

Understanding Honour Killing and Honour-Related Violence in the Immigration Context: Implications for the Legal Profession and Beyond

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Abstract

Over the past two decades, Western immigrant-receiving countries have been confronted with honour killings and other forms of honour-related violence. To understand this violence, I first turn to its politicization: By reifying culture, debates regarding honour killing and honour-related violence stigmatize and racialize immigrant communities within which this form of violence occurs, creating a barrier to accessing the rights to protection and prevention open to majority society members who face intimate partner or familial violence. Yet, culture is an important element in expressions of (and responses to) violence and by approaching culture as a meaning-making process, I argue for an understanding of honour killing and honour-related violence as forms of the gendered violence that affects all societies. From this vantage point, I outline the social patterns associated with honour killing and analyze policy efforts in countries like

Germany, the Netherlands and Britain that aim at prevention and protection, bringing those to bear on a Canadian context largely devoid of systematic policy approaches. To address prosecution, I give a brief account of the legal processes attending this violence in both immigrant-sending and immigrant receiving states. Finally, I turn to three case studies to illustrate this approach to analyzing honour killing.

Au cours des deux dernières décennies, plusieurs pays occidentaux ont été confrontés aux crimes d'honneur. Afin de mieux comprendre ce phénomène, cet article s'attarde d'abord sa politisation. En réifiant le concept de culture, les débats concernant les crimes d'honneur stigmatisent et racialisent souvent les communautés immigrantes au sein desquels cette violence se produit, créant ainsi des obstacles à l'accès aux droits à la protection dont bénéficient les membres de la société majoritaire qui font face à la violence familiale ou conjugale. Cela étant dit, il est indéniable que les réalités culturelles conditionnent et façonnent le phénomène de la violence faite aux femmes. En approchant la culture comme un processus de prise de sens, cet article plaide pour une compréhension des crimes d'honneur comme une des formes que revêt la violence patriarcale, qui afflige toutes les sociétés. De là, cet article décrit les modèles d'intervention développés par des pays comme l'Allemagne, les Pays-Bas et la Grande-Bretagne, qui visent la protection et la prévention des crimes d'honneur. Enfin, je tente de mettre à profit ces perspectives comparées dans le contexte canadien, largement dépourvu de politiques sociales susceptibles de prévenir les crimes d'honneur. .

Understanding Honour Killing and Honour-Related Violence in the Immigration Context: Implications for the Legal Profession and Beyond

Anna C. Korteweg¹

I. Introduction

Over the past two decades, Western immigrant-receiving countries have been confronted with honour killing and other forms of honour-related violence. High-profile murders that have publicly been labelled honour killings include those of Heshu Yones and Banaz Mahmood in Britain, Fadime Sahindal in Sweden, Mrs. Gül, Zarife, and Schijman Kuashi in the Netherlands, Hatun Sürücü in Germany, and Amandeep Atwal, Aqsa Parvez and the Shafia sisters and their aunt in Canada. Incidences of honour-related violence that fall short of murder are rarely reported on, though anecdotal evidence suggests that they are a concern as well. How to understand this form of violence is the focus of this article.

The simplest definition of honour-related violence, up to and including murder, is a family-initiated, planned violent response to the *perception* that a woman, as wife or daughter, has violated the honour of her family by crossing a boundary of sexual appropriateness.²

¹ Associate Professor of Sociology at the University of Toronto. An earlier version of this article was presented in March 2011 at the National Judicial Institute's Criminal Law Seminar in Vancouver ("Sentencing Challenges of So-Called Honour Crimes"). I thank Pascale Fournier for her guidance and support in the writing of this article and Salina Abji for her excellent feedback. In addition, I would like to thank the following professionals involved in addressing honour-related violence in the Netherlands who generously shared their thoughts and accounts of their approaches to this issue in interviews I conducted in June of 2009: Janine Janssen, Willem Timmer, Karima Ouchan, Carola Dogan, Hilde Bakker, Johan Gortworst, Sita van Groesen, Anne-Floor Dekker, Saadet Metin, Jale Simsek, Andy Clijnk, and Renate van der Zee. Much of my subsequent work in this area has been deeply informed by these conversations.

² For discussions of honour killing that elaborate on this definition see among others: Shahrzad Mojab & Nahla Abdo, eds, *Violence in the Name of Honour: Theoretical and Political Challenges* (Istanbul: Istanbul Bilgi up, 2004); Clementine van Eck, *Purified by Blood: Honour Killings amongst Turks in the Netherlands* (Amsterdam: Amsterdam UP, 2003); Aysan Sev'er & Gökçeçişek Yurdakul, "Culture of Honour, Culture of Change: A Feminist Analysis of Honour Killings in Rural Turkey" (2001) 7: 9 *Violence against Women*; Aisha Gill, "Honor Killings

Historically, honour-related violence has been practiced in North Africa, the Middle East, South Asia, Latin America and Southern Europe, with patterns of violence differing across the regions. The prevalence of honour killing and of honour-related violence is very difficult to gauge. The UN cites a figure of 5,000 murders of women and girls a year world-wide and though it is widely circulated, it is also unclear how this number was arrived at.³ Newspapers as well as government and NGO documents will at times list a number of murders, however, there is a tendency to either over- or under-report the figures. Over-reporting happens when all spousal murders within immigrant communities are included, while under-reporting happens when people hesitate to use the label honour killing or honour-related crimes. Taking this into account, estimates suggest that there have been 10 to 15 cases in Canada over the past decade, while a Dutch source cites nine murders between 1999 and 2007.^{4, 5} Such figures suggest honour killings are only a small part of all domestic violence that ends in women's deaths.⁶ For example, for Canada, Isabel Grant cites a statistic that approximately 60 women per year are killed by partners or ex-partners.⁷

Despite their relative rarity, there are a number of reasons why scholars should try to understand this phenomenon. In particular, if we are to address this violence through our social and legal institutions, we need to understand the patterns of violence that lead to honour killing.

and the Quest for Justice in Black and Minority Ethnic Communities in the United Kingdom" (2009) 20 Criminal Justice Policy Review; Fadia Faqir, "Intrafamily Femicide in Defence of Honour: The Case of Jordan" (2001) 22: 1 Third World Quarterly 65 at 73.

³ Lila Abu-Lughod, "Seductions of the Honor Crime" (2011) 22: 1 Differences: A Journal of Feminist Cultural Studies 17 at 38.

