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Limits to Tolerance: Tribal Social Order versus Human Rights

GERD FERDINAND KIRCHHOFF
NAZIA KHAN*

In a globalized world, there are clear differences in ideologies that are usually not spelled out. The paper follows the approach prescribed by Ben David's "Victim's Victimology" (2000) and applies a classical approach to ideologies in social sciences by W.B. Miller (1973). The main subject of this paper is the difference between local order ideology and human rights ideology. The aim is to show that formal social control is determined or influenced by these different ideologies. The authors analyze four cases of victimization of women in different social settings, in Sudan (2012), Canada (2012), India (1985) and in Pakistan (2002). In all these cases the local order ideology clashes with a human rights ideology. Limits to tolerance must be clear.

Keywords: ideology, social control, victimization, human rights.

Introduction

One World, really?

Do we really live in a globalized "one world"? We have to believe the messages in the mass media – who does not most of the time? Who has the chance or possibility to control the veracity of their messages? Mass media create realities – (Barkhuizen, 2007). They created the world for us and described

* Dr Gerd Ferdinand Kirchhoff is Profesor of Victimology at Tokiwa University, Graduate School of Victimology, Mito, Japan and Secretary General of the World Society of Victimology. E-mail: gerd@tokiwa.ac.jp

Nazia Khan is a Research Scholar at the Centre for the Study of Law and Governance, Jawaharlal Nehru University, New Delhi. E-mail: nazia.jnu@gmail.com

it. Mass media make us believe that our world is totally globalized. The authors contend that we live in multitude of "ideologies." Ideologies are held to be the cause of "Clash of Civilizations" (Huntington, 1996). The role of permanent talk about globalization is to cover up these diversities in ideologies.

The word "ideology" itself often has a negative connotation. Ideologies have become synonymous for political ideologies, be it a socialist or a conservative one. In reality, each of us has an ideology. The authors try to be aware of their own ideology. These ideological differences are usually silenced and consequently covered up. This paper tries to avoid such cover ups. The informational source of this paper is internet based. This form of mass media is very "fluid," and is exactly the kind of "globalized" information that should be challenged. During the analysis of these cases, the authors soon became aware that they could not "objectively" analyze these cases, as it is usually expected from academic research – the news evoked acute emotional charges.

Where do these emotional charges come from? To answer this poignant question, the authors consulted Walter B. Miller (1973) who analyzed the impact of ideologies in social sciences.

Emotions and Ideology in Social Science

Walter B. Miller (1973) defined "ideology" as a set of general and abstract beliefs or assumptions about the correct or proper state of things, particularly with respect to the moral order and political arrangements. They serve to shape positions on specific issues. Everyone has his/her ideology. Scientists have them as well. The social order and social control is based on ideologies. Ideologies are like a pair of sunglasses that we permanently use. They color what we see. They color how we interpret what we observe. They color how we react. Just like everyone else, victimologists rarely address their ideologies directly.

According to Miller, ideologies are generally pre-conscious. This is why people are seldom aware of them. Ideologies have three specific characteristics. (1) They are unexamined, (2) they carry emotional charges and (3) they are relatively stable.

Ideologies are unexamined presumptions underlying positions taken openly. Scientific articles are open statements. The background meanings of the open statements are used as "self explanatory and self understood". This is why they are usually not mentioned. It is commonly held that scientists

are interested in “neutral objectivity.” It is therefore difficult to argue against differences in ideologies. Scientists are surrounded and molded by ideologies.

Ideologies have a strong emotional charge. This statement can be reversed: if we become emotional in our reactions, basic ideologies are often involved. The events to be discussed in this article do not allow for disinterested rationality. They clearly engage emotions.

This is not unusual for victimologists, as they cannot always stay neutral. We want to be conscious about our ideology, along with wanting the reader to be conscious of these reactions. In scientific work, usually we do not express our dismay, our shock and our horror. Even though we discipline our verbal reactions, our ideologies have strong emotional charge even if we hide them within scientific language.

Once they are established, it is almost impossible to change these ideologies. The reason for this is: these general presumptions serve to receive or reject new evidence. In a way, everyone exists in a self-contained and self-reinforcing system. We do not want to allow this system to be challenged. There is very little room for negotiations between the two diverse positions: convictions and beliefs which are against our ideology. They signal the end of tolerance. The limits of tolerance irritate our attempts to stay rational.

