



War and Wombs

Lessons from Pakistan and Burma

○ Shirin

The dominant patriarchal view is to consider women as the repositories of a race's honour. The underlying assumption is that women, as mothers, preserve the race's purity (which is defined in terms of blood and customs) via their wombs. Preservation of the "purity" of these wombs is, therefore, considered indispensable to the preservation of a race, while the "violation" of this "purity" is deemed necessary to "subjugate" another race.

While this notion of "sexual purity" restricts women's sexual freedom within their respective ethnic groups everyday, that same notion leads to heightened levels of sexual violence against women in times of strife when one ethnic group tries to humiliate the other by violating its women's wombs. In other words, within an ethnocentric context, the rights of women are targeted both by men of their own community as well as by those outside of it.

When domination of ethnic groups is endorsed by the state, these acts attain legal sanction. To illustrate this further, let us consider the cases of two of India's neighbouring countries, Pakistan and Burma.

Pakistan's Hudood Laws

In Pakistan, the Islamization drive by General Zia-ul-Haq led to the enactment of the Hudood Laws dealing with sexual crimes labeled as *zina*. Under this law, any sexual act outside of marriage is illegal. The law stipulates that unless a woman can

conclusively establish that she was subjected to forced sex (outside marriage), she could herself be charged with adultery under *zina*, since in order to bring a charge of rape against someone one must concede that she has had a sexual relations with that person. *Zina* was made a very serious offense, the most extreme punishment for which was death. The justification provided for this law was that *zina* was "un-Islamic," therefore, the punishment prescribed was claimed to have a religious sanction.

What Hudood effectively did was to make legal the barbaric practice of honour killings prevalent in wide sections of the population in Pakistan.¹ Honour killings are justified on the ground that since the engagement of women in sexual relationships outside of accepted social norms dishonours the men related to them, in turn, those men may reclaim their honor by killing the culprits. While the male culprits often settle scores by fighting or with money, the women culprits most often end up paying with their lives. Although honour killings were already prevalent in Pakistan, the Hudood Law gave the practice a legal sanction. Within ten years of the promulgation of the Hudood Law, the number of women in Pakistani jails swelled from 70 to 60,000. Not surprisingly, majority of these women were accused of *zina*.²

It is essential to note here that General Zia came to power by executing the then democratically

elected Prime Minister, Bhutto, and by canceling the general elections scheduled in 1979. He relied heavily on Islamic rhetoric to justify his regime. Canceling the elections on the grounds that the country was not "Islamic," Zia proceeded to enforce his totalitarian policies with "Islamic" justifications. In other words, the paradigm now shifted from democracy and Constitution to ethnicity defined in "Islamic" terms. Within this ethnocentric context, women's rights became the first target, as the purity of the race forms the basis of any ethnocentric regime.

The fact that the government laid claim to this rhetoric made women vulnerable to extreme abuse with legal sanction. The Hudood Laws became a convenient and foolproof cover for all kinds of crimes. To state just one example, a man who had committed murder was advised by his father to kill his sister-in-law and declare that she had been having an affair with the murdered man in order to escape the death sentence.³ This is because if a man has committed murder to defend his honour, he would not only gain the support of religious leaders but would also be treated leniently by the law, which sanctions killing for honour. As a result, women have been maimed and killed in Pakistan for dishonouring their families, and most perpetrators have gone unpunished, as they are understood to have acted upon principles of their honour.

This law created an atmosphere of fear among women, making them even

more vulnerable than before. For instance, reporting rape could prove lethal as the onus of proof lies with the woman (the law requires eyewitnesses to the deed); without that proof, the woman herself could be charged with *zina*. In a recent case involving rape in Pakistan, Za'faran Bibi was charged with adultery after she accused a man of raping her. She was sentenced to death by stoning by a district court. Although her life was spared owing to international pressure, her case is reflective of how a criminal can go unpunished and a victim further victimised for speaking up.

Since the victims often do not report a crime for fear of getting punished, they end up as psychological wrecks or commit suicide. Often, their families disown them for having been violated, even if they are not guilty of *zina*. They are forced to endure social ostracisation, daily abuse, and humiliation.