⁴ Aruna Papp, *Culturally Driven Violence Against Women: A Growing Problem in Canada's Immigrant Communities* (Winnipeg, MB: Frontier Centre for Public Policy, 2010) at 11, this source states that in Canada 12 murders since 2002 have been honour killings; Renate van der Zee, "Hij wilde haar niet doden, maar kon de druk niet aan," *NRC Handelsblad*, April 7, 2007. Available at <http://vorige.nrc.nl/article1855988.ece>, last accessed December 17 2011.

⁵ Honour-related violence other than murder is not tracked to the best of my knowledge.

⁶ Abu-Lughod, *supra* note 3.

⁷ Isabel Grant, "Intimate Femicide: A Study of Sentencing Trends for Men who Kill their Intimate Partners" (2010) 47: 3 Alb L Rev 779 at 780 (average for the period 1996-2005).

Definitions of honour killing as a family-initiated, planned response to the perception that a daughter or other female family member has violated the family's honour in the eyes of the community seem to offer an objective and useful way to capture this form of violence. However, in the contemporary immigration context, these seemingly objectively existing social patterns of violence become highly politicized. Rather than being understood as one of the myriad forms that familial and domestic violence can take, honour killing becomes a sign of immigrant backwardness.⁸ Seriously addressing this form of violence thus requires taking into account its politicization in the contemporary migration context in order to address the racialization and stigmatization that has attended discussions of honour killing.

Taking this politicization into account, my starting point in mapping an understanding of honour killing is to treat it as a form of the gendered violence that cuts across societies and then to situate it in contemporary immigration contexts. From this vantage point, I circumvent the notion that “we” in the West have values, while “they” from elsewhere are shaped by culture.⁹ In the following analysis, I first turn to the “political work” that the category of honour killing does in the larger society. Following the analysis of Lila Abu-Lughod and my own collaborative work with Gökçe Yurdakul, I show how discussions of honour killing and honour-related violence stigmatize and racialize immigrant communities while positioning immigrant-receiving

⁸ See Anna Korteweg & Gökçe Yurdakul, “Islam, Gender, and Immigrant Integration: Boundary Drawing in Discourses on Honour Killing in the Netherlands and Germany” (2009) 32: 2 *Ethnic and Racial Studies* 218; Anna C Korteweg & Gökçe Yurdakul, “Religion, Culture and the Politicization of Honour-Related Violence: A Critical Analysis of Media and Policy Debates in Western Europe and North America” (2010) *Gender and Development Programme Paper Number 12*, United Nations Research Institute for Social Development at 34, online: <<http://korteweg.files.wordpress.com/2010/12/kortewegyurdakul-2010-hrv-unrisd1.pdf>>; Sherene Razack *Casting Out: The Eviction of Muslims from Western Law and Politics* (Toronto: Toronto University Press, 2008).

⁹ This is a difficult article to write because these circumventions are always partial and the very invocation of the term “honour killing” conjures racialized imaginaries. Over the course of working on this topic for a number of years I have tried to chart a trajectory that acknowledges honour-related violence and honour killing as one of the many forms of violence perpetrated by intimates that requires a social, political, and legal response, while also recognizing that the concept has power and can do systemic harm.

societies as free of “barbaric” violence in contrast. I then elaborate a particular understanding of culture as meaning-making processes to argue that despite the risk of stigmatization and racialization that attends the concept of honour killing, those involved in responding to this form of violence need to understand its particular pathways and trajectories.¹⁰ This leads me to argue for an understanding that sees honour killing and honour-related violence as a particular form of gendered violence that unfolds in the intersections of gender, race, ethnicity, religion, and immigrant-receiving society’s cultural, social, political, and legal practices. Only at this point, do I turn to an elaboration of the social patterns of honour-related violence and honour killing and then discuss the policy and legal implications of understanding honour killing and honour-related violence as gendered violence that is part and parcel not of a “foreign” influence but of contemporary social life in immigrant-receiving countries. I argue based on court documents regarding Canadian cases and Dutch cases that there is no need per se to create specific criminal codes to address honour killing. I end the article with an analysis of accounts of three murders to briefly illustrate my approach to this form of violence. Throughout the article, I draw on interviews I conducted with policy makers and women in immigrant NGOs in the Netherlands, newspaper discussions of honour killing in Dutch, German, British, and Canadian papers, as well as secondary scholarly sources and legal documents.

II. The “Political Work” of Honour Killing

The idea of honour killing has become highly politicized in immigrant-receiving countries and beyond. The category of violence captured by the label “honour killing” is used to stigmatize and racialize immigrant communities while shoring up understandings of immigrant-

¹⁰ Abu-Lughod *supra* note 3 at 26; Korteweg & Yurdakul *supra* note 8.

receiving society as bulwarks of gender equality and individual freedom. As Lila Abu-Lughod trenchantly argues, the idea of honour killing performs a particular kind of “political work” as “the category works through fantasy to cathect people to a set of values that it subliminally valorizes”.¹¹ I would add that the process of abjection – the psychic casting out of what is other in order to define ourselves as free from that which is abhorrent – is also at play. Indeed, in contemporary media and policy discussions honour killings are often positioned as signs of particular groups, societies, or states’ backwardness.¹² For example, during the early 2000s, one of the conditions placed on Turkey’s potential accession to the European Union dealt with the judicial treatment of honour killing. The legal practice of treating the perception of an honour violation as a mitigating factor in criminal trials was construed as an indication of Turkey’s general backwardness and a lack of appreciation for human rights principles, while within Turkey, the crime of honour killing was positioned as a sign that Kurdish traditions were backward and detrimental to Turkey’s political-economic standing in the world.¹³ The Turkish case illustrates the cascading denunciation of honour killing as what “others” do that marks discussions of these crimes. These renderings have power, witness that Turkish law was changed under the pressures of the EU.¹⁴

Within immigrant-receiving countries, media and policy debates also turn to the honour killing as a sign of immigrant backwardness. For example, the recently adopted study guide for

¹¹ Abu-Lughod *supra* note 3 at 26.

¹² Korteweg & Yurdakul 2010 *supra* note 8 and Razack *supra* note 8; see also Eve Haque, “Homegrown, Muslim and other: tolerance, secularism and the limits of multiculturalism” (2010) *Social Identities* 16: 1 79.