Conflicting Ideologies: “Individual Freedom” and “Local Order.”

In this paper, the authors will argue that there is a Human Rights oriented ideology which contrasts local traditional religious social order ideology. It is impossible to let both sides stand side by side as equally valid positions. Our ideology allows us to take one position. We are challenged to reject the juxtaposed position. This is especially the case if we take notice of such contradictions in a presumably “globalized” world. We have to decide where and what we want to “tolerate” and what we want to reject.

The authors are assuming that the most of the readers share Human Rights oriented ideology which values freedom of the individual from superfluous oppressions and restrictions. Such ideology values choice and decisions as well as perceptions of alternatives from which we can choose. We are aware that “superfluous,” “oppression” and “restriction” are terms loaded with ideology.

The concrete cases that will be presented confront us with two divergent ideologies: one is the "local order" ideology, traditional patriarchic (often) religious influenced basic belief systems about the "correct and proper" state of things (see Miller 1973 above). In the literature it is often called "Local Culture." We prefer "Local Order" since the realization of this local order ideology is coupled with power and control. This ideology is enforced powerfully and – since it does not care about individual decisions about right or wrong – it victimizes.

The local order ideology assigns the right and the duty to control female (sexual) behavior and to correct transgressions. The control is in the hand of men. Females are regarded as one of the highest good in these cultures. However, at the same time, the "highest good" pays the highest price when her individual behavior clashes with traditional local religious and tribal perceptions of the right "order." The informal and the formal systems of social control often defend the traditional orders. Individual human rights represent another ideology that is more clearly expressed in Western social systems. There is no room for adherence to traditional male oriented social control – victim's victimology and human rights orientation are very close together.

Victimological perspectives on four cases

The authors look to four cases as victimologists and interpret them. The cases serve to illuminate the different positions towards individual rights. The first case illustrates the clash between individual rights and traditional local order in justice. Modern "Western justice" is the base of the second case: Individual rights limit fundamentally the validity of traditional social orders. The two further cases deal with the rights of women in fundamentally group oriented social orders. The repeated juxtapositions of traditional group orientation and individual human right orientation leads the authors to maintain that there are limits to multiculturalism and tolerance.

The Darfur Rape (2012)

In a rural district in South Darfur, four men and four women were sentenced to death for the rape of an eighteen years old Darfurian woman. The death sentence was executed eleven days after the rape (Hands off Cain, 2012a., Radio Dabang, 2012).

a) The event

On the 12th of January, four men approached the parental house of the young woman, pretending to be arresting her. Unknown to the family and the victim, they were hired to rape the young woman by a group of four women who paid each of the man 50 Sudanese dollars. The four men took the victim away. Three hours later she reappeared in her father's house. She was raped. Her hair was shaven off. The father reported the rape to the police. The event soon became public by the local radio. The police identified the four men and a fifth "helper." Pressurized by an "angry Arab community" – according to the news – the police immediately involved the local court. The raped woman confessed that she had a sexual intercourse with the man who promised to marry her. This enraged one of the women, the wife of the man, and she therefore "organized" the revenge.

Eleven days after the rape, four men and four women were sentenced to death. A fifth man, who allegedly was a policeman, was sentenced with five years of imprisonment for shaving the victim's head. The 18 year old woman was sentenced to be lashed 100 times for "inappropriate sexual relations." The sentence against her was executed.

b) A victimological approach

Victimological analysis should place the victim in the center of considerations – Ben David calls this "Victim's Victimology" (Ben David, 2000). This aspect structures the analysis: authors do not focus on the unacceptable fact that eight persons are sentenced to death – and if it is only for the extremely short time after the crimes were committed (12 January offence, 29th of January death penalty handed down and lashing of the victim). The authors follow Ben David's approach: the victim is placed in the center of the analysis: she is raped by four men, and in addition to this, the judge has her

lashed 100 times for “inappropriate” sexual relationships with a married man! (Note that the man is not lashed!) The young woman must have experienced this rape as a terrifying attack on her life, on her honor, on her sexual self determination. In addition, she must have suffered extremely: after being raped, her hair was shaved. This is a visible stigma for the woman, a sign of dishonor and social exclusion: in Muslim societies, women mostly cover their heads with scarfs to hide their beauty from other men in the society. In certain South Asian Hindu cultures, widows are socially devalued and excluded. This exclusion and devaluation is made visible by forcing them to shave their heads (Godavari, 2000).