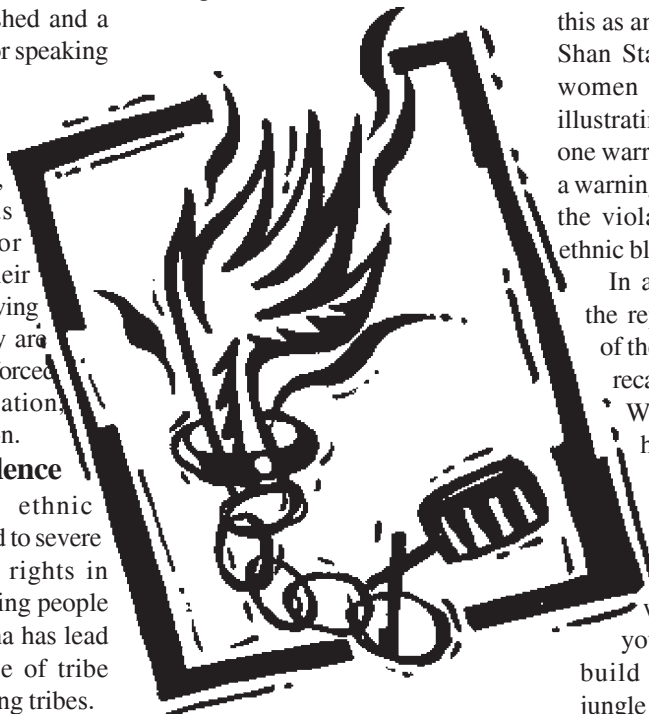
Burma's Ethnic Violence

While adopting ethnic terminology into law has led to severe restrictions on women's rights in Pakistan, attempts at dividing people along ethnic lines in Burma has led to the brutal sexual abuse of tribe women by men of competing tribes.

The biggest minority community of Myanmar, the Shans, are ethnically different from the Burmese. The struggle to restore democracy in Burma is accompanied by the demand for equal rights of non-Burmese ethnic tribes. In fact, the Shan Nationalities League for Democracy (SNLD) won the second highest number of seats nationwide after the Aung San Suu Kyi-led National League of Democracy in the 1990 elections. The military refused to honour the results, and apart from imprisoning dissenters, has been attempting a Burmese revivalist tactic,

putting the ethnic Burmese against the Shans.

Once again, women's bodies have been turned into battlefields as the Burmese junta tries to wipe out dissent. The debate over the restoration of democracy is being turned into a debate over ethnic supremacy. Having accepted the Burmese as the rightful "rulers" of Burma, the other ethnic communities are being "punished" for questioning their power. This is being done through sexual violence which,



according to a report, "License to Rape" published by the Shan Human Rights Foundation and the Shan Women's Action Network "serves the multiple purpose of not only terrorizing local communities into submission, but also flaunting the power of the dominant troops over the enemy's women, and thereby humiliating and demoralizing resistance forces. Furthermore, it serves as a "reward" to troops for fighting the war."⁴

The report says that the Burmese military regime is using rape on a systematic and widespread scale basis

as a "weapon of war" against the ethnic Shan population. The report documents that "83 percent of the rapes were committed by the officers, usually in front of their own troops," and also that "61 percent were gang-rapes... in some cases women were detained and raped repeatedly for 4 months."⁵

A twelve-year-old girl was raped and then shot dead by the troops. When her relatives "asked for permission to bury her body, the soldiers said, 'She must be kept like this as an example for your people of Shan State to see.'⁶ Indeed, raping women is often used as means of illustrating the perceived victory of one warring faction over the other, as a warning and ultimate insult through the violation of an otherwise pure ethnic bloodline.

In a second case mentioned in the report, we see another aspect of the heinous situation. A victim recalls:

When my husband came home (after the rape), I told him what had happened. He was furious at me and beat me. Every day, my husband and children would say, 'Prostitute! If you want to sell sex, we will build you a small hut in the jungle...' My husband said: 'You are no longer my wife. Leave our house right now.' Eventually I decided to come to Thailand.⁷

The saddest aspect of the whole situation is that there is no recourse to legal justice for these victims. Since violence carried out by the army is condoned by the state as a tactic to silence the Shans, the Shan women have nowhere to appeal. Thousands of them have escaped to Thailand where they live and work in deplorable circumstances in the sex trade.