¹³ Dicle Kogacioglu “The tradition effect: Framing honor crimes in Turkey,” (2004) *Differences: A Journal of Feminist Cultural Studies* 15:2 119.

¹⁴ Until 2003, Article 462 of the Turkish Criminal Code treated the discovery of illicit relationships of first-degree relatives as provocation. Article 462, in combination with other articles of the Turkish Criminal Code, enabled a substantial reduction sentences in the case of honour-related crimes. Article 462 was revoked under EU pressure but other articles that reduce sentences of other honour-related crimes remain in place, see Kogacioglu *ibid*.

those applying for Canadian citizenship reads under the header “The equality of Women and Men”:

In Canada, men and women are equal under the law. Canada’s openness and generosity do not extend to *barbaric cultural practices* that tolerate spousal abuse, “honour killings,” female genital mutilation, forced marriage or other gender-based violence. Those guilty of these crimes are severely punished under Canada’s criminal laws.¹⁵

The juxtaposition of immigrant-related “barbaric cultural practices” with the severe punishment “under Canada’s criminal laws” points to an “us” versus “them” distinction in which immigrants are determined by their culture, while “we” have laws and values that are anchored in our judicial institutions. The “us” side of the dichotomy is then either “culture-free” or marked by a culture that is easily manipulated, owned rather than embodied.¹⁶ Furthermore, as Kogacioglu argues in her analysis of the Turkish case, when institutional practices equate “honour killing” with tradition, they in effect uphold these so-called traditions by reifying them.¹⁷ As long as institutions, Citizenship and Immigration Canada among them, respond to static understandings of these practices, they risk reinforcing them even as they purport to work towards their eradication.

¹⁵ *Discover Canada: The Rights and Responsibilities of Citizenship*, p. 9. Accessed at <http://www.cic.gc.ca/english/pdf/pub/discover.pdf>, December 11, 2011, italics added.

¹⁶ There are a number of very insightful analyses of the use and understanding of culture. For an outline of how culture is used to analyze legal cases to produce “us” versus “them” constructions see Leti Volpp, “Blaming Culture for Bad Behaviour” (2000) 12 *Yale JL & Human* 89; for an articulation of a more fine-grained approach to culture in legal cases, see Leti Volpp, “On Culture, Difference, and Domestic Violence” (2002-2003) *Am U J Gender Soc Pol’y & L* 393.

¹⁷ Kogacioglu *supra* note 13.

The concept of honour killing can also do the political work of absolving majority society from intervening in this form of violence. Media reporting and scholarly analysis can generate the erroneous impression that patterns of violence in minority immigrant communities, once set in motion, are inevitable and that therefore majority society is to some degree absolved from recognizing and interrupting the violence.¹⁸ Media and other accounts often imply that once an honour violation has occurred, the family has to punish the girl or woman who committed the violation. This does not allow for families to differ from this apparent norm. In addition, it does not take into account that in families for whom honour does work in this way, they too are often interested in finding solutions other than murder.¹⁹ Similarly, a narrow focus on honour-related violence in immigrant communities obscures the far more common other manifestations of violence in immigrant women and men's lives – ranging from domestic and familial violence to the violations of personhood associated with minority status in many immigrant-receiving countries.

III. Honour Related Violence as Culturally Informed and Socially Embedded Practice

Some scholars and activists take the stigmatizing and racializing work perpetrated through the category honour killing as a sign that we should not even use the concept but rather rely on far more neutral concepts of domestic violence, familial violence, and violence against women. However, this risks circumventing the need to address a real social problem that affects the lives of a number of families in our societies. So often we see that in cases of honour killing

¹⁸ Korteweg & Yurdakul 2009 *supra* note 8; see also Abu-Lughod *supra* note 3; Rochelle L Terman, "To Specify or Single Out: Should We Use the Term 'Honour Killing'?" (2010) 7: 1 Muslim World Journal of Human Rights 1.

¹⁹ Interview with Willem Timmer and Janine Jansen, June 13 2008. Willem Timmer is Chief of Police for the National Expertise Centre on Honour-Related Violence (Landelijk Expertise Centrum Eergerelateerd Geweld or LEC) and Janine Janssen is the resident anthropologist at the LEC).

service providers misrecognize the danger – girls are told that their brothers will not kill them when they show up to police stations in fear or social workers call in entire families to discuss family problems, in the process broadcasting to the watching eyes of the community that something is wrong. As the cases of Zarife in the Netherlands and the Shafia case in Canada suggest, this can exacerbate the risk of violence.²⁰ At the same time, the political work of the category performs its own kind of systemic violence by stigmatizing and racializing entire immigrant communities. In what follows, I attempt to develop an understanding of honour related violence and honour killing as culturally informed and socially embedded in a way that takes seriously the political work that the category does without giving up on recognizing honour killing as a specific form of violence.

A. Understanding Culture in the Context of Honour Related Violence and Honour Killing

While much of the political work of the category “honour killing” relies on particular regressive understandings of culture, this does not render the notion of culture useless in understanding honour killings and honour-related violence. I argue that by taking culture not as a monolithic, deterministic force but rather understanding culture as processes of meaning-making,

²⁰ Zarife (18) had problems at home with her father and school counsellors guided her to a women’s shelter and also attempted to reconcile Zarife with her father by calling him into meetings. In hindsight, people involved in the case argue that these highly visible discussions contributed to her father’s determination to kill her. He convinced Zarife that he had made peace with the way she wanted to live her life and invited her on a family vacation to Turkey where he shot and killed her in August 2003. Reporting on the Shafia case in which the father, mother, and brother have been convicted of murdering their three daughters/sisters and the girls’ aunt, has brought to light the involvement of various social workers and school counsellors. The question is whether their involvement had a similar effect of broadcasting the family troubles to the wider community.

we can clarify that culture informs all forms of violence in both minority and majority groups.²¹ In short, culture gives meaning to practices, including practices of violence. Furthermore, as a process of meaning-making culture conditions responses to violence, not only on the part of individual women and girls, men and boys but also on the part of institutions at the community and state level, including social service agencies, activist and advocacy organizations, state bureaucracies, legislatures, and legal institutions. Such processes of meaning-making produce not singular interpretations but rather discursive repertoires, which delimit the boundaries of imagined action but which can have great diversity of meaning within those boundaries. From this vantage point, we are all shaped by these multiply informed processes of meaning making through which we make sense of our everyday existence. At the same time, meanings differ within and across communities so this approach to culture allows for the fine-grained, variegated understandings of violence, family relations, and gender that inform all expressions of domestic or familial violence. Members of both majority and minority groups within immigrant-receiving societies give meaning to gender relations, family configurations, the immigration experience, and interpretation of religious doctrines in ways that inform honour related violence at both the individual and institutional level.²²

