

## When the Voiceless Find Voice

### Mukhtaran Mai, the Conscience of Pakistan

*Physical assault, harassment and rape – all point towards the massive sexual disequilibrium that exists in our tremendously patriarchal societies today. The story of Mukhtaran Mai of Pakistan who was gang-raped by men in her village points towards another dimension as one comes to grips with the grim reality that even those women who have tried to fight back have been systematically suppressed.*

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The case of 30-year old Mukhtaran Mai will not go away. Three years ago, in June 2002, this Pakistani woman of the Gujjar tribe from the village of Meerwala, in district Muzaffargarh in the province of Punjab, was gang-raped under circumstances that one would reasonably be justified in viewing as bizarre if they were not signs of the regimes of fear and violent repression under which women have to live in large parts of the world. Her 12-year old brother, Shakoor, was falsely accused of having sexual relations with a woman from a land-owning tribe, higher up in the social hierarchy, known as the Mastoi. (A later investigation by the government suggests that Shakoor was sodomised by two or three Mastoi men, who devised a plan to frame him when he threatened to report the crime to the police.) The village panchayat, or council of elders, who are entrusted with the task of delivering justice, decided in its wisdom – for wisdom it is that ‘elders’ of the panchayat are supposed to have – to visit punishment upon Mukhtaran Mai. The elders, who in the culture of the Indian subcontinent are enjoined to treat any young woman like their own daughter, decreed that Mukhtaran be gang-raped by Mastoi men.

The men of the panchayat might have thought that inflicting punishment upon a young boy, that is the alleged miscreant, would serve no purpose. They could, nonetheless, have sought their vengeance

from the boy’s father and sought to hold him responsible, assuming that the boy was to be held guilty in the first place. But they sought to impose punishment upon Mukhtaran, though punishment seems much too neutral if not benign a word for the macabre and obscene exercise in retributive justice that was about to unfold. They did so for reasons that, to some, will seem self-evident. Women are more easily victimised and brutalised than men, most particularly in a society which is deeply patriarchal. Mukhtaran, a divorced woman, might have seemed even more vulnerable – not merely because she was without the protection of a husband, but because a divorced woman is often times viewed as a woman of loose morals. The burden of keeping ‘moral’ standards falls most heavily upon women, and infractions of the moral order are instantly laid at their door. But the village elders also acted as they did for the same reason that informs the actions of men who, when they wish to convey a message to other men, choose to use bodies of women as the medium through which they throw a challenge to other men. One of the many ways in which men seek to inflict defeat upon their opponents in war is to scar and assault their women. Men do not only satisfy their lust and assert their naked domination when they rape women, but also engage in rites of aggressive and competitive masculinity. The impregnation of enemy women can even be a genocidal strategy to alter demographic realities. Let us not suppose, more-

over, that it is only men who live under the sign of ‘caste’ or ‘tribe’ who engage in the rape of women. Victorious American soldiers raped German women at the end of second world war, and the brutalisation of Vietnamese women at the hands of soldiers humbled by a peasant army is no secret.

Under the watch of the panchayat, Mukhtaran was dragged inside a room and raped for over an hour by four men as her father and brother helplessly stood outside. As she stumbled out of the room, Mukhtaran was, it is reported, compelled to walk home naked before a crowd of 300 villagers. Many a woman in her position, it is commonly said of third world women, might have chosen to commit suicide. But the plucky Mukhtaran, at the risk to her life, decided to pursue charges against the men. Under usual circumstances, it might have been years before her assailants would have been brought to justice – if, that is, they were apprehended at all. The laws in Pakistan are stacked high against women. A woman who seeks the assistance of the state in convicting her rapist(s), or otherwise seeks to establish that her dignity has been offended, must be able to summon four male witnesses. Failure to do so can lead to her own conviction for fornication or adultery. But Mukhtaran’s dogged determination ensured that her quest for justice would not go unnoticed, and in only a few days the news of the tribal ruling and of Mukhtaran’s plight had travelled around the world. A mullah had condemned the ruling in a Friday sermon as un-Islamic, the Pakistan Human Rights Commission had demanded a full investigation and expeditious police action against her alleged assailants, the Pakistani press – one of the few remaining progressive institutions in the country – had come out in unstinting support of Mukhtaran, and president Musharraf, who every now and then endeavours to convince the world that he is the very epitome of a progressive ruler, indeed Pakistan’s only ray of hope, had bestowed upon Mukhtaran a grand sum of about Rs 5,00,000 or \$8,300 to ‘rehabilitate’ her. Less than a month after Mukhtaran had been raped, the trial of her assailants and other men implicated in the heinous crime had commenced. Directed by the Supreme Court of Pakistan to deliver

a verdict within three weeks, the anti-terrorism court at Dera Ghazi Khan convicted six men – the four rapists, and two men who had authorised the gang-rape – and sentenced them to death by hanging. Another eight men were acquitted.