We see from the cases of Pakistan and Burma that when the state uses an ethnocentric ideology to rule,

women's bodies and their rights become the first casualties. It is important to keep in mind that in both cases, the rulers trampled over democratic norms and even destroyed democratically elected governments, to come to power. Both had no popular support, and, therefore, the only way they could stay in power was through military support. In order to remain in power, unpopular authoritarian governments use the trump card of ethnicity. Without this blend of ethnic mobilisation and military might, these regimes would not survive.

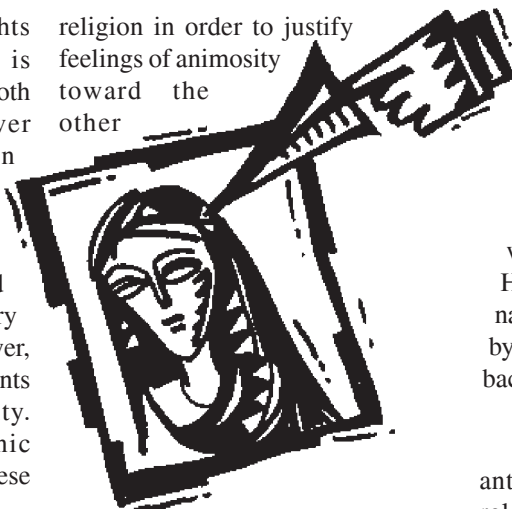
Colonial Linkages

While it is beyond the scope of this article to discuss such cases on a worldwide scale, it would be worthwhile to mention that ethnocentrism and the consequence downfall in women's rights, seems to be exceptionally powerful in places that have a strong colonial legacy.

There may be two reasons for this. Firstly, colonial powers themselves have often engendered communal differences in an effort to more effectively implement their own political agenda of subjugation. The classic example of this is the post-1857 British rule in India. The failed-but-powerful revolt of 1857 saw Hindus and Muslims fighting jointly against the colonial rule. The symbolic leader of the revolt was a Muslim, Bahadur Shah Zafar, and he was supported by largely Hindu soldiers, kings, and queens. The British, unnerved by this event, made deliberate efforts to build tension between the two religious communities after 1857 to ensure that this joint revolution would never be repeated.

To encourage divisions among the Hindu-Muslim populace, the British encouraged the growth of right-wing organisations in both communities. The result was that Hindus and Muslims began to look at very distorted interpretations of their own

religion in order to justify feelings of animosity toward the other



community. Nationalism came to be defined in religious terms, bifurcating it into Hindu and Muslim nationalism. The revival of such obviously sexist texts such as the *Manu Smriti* as well as the introduction of what we now know as Wahabi Islam can be traced to this period. The result of this communal separation on women's rights was retrogressive.

The second reason is that while colonial powers are quick to take over many cultural institutions, such as schools or media, one place that they generally do not dominate quickly and openly is religious life. In Algeria, for example, Arabic was not allowed to be taught in the schools. Since the only place one could learn Arabic was in the mosque, the mosque became a last refuge of nationalism. In the Iran of the Shah we have a very clear demonstration of this effect. Although Iran was technically not a colony, the Shah had come to power through American intervention and remained in power with American support. In an effort to modernise the country, the Shah outlawed all religious symbols. The effect of this was that in pro-democratic, anti-government rallies women demonstrated by engaging in purdah. Purdah soon came to be a symbol of resistance. Religion became such a powerful force in the resistance

movement that the regime following the Shah's made purdah mandatory for all women. Further engendered by more conservative interpretations of purdah, women were also restricted from joining the workforce or partaking in public life. Hence, the success in achieving national freedom that was supported by women ironically resulted in a step backward for women's rights.

Lessons for India

The question is not one of pro- or anti- religion, but rather is of the relationship between religion and state and, at root, whether democracy or theocracy is a more desirable form of government. An ethnocentric or theocratic view of politics will never be compatible with a framework of gender-equality and human rights.