²¹ This understanding of culture as meaning-making is rooted in Raymond Williams, *Marxism and Literature* (Oxford: Oxford University Press 1977) and various readings in sociology and anthropology, including Ann Swidler, "Culture in Action: Symbols and Strategies" (1986) *American Sociological Review* 51:2 273; Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press 1977); for discussions of culture in law see Volpp *supra* note 16. See also Katherine Ewing, *Stolen Honor: Stigmatizing Muslim Men in Berlin* (Palo Alto, CA: Stanford University Press, 2008) for an example of how a more nuanced approach to culture can link the debates regarding honour killing through fantasy to national imaginaries.

²² Anita Raj and Jay Silverman, "Violence Against Immigrant Women: the Roles of Culture, Context and Legal Immigrant Status on Intimate Partner Violence" (2002) 8 *Violence Against Women* 367; Helene Berman, et al. "Uprooted and Displaced: A Critical Narrative Study of Homeless, Aboriginal and Newcomer Girls in Canada" (2009) 30:7 *Issues in Mental Health Nursing* 418; Sev'er and Yurdakul 2001 *supra* note 2.

A failure to recognize that all forms of violence are culturally informed results in a situation where the violence experienced by dominant groups in society becomes the implicit “normal” practice to which legal and policy efforts respond. Western institutional practices, whether legal, educational, or those pertaining to social welfare provision, are often predicated on notions of “rational” and “objective” assessments of social problems, and the rights and responsibilities attached to membership in these societies. Yet, even these ideas of rationality and objectivity are themselves cultural in that they do the work of culture by providing interpretative frames and guides for action. From this vantage point, the equation of immigrants with “culture” becomes moot – it is not a matter of the west having culture, which can be manipulated rationally, and immigrant “others” being culture.²³ Rather, the question is what are the cultural frameworks that give meaning to anybody’s actions and how are these informed by the forces that map onto the identificatory classification boxes a given person might check off: immigrant, judge, teacher, lawyer, woman, man, gay, straight, white, black, or brown.

From this perspective of culture as fine-grained processes of meaning-making that are informed by the larger social and political context within which they play out, honour-related violence can be understood as a form of violence that develops in the intersections of gender, race, ethnicity, religion, and immigrant-receiving society’s cultural, social, political, and legal practices. In the conceptualization of family honour that informs honour-related violence and honour killing, honour inheres in women but is the property of the family, including the women of the family. These notions of honour are given meaning through what Abu-Lughod calls

²³ Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton: Princeton University Press, 2006) at 151.

“moral systems” which are actively produced by women and men alike.²⁴ Abu-Lughod turns to her anthropological fieldwork with a Bedouin community to argue that the women in this community upheld a wide-ranging set of honourable behaviours as they “asserted their own modesty and morality”.²⁵ Furthermore, honour has “to be achieved individually”.²⁶ Based on Abu-Lughod’s analysis, I argue that moral systems simultaneously turn others into objects reflecting moral codes as well as subjects in producing those codes. Furthermore, the production of moral systems is a cultural process, involving interactive meaning-making among members of particular social groupings.

The resulting moral systems are always restrictive as moral behaviour is expressed by defining the boundaries of the acceptable.²⁷ For example, while “honour” might no longer be a justification for violence against women in Western countries, “passion” is still very much alive as a cultural explanation for violence even if its impact in the courts seems to be lessening, while the notion that “she asked for it” in case of rape is still disturbingly alive as well.²⁸ In addition, notions of honour are at play in gang and other forms of male-on-male violence.²⁹ All these forms of violence have clear gendered dimensions, involving conceptualizations of masculinity and femininity. The meanings attributed to honour that inform honour-related violence and

²⁴ Abu-Lughod *supra* note 3 at 19-22.

²⁵ Abu-Lughod *supra* note 3 at 20.

²⁶ Abu-Lughod *supra* note 3 at 20.

²⁷ Abu-Lughod *supra* note 3.

²⁸ For a discussion of the distinctions between passion and honour see Lama Abu-Odeh, “Comparatively Speaking: The ‘Honor’ of the ‘East’ and the ‘Passion’ of the ‘West’” (1997) 2 Utah L Rev 287; Pascale Fournier, Pascal McDougall and Anna R. Dekker, “Dishonour, Provocation, and Culture: Through the Beholder’s Eye?” in this volume. That the sentiment that women who become victims of sexual assault are to blame is still alive is reflected in the statement, made On January 24th, 2011, by a representative of the Toronto Police that “women should avoid dressing like sluts in order not to be victimized”. This statement inspired a now international movement of “slutwalks” where women (and men) march to confront the culture that gives rise to sexual assault and victim blaming. See <http://www.slutwalktoronto.com/>, last accessed December 20, 2011.

²⁹ See for example, Kenneth Polk, “Masculinity, honour and confrontational homicide” in Tim Newburn and Elizabeth Stanko, eds, *Just Boys Doing Business?: Men, Masculinities and Crime* (London and New York: Routledge, 1994) 166.

honour killing can be understood as a form of domestic or familial violence, rooted in particular gendered power relations. Therefore, I prefer the umbrella term *gendered violence* over domestic or familial violence or even violence against women to categorize honour-related violence.