As if she is not destroyed enough by what happened to her: the victim is sentenced to be lashed 100 times. It sounds fully unacceptable: but it is indeed an “official” reaction. It is indeed the application of law: in a UN Report we read that raped victims may be accused of having consensual sex before marriage or committing “zina” (adultery) in violation of the Sudanese Penal Code (article 152, see Ertuerk, 2004 p.3). The sentence of 100 lashes of the victim is executed in a rural community – and that most probably means that adequate medical help – if the victim survives the punishment – is not available. A sentence of 100 lashes might come close to a death sentence.

c) Limits of tolerance

Most readers will be shocked with this story. Victimologists have difficulties in understanding what the authors described. Human Rights oriented victimologist in modern democracies are not aware of the meaning of difference in “cultures.” It is the basic discrepancies between different ideologies that leave the authors so clueless. They confront the limits of tolerance. The authors are aware that there are cultures and social orders that do not value individual human rights higher than local orders.

Some societies are labeled “multicultural.” The minimal meaning of this is: they are inhabited by people from different heritages, ethnics, cultures, casts, or religions. These different groups are addressed by the term “local cultures.” The authors prefer to call these “local orders.” The term “multi-cultural” is open to many interpretations: How to find order in these multifaceted cultures? How can multicultural countries be setting limits to an endless tolerance? For the authors this is evident: there must be a guiding culture, there must be a measuring rod that tells the members of society who is right and who is

wrong. The emphasis on this “limit of tolerance” is needed. If we do not do that, we have to accept each and every form of social control. Accepting every “cultural” form of social control, the authors are convinced that this is not a victimologically sound approach. The measuring rod that has to be applied, are individual human rights.

This measuring rod is clearly demonstrated by the Canadian “Shafia” case we analyse next.

The “Shafia” case

While this essay was written in January 2012, Justice Robert Maranger in Canada told an Afghanistan-born family that they adhered “completely twisted concept of honor... that has absolutely no place in any civilized society.” (The Shafia case, see CTV, 2012). Very different from the described Darfur rape case, the Canadian sentence was found “after a grueling 10-week trial” (Canadian TV, 2012). The court in Toronto/Canada found three Afghan immigrants guilty of killing four young female members of the family for the three believed their victims had dishonored the family by defying its strict rules on dress, dating, socializing and using the internet. As a punishment for these transgressions against their fundamental ideology, the three older family members murdered with the intent to restore family dignity after the women’s perceived rebellious behavior.

In a world that fancies itself as being globalized we must draw clear lines: in multi-cultures there is nevertheless a leading order. Multi-cultures must determine where the limits of tolerance are to be drawn. The leading individual human rights oriented order must express itself clearly, against tribal traditional motivated killings of women.

The language of the Canadian judge is strong and clear. The authors believe that most victimologists would share the opinion of the Canadian judge. This corresponds with the ideology of “victim’s victimology.”

The Sha Bano (1985) verdict and its consequences

Shah Bano, 73 years old, after forty three years of being married, claimed wife support after she was divorced by her husband according to Muslim RULE. According to the Muslim Personal Law, a woman is entitled to receive monthly alimonies from her (former) husband during the first three months

after the divorce. Shah Bano claimed wife support for a period longer than 3 months. Her claim was rejected. On her appeal, the Supreme Court sentenced the ex-husband to pay a monthly sum for support: according to the Indian state law, a woman is entitled to receive wife support. Consequently, the Supreme Court sentenced the ex-husband to pay monthly support (Ahmad Khan v. Shah Bano Begum AIR 1985 SC 945).

That decision created a public uproar, stirred by Muslim clerics. They regarded the decision of the Supreme Court as a sign of an unacceptable trend to absorb Muslim minority into the main Hindu culture. They claimed it would weaken the Muslim identity in India. The campaign was finally successful: one year after the Supreme Court's decision, the Indian parliament succumbed to the pressure of conservative Muslim clerics: it overruled the court's decision and enacted the "Muslim Women's Protection of Rights of Divorce Act." Despite its conspicuous name, the Act removed the right of the Muslim women to appeal to a secular court of law for maintenance in the post-divorce period.

