through socialization in their perception of life and system) and further present themselves for exploitation.

While assessing the perception of crime, a respondent who was charged with the attempted murder of his mother, when asked about the misconduct, replied,

*"My father used to beat my mother; this is not a big deal."*

We can see how this desensitization is shared and learned in society. Violence against women is learned, embodied, and institutionalized. Galtung, (1969) has referred to this phenomenon as structural violence.

Whether it is physical or emotional abuse or deprivation of rights, the population has been so desensitized to violence against women that it is not counted as a crime amongst the masses. In this normalization and desensitization, different institutions of society share the blame.

The image Pakistani media portrays of marital and other family relationships is incredibly abusive; the underlying theme of TV dramas is a patriarchal nuisance which argues men always have the upper hand (Hadi, 2019; Zaheer, 2020). Consistent portrayals of violence in media are considered to create public acceptance of violence (Carter, 2003). The abusive relationships portrayed on the TV have a large role in constructing thoughts like *"My father used to beat my mother; this is not a big deal."* This depiction has conveyed that women in any relationship are vulnerable to abuse. Richardson and Scott (2002) elaborate on the impact of TV screen depiction on the behaviour of the general population and argue that after depicting violence and abuse, the public cannot be expected to behave peacefully.

The patriarchal values of Pakistani society contribute heavily to the normalization of violence against women (Hadi, 2019

). Pakistan has long adopted the western model of freedom of choice, financial freedom, gender equality and rights to demoralize violence against women, but underlying themes remain those patriarchal values which are still strong enough to cause conflict and violent behaviour (as shared by one of the respondents who attempted to murder his mother over a monetary dispute),

*"I am a man; money should have to be in my hands."*

This man did not earn money, and it was his mother who was working and providing subsistence to the whole family (including him). The patriarchal model did not teach him to work in order to earn and generate a livelihood for himself and the family. It did, however, teach him to take control of economic resources in order to keep the women of the family dependent and under his control and use extreme violence to enforce the patriarchal cultural model of a man's economic and political supremacy on the women in his home. All such actions are illegal in Pakistan, but on cultural grounds, this is an established practice. The prevalence of this phenomenon is observed in the social setting of Pakistan. This has been termed "cultural lag" by many anthropologists and sociologists like Leigh, R. D. (1923). This seemingly unusual conflict of interests between policies and cultural values has created a culture of violence which is highly gendered specific.

Moreover, this gendered violence has become a source of prestige in certain sub-cultural groups (i.e., honour killing). One of the respondents, a forensic psychologist, shared his understanding of crime against women, revealing his bias by believing in a gendered definition of honour.

Thus, by associating honour with women, he legitimized violence against women. Despite being responsible for facilitating the judiciary, he was still controlled by his gender discriminatory cultural values. Behind these practices is the operating value system, which is based on patriarchal ideologies. It is patriarchy which associates honour with women. Honour could have been linked to men as well, but the religio-patriarchal basis of society makes women the most vulnerable members of society.

The following case study facilitates a clear understanding of the issue at hand.

### Case 1

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Saeed is an under-trial prisoner. He fought with his mother over a monetary dispute, who had been bearing all his expenses. After refusing his demand to hand over the money she had been saving, he attacked his mother with the intent to kill her. She somehow managed to escape him and reported to the police. He narrates his stance about beating his mother to death in the following words,

"I would not do the same with my father because my father was a guardian of his family. Moreover, my father used to beat my mom; thus, I could beat her. Nothing is wrong with beating a woman. I want her to give me the money because, after my father, I am the guardian of the family, not her—a woman. So, I should have the money as I am a man and men are supposed to take over the financial matters of the family".

This case study highlights how the ingrained patriarchal cultural values are influencing the perception, priorities and decisions of the male members of the society to stand against their own women who are providing them livelihood. This in turn narrates the level of vulnerability of their men—even the sons. Furthermore, the data reveals the role of cultural ideology in the identity of crime and an increase in gendered violence. An offender who is an under-trial prisoner guards his criminal offence. The analysis of data unravels the source of affirmation of the offender, that is, a patriarchal ideology which is giving him the model to commit an offence and then negating it while referring to the prevailing patriarchal practices where a man (his father) beat the same woman (his mother), and it was never taken as an offence. So, he did not

commit any crime as it was against a woman who was beaten in the same house by his father. This stance is just the tip of the iceberg; the impact of these religion-patriarchal cultural values on the pervasiveness of gendered crime is immense and, unfortunately, goes unnoticed.

These ingrained cultural norms and practices influence people to such an extent that not only men but also women (the target of exploitation and abuse) believe in supporting their abuser as it extends social affirmation.