Honour, from this perspective, can adhere to a wide range of practices and the meaning of honour can become hotly contested, not only within families and communities but also in national debate. For example, the use of the term “honour” is problematic for a number of people and groups working to address the issue. The British, in particular, have started to use the modifier “so-called” and/or place the modifier “honour” in quotation marks when used with killing or violence. First used by South Asian women’s activists groups such as the Southall Black Sisters, these modifiers are now used in official government documents and in much reporting and academic writing.³⁰ In their use of these modifiers, scholars, state bureaucrats, and activists intend to discursively prevent cultural relativism or the idea that honour-related violence, or honour crimes, could ever be justified by arguing that “that’s just their culture”. In addition, they want to prevent any appearance that an appeal to honour can lead to a lesser sanction for these crimes. Instead, proponents of this modifier argue that there is no honour in murder no matter what your cultural background. Such contestations exemplify the struggles that

³⁰ For an outline of activities of the Southall Black Sisters, go to: <http://www.southallblacksisters.org.uk/> (last accessed on December 17, 2011). See also, Women Living Under Muslim Law, “No Compromises in So-called “Honour Crimes” (2004) 16(3) *Newssheet* 8-9. For an example of a British government report using the modifier “so-called” see House Affairs Committee, “Domestic Violence, Forced Marriage, and “Honour” Based Violence: Sixth Report of Session 2007–08” (2008) House of Commons, UK, Home Affairs Committee. www.parliament.the-stationery-office.co.uk/pa/cm200708/cmselect/cmhaff/263/26302.htm, last accessed on December 20, 2011; for an example of scholarly work, see Sara Hossain & Lynn Welchman, eds, ‘Honour’: Crimes, Paradigms and Violence Against Women (London: Zed Books, 2005), in particular the introduction to the volume by Hossain and Welchman at 6. For a discussion of whether we should use the term “honour killing” written from an American scholarly perspective, which answers the question in the affirmative but with reservations, see also Terman *supra* note 18.

occur in the production of cultural meanings not only at the individual but also at the institutional and societal level.

Religion plays a specific role as a source of meaning in discussions of honour-related violence. There is no direct link between religion and honour-related violence and people of different faiths enact it. At the same time, individuals or families involved in committing crimes will at times cite their interpretations of religion as reinforcing their understandings of honour, regardless of their faith.

Islam plays a particular role in the purported link between honour-related violence and religion. In public discourse, honour killing is often linked to Islam but there are no references in the Quran that justify these kinds of murder or other forms of violence in these types of circumstances. Furthermore, Muslim organizations are increasingly trying to use religion to provide alternative frames of honour, with religious leaders reinforcing moral systems that are anti-violent. For example, recent efforts among Canadian Muslims resulted in a public statement by a wide range of religious and other Muslim community leaders against violence against women in general and honour killing in particular. In addition, they committed to delivering a sermon during the Friday prayers that took place in the week commemorating the December 6 1989 Montreal massacre of 14 women engineering students by a rabidly misogynist man, in effect positioning that event as part of their history as Canadians. In a press release, the organizers of these efforts stated:

As Muslims, we base our ethics and behaviour on the teachings of the Quran and the authenticated example of the Prophet Muhammad, who never hit a woman and taught the men that “the best amongst you is he who treats women the best”. The Quran unequivocally emphasizes the sanctity of all life, forbids all

forms of coercion in matters of religion, and reminds us all that each of us is accountable for our actions directly to God, the only Judge.

There is no room within these teachings for any person, by virtue of gender or position within the family, to seize control over the life and bodily security of another. Domestic violence and, in the extreme, practices such as killing to “restore family honour” violate clear and non-negotiable Islamic principles, and so we categorically condemn all forms of domestic violence.³¹

Such efforts position the meanings derived from religious practice to address multiple audiences. On the one hand, they speak to Canadian majority society in an attempt to undermine the processes of stigmatization and racialization that attend not only discussions that reify culture but also those that reify religion. On the other hand, they reinforce interpretations of religious sources that move people away from violent action, engaging in meaning-making processes within Canada’s extremely diverse Muslim communities. Drawing on the Quran and the life of the Prophet, these Muslim authorities highlight individual accountability and non-violent principles, within a gendered system of meaning making in which men’s honour is reflected in how well they treat women.

³¹ See [http://www.caircan.ca/downloads/Call to Action to Eradicate Domestic Violence.pdf](http://www.caircan.ca/downloads/Call_to_Action_to_Eradicate_Domestic_Violence.pdf), accessed Nov. 27 2011.

A. The Social Patterns of Honour Killing: Gendered Violence in Intersectional Perspective

As is the case for much gendered violence, honour-related violence in contemporary society unfolds along recognizable patterns even as familial and community responses to perceived honour violations are complex and varied. First of all, honour-related violence is about *perceptions*, not facts. If the idea that a woman has transgressed a boundary of sexual propriety becomes known beyond the immediate family, or becomes public “knowledge,” honour can be damaged, regardless of the truth of the allegations or gossip. Violent responses to the spread of knowledge regarding (perceived) violations of a family’s honour include murder of the woman and sometimes man in question as well as other forms of physical and psychological violence.³² Violence can be avoided altogether if gossip is minimized or lessened if families can negotiate alternate solutions. A forced marriage, a marriage without the consent of one or both parties, or expulsion from the community can be a solution to a perceived honour violation that falls short of murder. Some activists and social service providers are developing an understanding that sees tight social control over girls as a form of honour-related violence, though this control is motivated not by perceived violations of honour but by an impulse to prevent such violations from occurring.³³

Honour-related violence is by definition planned, often by the family, as they attempt to uphold their moral standing in the community they live in. It is not a spontaneous response to a perceived insult or social injury though there is a large grey area where violence is informed by

³² See van Eck *supra* note 2; Welch & Hossain *supra* note 30.

³³ Korteweg & Yurdakul 2010 *supra* note 8.

meanings of honour, without being planned by the family. The gender dynamics of honour-related violence needs to be situated in patriarchal family structures, with hierarchies operating not only around gender, but also around seniority.³⁴ Therefore, we see both fathers and mothers (or other key female family members) involved in planning how to restore the family's honour. This can create a secondary victim, in the form of the young man, often the youngest brother, who is charged by the family with cleansing the family honour.³⁵ It is often these young men who end up performing the murder, though they do not (necessarily) instigate it.³⁶ One assumption can be that if these sons are not yet adults, they will not be charged as adults. In addition, the "loss" of this unmarried brother to the family's political economy is less than the "loss" to the family of the father or older, already married, brothers.

Even though these key elements for classifying murder as honour killing seem clear enough, it can be difficult to say with certainty to what extent honour informed a given violent act. As a Dutch journalist who reports on this issue argued: "The boundary between murder because of a violation of family honour and murder because of damage to personal honour/mental agony will always remain diffuse".³⁷ Ultimately, honour killings rarely unfold completely according to the patterns identified by anthropologists and other social scientists. In addition, in many cases reported on in Western countries, the label honour killing gets attached to any domestic murder committed by a (former) partner against his (former) spouse if the people involved are from a region in which honour killing takes place. What distinguishes these

³⁴ Deniz Kandiyoti, Deniz, "Bargaining with patriarchy" (1988) 2: 3 Gender and Society 274.