It is a positive development for women's rights that the people of India have voted out of power the BJP led government at the Centre which promotes religion-oriented politics. However, we must not be too quick to think the threat has ended. The history of India stands witness to the fact that even those political parties with a secular rhetoric promoted ethnic strife whenever it suited their political ambitions. Therefore, throughout independent India's history, we have witnessed regular outbursts of conflicts and riots between ethnic groups. It has proved detrimental to the cause of equality on all fronts, including gender. The case of Shah Bano can be cited as one in a long list of shameful examples of this trend. The state accepted a religion-oriented analysis of the case rather than adopting a rights-oriented approach. The result was that Muslim women were forced to accept a patriarchal and anti-women interpretation of Muslim Personal Law.

Given the democratic and secular framework of our Constitution, there is hope to overturn such provisions.

It is because of these elements and the federal nature of India that there is also hope that the perpetrators of crimes against humanity in Gujarat will be brought to justice. But it will not be easy. The perpetrators will appeal to religious sentiments to justify their acts. This would matter little if the state machinery decided to stick to the laws of the country, but, as we have seen in the past, there is a conscious trend to give a religious tinge to politics. If the trend is institutionalised, as in the case of Gujarat, the situation will take a dangerous turn. What was a deliberate subversion of justice will become the law itself.

However, great hope lies in India's legal framework as evident in the Special Marriage Act, which allows for marriages between people of different religious communities. Communal organisations have attacked this provision on countless occasions when they have harassed couples intending to marry or that have already married under this Act. It is completely legal for a man and woman to marry under this provision, but the state machinery itself has helped fanatics to attack such couples or prevent such marriages from taking place. There are instances in which opponents of inter-religious or inter-caste marriage were tipped off by officials so that they could mobilise forces to prevent such unions. Often such marriages are followed by violent attacks on couples and families involved with the active support from the police and local officials.

For those committed to women's rights as equal human beings in society, it is vital to fight fascist attempts to change our political culture from democracy to ethnicity. If we fail in this endeavour, our own bodies and those of our children will be the first casualties. Our wombs will become the battlegrounds of a perceived war between contending ethnic groups. Let us engrave in our

hearts the words of Saira Banu, a survivor of the Gujarat mayhem:

What they did to my sister-in-law's sister Kausar Bano was horrific and heinous. She was nine months pregnant. They cut open her belly, took out her foetus with a sword and threw it into a blazing fire. Then they burnt her as well.⁸

Let us remember these words, not to instill fear in our minds, but to remind ourselves of the horrors that lie down this road, some of which have already been unleashed. Let us remember that in order to have gender equality, we must do away with the casteism, racism, and religious bigotry that is being encouraged by perverse politics. And let us never forget that the blood spilled also stains our hands. □

Endnotes

Ethnicity is a multidimensional concept that includes aspects such as race, origin, lineage, language, and religion. Many

scholars have argued that violence attributed to ethnic differences is often the result of deeper economic, historical, or other causes. Ethnicity becomes a convenient excuse to justify such violence, unfair and an oversimplification of the otherwise complicated issues involved.

¹ Pakistan is not the only country where "honour" killings take place. India is also one of the several countries around the world where this practice prevails.

² Daily Times (Site Edition), September 3, 2004.

³ Nafisa Shah, "Karo Kari", Newline, Lahore, January 1993, p.32.

⁴ "Licence to Rape", Shan Human Rights Foundation and Shan Women's Action Network, Thailand, 2002, p.7.

⁵ Ibid., p.1.

⁶ Ibid., p.11.

⁷ Ibid., p.23.

⁸ "The Survivors Speak, a Fact-Finding Report of the Citizens Initiatives," Ahmedabad, Gujarat. Source as per this report: "Saira Banu, Naroda Patia (recorded at the Shah-e-Alam Camp on March 27th, 2002)", April 16, 2002. □

The author is a freelance writer based in Manila, Philippines.

Women Bhakt Poets



*"No one can stop you - Mira set out in ecstasy.
Modesty, shame, family honour - all these I threw off my head
Flinging away praise and blame, I took the narrow path of knowledge.
Tall the towers, red the windows - a formless bed is spread,
Auspicious the five coloured necklace, made of flowers and buds,
Beautiful armlets and bracelets, vermilion in my hair parting,
The tray of remembrance in my hand - a beauty more true.
Mira sleeps on the bed of happiness - auspicious the hour today.
Rana, you go to your house - you and I cannot pull together.
No one can stop you - Mira set out in ecstasy."*

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