### Case 2

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Ms Humera is a mother of three and an under-trial prisoner charged with drug trafficking. She is, however, innocent. The culprit was her husband, but she took the blame in order to save him. The reason she shared was that he was her husband, the father of her children, and if there was a chance to sacrifice her freedom for her husband, why would she miss it? While on the other hand, according to a constable of the police station, her husband was not staying with the children and abandoned them. Humera further shared her story in the following words,

*It is not like I love him, or he loves me. He has never owned our relationship in public and abused me in front of his family and our children. Our marriage was forced on me. When I left the house, my parents (especially my mother) instructed me to do everything but not to disobey my husband because no matter what happened, he's now the crown of my head, superior to me. And you know a good woman is the one who strives to make her husband happy and live a life with him. This is what I am trying to do. I can't tell you how satisfied I am that my children are with their father, no matter how things are with me.*

This case has clearly revealed the ingrained patriarchal cultural values that set the meanings, priorities and decisions of even women, making them take the blame and give favour to those who have mistreated and exploited them throughout their life. The woman gave up her freedom just to be called a "good woman" to achieve social affirmation, and she herself ended up in jail. The roots of patriarchy are so deep that women wear it as an honour, regardless of the exploitation, abuse and loss of their freedom; they can do anything for the sake of their husband and family. Even when the husband is a criminal, his wife will make sacrifices for him just to be called a "good woman".

The following case throws light on the notion of desensitization of gendered violence by a trained

professional whose duty is to sensitize and discourage people from committing a gendered crime.

### Case 3

Amaan is a forensic psychiatrist who has been performing his duty as a forensic psychologist since 2019 in the central jail of Peshawar. His understanding of crime was assessed during the interview. When asked about the investigative procedure for an accused of honour killing, he replied,

"Well, this is not his fault if a person murders someone for honour; if my sister or my wife breaches my family honour, I may lose my patience and self-control. After all, you know what honour means to us, that's why I personally think if a person murders someone for honour, he is not to be blamed, rather we should cooperate with him and provide him with a healthy environment enriched with positivity and support so that he could let his anger go."

He is a trained professional who has to sensitize and stop people from committing such crimes, but his own definition of crime is problematic. He himself believes in the uplifting of such religio-patriarchal cultural practice and gives a full discount to the offender. Although he is responsible for facilitating the judiciary in making fair judgments, he was preoccupied with his cultural values and, in this way, supporting gendered violence. This case study demonstrates how even professionals working in Pakistan's criminal justice system elusively support pervasive gendered violence based on preconceived cultural prejudice against women. Behind these practices is the operating value system with patriarchal ideologies that target women, making them the most vulnerable members of Pakistani society. This is a cultural mindset that prevails among the officials of the judicial system of this country who are responsible for curbing this phenomenon.

### Conclusion

One of the key findings and insights from this research is that religio-patriarchal based cultural values are playing a significant role in neutralizing the perception and practices of violent behaviour and gendered crime, and they are contributing to the vulnerability of women on the ground despite all the formal activity in legislative assemblies and court. Practically, as reflected in the field, gendered crime and violence against women are increasing. This is due to the strong role of religion-patriarchy-based cultural values despite the presence of all sorts of legal regulations and formal institutions in Pakistan. This is in line with the existing scholarship revealing that cultural institutions are

stronger than rules and formal institutions (Lyon, 2002; Khilji, 2003, 2004; Saher & Mayrhofer, 2014).

The research results have also pointed out that an important reason for the increasing rate of crime against women is that patriarchy-based cultural values connect crimes with the rights of a man and the honour/dignity of the family. Cases one and three discussed in the field data vividly point to how criminal acts against women are neutralized by connecting them with man's rights in the family and safeguarding the honour of the family. In case one, the man justified his criminal act of beating his mother to death as being a guardian of the family since it is his right to keep economic resources and women in his control. In a similar vein, the forensic psychologist in case three revealed his sympathy for the criminal act of honour killing and killer while saying that he must be supported as he saved the honour of the family. He even assimilates himself with the honour killer, saying that he will do the same in a similar situation. The analysis of the field data highlights the prevalence of a mutual cultural model that connects the offender and his psychiatrist.

Additionally, this research has also referred to the notion of social value and support given to people involved in criminal acts; this is extended by both men and women. The analysis of the field data and case studies 2 and 3 have depicted this phenomenon. In case 2, Humers took responsibility for the crimes of her husband and set him free at the cost of her freedom (in Adiala jail) due to his status as husband and father; in case 3, the psychiatrist believes that the criminals of gendered crime should be supported and healthy environment should be provided so that they get relieved from the anger caused by women's violation of code of honour.

Last but the most significant revelation of this research is the ingrained patriarchal cultural values that set the meanings, priorities and decisions of all individuals, including women. Consistently, women are submitting to gendered crimes and not taking a stand against them. They extend services and give favours to their men (sons, brothers, husbands etc.) who have mistreated and exploited them throughout their life. For example, Humera, (case 2) took the blame on her husband and gave up on her freedom just to be called a "good woman". The cost she paid to achieve social affirmation is a long jail sentence. This research has also established that the roots of patriarchy are so deep that women prioritize men over themselves and consider it an honour to support them; despite the fact that they are being exploited and abused by them.

Finally, the results show that ingrained religio-patriarchal cultural values have created a general mindset that prevails in all segments of society, i.e., commoner-professional, men-women, offenders-officers working in the judicial system etc.; and in turn,

desensitizes crime against women. This research has contributed to the body of knowledge on women and crime by providing an insiders' view on the topic at hand. In the future, research with a broader research framework and larger respondents can be conducted.

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