³⁵ Interview with Karima Ouchan, *Samenwerkingsverband Marokaanse Nederlanders*, June 10 2009. See also *Een kwestie van eer: Tien portretten van MBO-jongeren met eerge relateerde problemen* (Albeda College & ROC van Twente, 2007), http://huiselijkgeweld.nl/doc/publicaties/kwestievaneer_portrettenboekje_2_.pdf, last accessed December 20, 2011.

³⁶ See for example the case of Aqsa Parvez, discussed below.

³⁷ Personal communication, on file with author.

murders is that they are performed by immigrant men but this alone is not sufficient to label this an honour-related crime. Similarly, in terms of identifying honour-related violence, some activists and scholars will argue that forced marriage falls within this category, but others argue that forced marriage (or marriage without the consent of one or both partners) should be treated as a distinct form of violence. In these accounts, forced marriage can be a response to a perceived honour violation but is not itself informed by the notion of honour at play in honour killing and honour-related violence.

Honour-related violence is also a socio-economic phenomenon – in certain communities, the family’s honour is a prerequisite for their economic integration into the community. A loss of honour can have a strong negative effect on the livelihood of all family members. As their standing in the community plummets, none of their other children will be able to marry, they will be excluded from commercial interactions and so on.³⁸ While it might seem that these relationships would matter much less when families have moved away from their home countries, immigrant families often continue to rely on tightly-knit social relations for socio-economic wellbeing and marriage prospects (for example, by marrying with cousins from “back home” or by being employed in an uncle’s company). Such networks can also extend over multiple immigrant-receiving countries, where families can for example spread to Berlin, Rotterdam, and Copenhagen, without losing touch. If gossip about a perception of improper behaviour on the part of a daughter or wife spreads beyond the very immediate family, some husbands and/or parents might feel that they need to act to safeguard their reputation.³⁹ At the same time, an accusation of honour violations can mask familial greed: in India and Pakistan,

³⁸ See Faqir *supra* note 2; Sev’er & Yurdakul *supra* note 2; Mojab & Abdo *supra* note 2.

³⁹ Interview with Willem Timmer and Janine Janssen, *supra* note 19.

academic scholarship indicates that in situations where families are unhappy about for example the dowry a woman brings with her, they might use an accusation that she has violated socio-sexual customs to murder her or send her back to her family.⁴⁰ I have heard similar stories from the Dutch police commissioner who heads the Dutch police force knowledge centre on honour-relation violence.⁴¹ Upon investigation, it turns out that what looks like honour-related violence is actually a drug-trade or other crime-related retaliation. Yet, the fact that honour can be used to justify murder shows the power of the concept.

Finally, honour killing is a social phenomenon, which like all social phenomena changes over time, influenced by transformations of the cultural, political and economic forces within which families are embedded. The patterns identified so far are those that confront contemporary societies. Historically, we have seen a decline in Southern Europe, while some scholars noted an increase in honour-related violence in the Kurdish regions of Turkey and Iraq during various phases of civil unrest and war during the past decades, suggesting that stressors to family life increase the risk of violence – a common pattern in domestic violence generally, where rates go up during periods of economic recession or increases in poverty.⁴²

While political, economic and social transformations generally affect familial relationships, immigration is a distinct force in its own right in the contemporary context that changes the meanings and practices associated with honour. Immigration generates social change both for immigrants and the societies that receive them, disrupting various social patterns, in particular patterns associated with gender. For example, women whose economic

⁴⁰ Mazna Hussain, “Take My Riches, Give me Justice: A Contextual Analysis of Pakistan’s Honor Crimes Legislation” (2006) 29: 1 Harv JL & Gender 223.

⁴¹ Interview with Willem Timmer and Janine Janssen, *supra* note 19.

⁴² Shahrzad Mojab, “The Particularity of ‘Honour’ and the Universality of ‘Killing,’” in Mojab & Abdo *Supra* note 2 at 32.

activity kept them close to home and within the community now become employed in places of work that puts them outside of the family and community's eye. In addition, they might gain a measure of financial autonomy and import to the family that they did not possess back at home.

As immigrant women gain access to different sources of autonomy upon moving to countries like Canada, immigrant men often lose access to status as their credentials are not recognized and their capacity to maintain their family is compromised. Similarly, in countries like the Netherlands (and also in Canada) we see that continuing patterns of tracking in high school, particularly of racialized young men makes can make it difficult for these young men to perform the kind of masculinity that reinforces a subjectively experienced, positive sense of self, however problematic that masculinity might be to others. In the Netherlands, I have heard a number of representatives of immigrant organizations complain informally that “young men today don't understand what counts as a honour violation.” For these young men, watching over their sisters can become a way to assert their own sense of power and control in conditions that otherwise relegate them to a status of marginalized masculinity.⁴³ This is very similar to patterns of violence against women more generally, yet shows how honour-related violence needs to be situated complexly in the migration context, if we are interested in understanding the social patterns that inform this violence (where understanding does not equal condoning or minimizing the violence).

In addition teenage children spend long hours away from home at school. Often, we read about children's “culture splits” or the idea that immigrant children have to navigate majority society and home culture. This again reifies cultural processes. A more useful approach might be

⁴³ See Ewing *supra* note 21, see R.W. Connell, *Masculinities* (Berkeley: University of California Press, 1995), for a discussion of marginalized masculinity.

to see these family homes, schools and work places as sites in which multiple moral systems are at play, with immigration always entailing diversification of the specificities of moral systems for both immigrant minority and non-immigrant majority members of society.

Immigration also changes receiving societies' meaning-making processes and social patterns as immigrants confront institutional networks that do not necessarily understand how to respond to honour-related violence. If school systems, social work and settlement offices, even shelters and so on, do not understand the particularities of honour-related violence, specifically the public knowledge component of it, they can put potential victims at greater risk, by for example, inviting a father to come to school to discuss why he is threatening his daughter. Many social workers raised and trained in immigrant-receiving countries value autonomy and ostensibly non-hierarchical decision-making process. Social workers who invite parents to come discuss problems jointly with their daughters do not realize that the intense emphasis they place on individual autonomy that motivates this approach is highly specific to their own cultural and social context and might not translate fully to the parents and children they are interacting with. Furthermore, the act of being publicly called to a school makes it known to his community that there is something wrong in this family and individual cases of honour killing and honour-related violence suggest that this increases the risk of severe violence. Similarly, offering a young woman a place in a women's shelter can exacerbate the sense that she has violated the family's honour. In the Netherlands, some in the immigrant community portray these shelters as "whore houses". Placing a young woman there might mean she cannot return to her family of origin. Once honour-related violence and honour killing are understood as practices that are now woven into the fabric of immigrant-receiving societies, the question becomes how social, political, and legal institutions respond to this.