While the Indian constitution adheres the modern ideology of individual rights, the local ideology is a conservative and patriarchal (often religiously motivated) ideology. This ideology was finally victorious in the case of Shah Bano. The authority of the local community was upheld.

The case of Mukhtar Mai 2002

The rights of local communities to sort out their own affairs led to the famous case of Mukhtar Mai (Taseer 2011, New York Times 2009).

a) The event

In June 2002, a fourteen year old boy was falsely accused and brought before the village's tribal council, the panchayat. The allegations were that he had sexual relationships with a higher status (higher cast) woman. The village's tribal council ordered that his sister was to be raped by four men in order to be punished for the alleged crime of the boy. It was obviously not difficult to find executioners – in a way, the whole village participated in this execution by chasing the nude young woman through the village after she was publicly raped.

b) The long term consequences

Obviously this “sentence” had the function to dishonor the victim. Obviously it was expected that the raped victim would commit suicide or in another way ensure that the traditional concept of honor and proper behavior was upheld.

However, the victim did not give in to local customs. She stood up against the local customary council, a position that was honored by the Pakistani President (Kristof 2004). However, this decision of the president did not influence the final outcome of the criminal case: it lingered in the Pakistan justice system till 2011. Then, almost ten years after the rape, the Supreme Court (Special Shariat Branch) decided to acquit four men (Masood, 2011): the court did not find enough evidence – very difficult to understand – after all, most villagers saw and participated passively in the victimization of Mukhtar Mai. In an interview with Taseer (2011), the young woman describes her disappointment. She states that she had lost any trust in justice. This is how her reaction is described.

Obviously this interpretation is influenced by a human rights oriented ideology. She has obviously been very successful in mobilizing support of people that adhere to the Human Rights oriented ideology.¹ The consequence of this ruling of the highest court is a reinforcement of the local order – the same situation as in the previous Indian case.

In our context, it is important to realize that obviously the traditional ideology in the long run is stronger than individual rights influenced thinking. The traditional ideology is reinforced by such an acquittal. For those who share the Human Rights ideology, such an outcome is truly disquieting and not acceptable.

Conclusion

According to the authors, consequences of the Canadian verdict in the Shafia case are much more acceptable and convincing than decisions made in other cases. Our human rights ideologies often make it impossible to really understand and appreciate the solutions in traditional rural, tribal, male

¹ <http://michaelthompson.org/mai/>

oriented backward societies. It will be impossible to argue for amelioration or adjustment. It is not acceptable that the other side argues on the base of a family-group oriented ideology. It is simply a question of social control. It is not the question of rationally being right or wrong, but the question of what will guide our social actions, our social control. If immigrants want to live in their new country, they must follow the basic ideology which prevails there. If their principles of conviction really clash with the principles and ideology in the accepting society, then they must find another society where their convictions are respected. This is not the case to argue for more tolerance. Contradicting ideologies cannot be activated in a society – social control must have a direction. For ideological reasons, we cannot live together in one society with people who have a different ideology and who claim to have the right to let this different ideology guide their action. Judge Maranger's clear sentences are appreciated.

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GERD FERDINAND KIRCHHOFF
NAZIA KHAN

Granice tolerancije: Plemenski društveni poredak protiv ljudskih prava

U globalizovanom svetu postoje jasne razlike u ideologijama koje obično nisu izrečene. Članak prati pristup Ben Dejvidove (Ben David, "Victim Victimology," 2000) i primenjuje klasičan pristup ideologijama u društvenim naukama V. B Milera (W. B. Miller, 1973). Glavna tema ovog članka je razlika između ideologije lokalnog društvenog poretka i ideologije ljudskih prava. Cilj je da se pokaže da je formalna društvena kontrola determinisana ovim različitim ideologijama. Autori analiziraju četiri slučaja viktimizacije žena u različitim društvenim kontekstima: u Sudanu (2012), Kanadi (2012), Indiji (1985) i u Pakistanu (2002). U svim ovim slučajevima ideologija lokalnog društvenog poretka sukobljava se sa ideologijom ljudskih prava. Granice tolerancije moraju biti jasno postavljene.

Ključne reči: ideologije, društvena kontrola, viktimizacija, ljudska prava.