With her rapists on death row, Mukhtaran did not merely resume her life as best as she could, but she also established two primary schools, one each for boys and girls, in her village, and even enrolled the children of her assailants in those schools. The master who seeks to conquer must conquer everything, but one reason among others as to why victims are generally morally superior to their oppressors is that the ontology of the victim always has room for the oppressor. Their worldview, notwithstanding their experience, remains more inclusive. Mukhtaran had, besides, become something of the conscience of Pakistani women, and was outspoken in her denunciation of the atrocities perpetrated upon women, whether in the name of ‘honour’, Islam, propriety, tradition, or even progress, and the unique liabilities to which they are subject. One of her many champions, the *New York Times* columnist Nicholas Kristoff, had even been able to

raise \$130,000 for her with an account of her ordeal and her remarkable resilience and strength in the teeth of opposition and death threats from men of the Mastoi tribe.

Storybook endings seldom coincide with the realities on the ground, however, and a new chapter in Mukhtaran’s nightmare started when on March 3, 2005 the Lahore High Court acquitted five of the men – including the four rapists – on appeal, citing various shortcomings in the prosecution’s case, the lack of evidence, and contradictory testimony from witnesses. The Pakistani government declared that it would appeal the court’s decision, while Mukhtaran, justly fearing for her life, asked for a stay order of the court’s verdict before a large crowd of 6,000 women activists and human rights workers at a public rally in Multan. In a judgment delivered on March 11, the Federal Shariat court in turn ruled that the Lahore High Court had no jurisdiction in this case, and it ordered the issue of unbailable arrest warrants to put the released men behind bars. There have, since then, been many other legal manoeuvres, among them the detention of the men while Mukhtaran’s appeal is before the Supreme Court under a law that per-

mits detention without charges for 90 days. Events since last week have once again diverted the world’s attention to Mukhtaran and the legal tussle over the fate of her assailants. A few days ago, shortly before Mukhtaran was preparing to leave on a trip to the US, she is said to have been placed under house arrest on unspecified charges. She was, at least for a few days, prevented from meeting her lawyers. Then, on June 10, a Friday – the Muslim day of special prayers, a day when the court does not ordinarily convene – the Lahore High Court ordered the release of twelve men – the six who had previously been convicted, and another six men who were members of the panchayat in 2002 – implicated in the gang-rape of Mukhtaran, stating there were no grounds on which their detention could be justified.

Though Mukhtaran disappeared for a few days, she has now resurfaced. Despite the high court’s ruling, her assailants remain in jail, and no one is quite certain how and when the matter will be resolved. It has been rumoured that Musharraf sought to punish Mukhtaran for keeping the issue alive and thus tarnishing Pakistan’s image abroad, though whether Pakistan still has

any image to defend must come as a surprise to most thinking people, except of course the stalwarts of freedom and justice who stalk the corridors of power in Washington. Mukhtaran's name is also said to be on the Exit Control List, a list of people who are prevented from leaving the country, but the government denies this allegation. No one is asking why her rapists and their abettors have not been placed on this list: apparently men, even when they are convicted criminals, must have freedom of movement at all times. Curiously, in a debate in the Pakistani senate in Islamabad on June 14, senator Kulsoom Parveen declared that Mukhtaran, 'being an eastern woman', should show more forbearance and modesty and not travel outside the country. She added, 'Mukhtaran Mai should seek justice from Allah'. Meanwhile, in statements issued over the last few days, the prime minister's advisor on women's affairs, Nilofer Bakhtiar, and the state minister for the interior, Shahzad Waseem, have given it as their firm opinion that interest in the Mukhtaran affair has been kept alive by those elements in Pakistani society, including NGOs, who are keen to please 'foreign lobbies'. Bakhtiar condemned the washing of Pakistan's 'dirty linen in public', and defiantly expressed her government's refusal to be 'bullied by the opposition or the NGOs having [a] foreign driven agenda.' Yet these sentiments are not surprising, and Mukhtaran showed prescience when, in an interview she granted on March 11, 2005, she rejected the claim that NGOs had embraced her cause for selfish reasons.

Both the domestic and international press have shown a sustained interest in Mukhtaran's well-being and in ascertaining that justice is served, but that is not the only reason that the case of Mukhtaran will not go away. The Islamists have described the original judgment rendered by the panchayat as a travesty of Islamic principles of jurisprudence, while Amnesty International, in two lengthy reports on 'honor killings' and the tribal system of justice in Pakistan, have characterised the judgment as an aspect of customs and traditions that remain outside the more formal system of criminal justice that Pakistan inherited from British India in 1947. The oppression of women, however, is as much a modern business as an undertaking supposedly dictated by tradition and pre-modern ways of thinking. Honor killings are somehow described as having an intrinsic relationship to the 'culture' of

Pakistan, or of Islam, or of the Indian sub-continent, but no one made the inference that Christianity, western culture, or the sexual mores of the modern west were implicated when recently a few men were discovered to have kept sexual slaves over a period of time in Belgium. Is the documented detention and sexual humiliation of Iraqi women by American armed forces, who have held women hostage in an attempt to lure their menfolk into submission and surrender, also to be viewed as a relic of some pre-modern sensibility, or must

one confront rather the fact that the sexual vulnerability of women remains a question to which no culture has given its undivided attention? The case of Mukhtaran Mai cannot go away in the present state of massive sexual disequilibrium between men and women. [FV]

(On June 28, the Supreme Court ordered the rearrest of the rapists. President Musharraf announced that Mukhtaran Mai was free to travel outside Pakistan.)

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