IV. Policy and Legal Responses: Prevention, Protection, and Prosecution

Understanding honour killing and honour-related violence as a form of the gendered violence that is not emblematic of a “foreign” influence but part and parcel of immigrant-receiving societies has particular policy and legal implications. Policy responses to honour-related violence and honour killing can be classified under the categories of prevention, protection and prosecution. Prevention involves interrupting threatened violence but also changes in meaning practices and social relations that inform such violence through educational and social service programming. Once a woman (or man) is at risk of honour-related violence, social services such as shelters can provide protection. In addition, police and other institutions need to be alerted to indicators of threatened honour-related violence if they are to direct potential victims to the right kind of services. Prevention and protection efforts involve social policy development. Prosecution puts the notion of honour-related violence and honour killing in the legal domain. In what follows, I turn first to a discussion of policy development in comparative perspective, before very briefly discussing the legal side of the story.

A. Social Policy Development

Research on media debates in the Netherlands, Germany, Britain, and Canada shows that these debates influence policy-making in various ways.⁴⁴ Reifications of culture and the “us” versus “them” distinctions they produce lead to regressive patterns of policy-making. The German case shows how discussions that link honour killing to Islam and/or the “backwardness”

⁴⁴ Korteweg & Yurdakul 2010 *supra* note 8.

of immigrant communities in ways that lead to the stigmatization of entire immigrant communities inform exclusionary immigration policies. These include raising the age of marriage for immigrants from countries like Turkey, requiring knowledge of the German language as a condition of obtaining an entry visa, and requiring lengthy integration courses after arrival. These policies are justified by mentioning honour killing and forced marriages. Rather than developing targeted policies to address this as a form of domestic violence, German politicians opt for addressing entire immigrant communities as potentially threatening German society. A different pattern unfolds in the British and Dutch cases where media debates approach culture more along the lines proposed in this article. By framing honour-related violence as a contextually informed form of violence against women that occurs within particular immigrant communities, they to some degree avoid discussions of this violence that essentialize the culture and practices of those communities as a whole. In the legislative and policy-making arenas, this leads to far more targeted policies than in the German case.

An example of how an understanding of culture as meaning-making processes and an attentiveness to specific social patterns can inform policy-making processes comes from the Dutch case. By 2005, immigrant and other organizations had put a lot of pressure to do something about incidences of honour-related violence and honour killing on the Dutch minister of immigrant integration, Rita Verdonk. Together with a parliamentary commission on honour-related violence and with continuing input of these organizations, the Minister developed a three-pronged institutional approach to this form of violence. The aim was to prevent honour-related violence, protect those at risk of such violence, and prosecute those who had perpetrated honour crimes. Whether in immigrant-sending or immigrant-receiving countries, in terms of policy responses, prevention involves shifting community norms and values. This happens when

community groups interested in engaging with these issues receive support to do so. Dutch immigrant organizations have been deeply engaged with the prevention pillar. These groups made very clear that they had no interest in using the government funding available under the program to address honour-related violence in ways that promoted assimilation of their constituencies. Rather they used the funding available to put gender relations within their immigrant communities on the agenda of various local-level immigrant organizations.⁴⁵

Prevention also involves protection. This involves increasing knowledge amongst service providers and building bridges between policy and social service providers and community leaders who can intervene and mediate (quietly) in family affairs. These efforts occur at both the local and national level and involve multiple parties in policy-making and implementation, ranging from immigrant organizations, shelters, advocacy and service organizations for the LGBTQ communities, as well as police, prosecutors and others involved in the judicial realm. The British have similarly brought multiple actors to the table but these tend to focus more on forced marriage and link honour-related violence to that social issue. In addition, immigrant organizations seem less involved in policy implementation as in policy development.

While British and Dutch governments were engaged in creating targeted policies to address honour-related violence, being relatively mindful of the attendant risks of increasing stigmatization of immigrant communities, Canada stood out as the only one of the four countries in our study without any explicit policy debate or policies targeting the issue of honour-related violence.⁴⁶ At the time of our research (2008-2009), the Canadian media reflected a tendency

⁴⁵ Interviews with Carola Dogan of the *Inspraakorgaan Turken*, Karima Ouchan of the *Samenwerkingsverband Nederlandse Marokanen*, and Anne Floor Dekker of the *Vluchtelingen Organisaties Nederland*, June 2009.

⁴⁶ At the time of this writing (December 2011), there are still no targeted policies on honour-related violence though informal discussions are increasingly happening within immigrant and violence against women organizations as well

towards culture-blind portrayals of honour-related violence as domestic violence or violence against women which avoided paying cultural and social specificities. The tendency to avoid the label “honour killing” was in part inspired by an attempt to avoid stigmatizing entire communities because of the actions of a few; in Canadian discussions, particularly but not only among immigrant women’s organizations, the question has been whether we need a specific label for this kind of violence at all or whether the label domestic violence and violence against women covers it in a more culturally neutral fashion.

This culture-blind approach might have left a vacuum for those intent on stigmatizing immigrant communities. Recently, media debates in Canada are moving in a more German direction. For example, after the trial of the father and brother of Aqsa Parvez, Muhammad and Waqas Parvez, who murdered Aqsa in Mississauga in 2007, Rona Ambrose, Minister responsible for the Status of Women, held a press conference in a Punjabi community centre in Mississauga, the city where the family lived, stating:

“Let me be explicit: This type of violence—the most extreme of which is often known as honour killings — has no place in Canadian society,” said Ms.

Ambrose, who is also Minister of Public Works and Government Services. “The

as state bureaucracies. Given how multiculturalism, as social fact and policy approach, shapes Canadian politics, it might be the case that in the Canadian context, we will see the development of an approach that directly folds prevention and protection efforts into general approaches to gendered violence. It would be important that such an approach takes the wide range of cultural specificities and social patternings that shape the experiences of such violence into account.

government of Canada therefore condemns these acts unreservedly and absolutely.”⁴⁷

The condemnation of honour killing voiced by Minister Ambrose is understandable, and indeed widely shared among immigrant as well as non-immigrant groups.⁴⁸ However, by linking this condemnation as emanating from “Canadian society” such statements generate a sense of “us” versus “them” that informs restrictive immigration policies without generating comprehensive social policy and/or legal approaches to honour-related violence. So far, the Ministry of the Status of Women has not addressed honour-related violence beyond issuing a press release.⁴⁹ Without putting resources towards prevention and protection of women (and men) at risk of honour-related violence, the entirety of the Minister’s statement only functions to stigmatize the perpetrators (and by implication, the communities that they are from) as un-Canadian. Furthermore, these types of statements and (in)actions can lead to general restrictions on immigrant communities. The citizenship study guide cited earlier as well as recent attempts to address forced marriages (sometimes a response to a perceived honour violation) through laws that prevent illegal immigration show that these debates could well inform restrictive immigration laws in Canada.⁵⁰

⁴⁷ Kathryn Blaze Carlson, “Update: Minister’s ‘honour killings’ misstep” (July 12, 2010) National Post, <http://news.nationalpost.com/2010/07/12/rona-ambrose-honour-killings-will-not-be-tolerated-in-canada/>, last accessed 20 December 2011.

⁴⁸ For immigrant responses to the murder of Aqsa Parvez, see for example, Patrick White and Hayley Mick, “Teen death highlights cultural tensions” (December 12, 2007) The Globe and Mail, L1.

⁴⁹ A search of the Status of Women Canada website (<http://www.swc-cfc.gc.ca/index-eng.html>) netted only the press releases upon which these newspaper reports are based (last accessed February 23, 2011).

⁵⁰ For example, a number of activists and service providers have been working to prevent forced marriages (see <http://www.forcedmarriages.ca/>, last accessed December 20 2010). Immigration Minister Jason Kenney has instead chosen to address “marriage fraud” (see for example, David McKie “CBSA urged to act on marriage fraud

A. Legal Developments

Pronouncements by the media and public figures can lead to the mistaken impression that honour-related violence is condoned by the legal justice system in immigrant-sending countries (think of Ambrose: this has “no place in Canadian society”). However, legal systems in immigrant-sending countries are quite involved in these forms of violence, at times treating honour as a mitigating factor and at other times working to protect potential victims. For example, in Jordan young men convicted of honour killing receive reduced sentences, while young women at risk of being murdered are offered a space in jail to protect them.⁵¹ Turkey, in 2004, sharpened its laws and made motivations of honour an aggravating factor in sentencing for murder. In other words, this is not a barbaric custom that indicates the utter lawlessness of these lands, but rather honour-related violence is a problem for legal systems elsewhere as well and the legal system becomes a site where the political and policy responses to these types of practices are hashed out.⁵²

In terms of prosecution, I know of no Western country that has made honour-related violence or honour killing a specific type of crime (though some Middle Eastern countries do, treating it either as a mitigating or aggravating factor). In Western countries, the arguments generally are that such a change to the law would make it more rather than less difficult to prosecute these murders and that laws currently on the books cover all aspects of these crimes. Various countries, however, have made efforts to increase knowledge among prosecutors and

complaints: Immigration minister wants border agents to build credible cases” (October 29, 2011) CBC News, <http://www.cbc.ca/news/politics/story/2011/10/29/pol-marriage-fraud.html>, last accessed December 20, 2011)

⁵¹ Catherine Warwick, “The Vanishing Victim: Criminal Law and Gender in Jordan” (2005) 39:2 Law & Society Review 315.

⁵²Lama Abu-Odeh, “Honor Killings and the Construction of Gender in Arab Societies” (2010) 58 Am J Comp L 911.

judges so they can better assess prosecutors' requests for not granting bail and understand what motivated a particular crime when it comes to trial.

Legal scholars have debated how to understand culture in legal cases and the courtroom. In the Canadian context, judges initially treated cases of honour killing (such as the case of Amandeep Atwal) as murder without using the label "honour killing". More recently, starting with the Sadiqi trial in 2009, judges have started to treat honour as a motive in murder. The Sadiqi case, in which a brother murdered his sister and her fiancé, was the first case in Canada to be explicitly tried as an honour killing. Since then, we have seen the case of Aqsa Parvez, where the perpetrators were sentenced to second-degree murder in 2010, (discussed below) and the Shafia case, which ended with the first-degree murder convictions of the father, mother, and brother in early 2012. On the one hand, it makes sense for the courts to recognize the ways in which violence unfolds and to take seriously that notions of honour may be at play in a murder case. On the other hand, in the absence of prevention and protection policies, prosecution becomes the sole formal state recognition of honour killing. As a result, Canadian criminal law makes the courtroom the only place in which the state explicitly addresses this form of violence. One could argue that this creates a false sense of satisfaction as the general public watches justice and retribution unfold, when in fact it attests to our failure to take this violence seriously when it comes to both individual-level and structural prevention efforts and to the protection of potential victims.

V. Accounts of Honour Killing

In what follows, I draw from three cases – two that have become unambiguously labelled honour killings and one that is more ambiguous – to show how the above discussed processes of

meaning-making, social patterns of violence, and policy and legal approaches are reflected in the accounts of these cases. By analyzing the case narratives that are publicly available, I illustrate how the knowledges I promoted above make the crime of honour killing legible to both a general public as well as those involved in these cases in a professional capacity.

A. Amandeep Atwal⁵³

Amandeep Atwal (17) was murdered by her father Rajinder Singh Atwal on July 30, 2003. Amandeep's mother and father hailed from the Punjab region of India and their three children (Amandeep was the middle child) were born in Canada. Amandeep had started dating a boy from outside her community whom she met in her Kitimat B.C. high school. Amandeep's family objected to the relationship but rather than ending it, Amandeep continued the relationship in secret for two years. A car accident that involved both Amandeep and her boyfriend Todd McIsaac revealed that "not only had the relationship continued, but that it had become serious".⁵⁴ Amandeep's father initially was furious but he seemed to have made peace with the relationship. Amandeep had decided to move in with her boyfriend after her high school graduation and her father agreed to this plan but asked if she would accompany the family one more time on their annual two-week vacation with extended family to New Minister B.C. When after a few days, Amandeep asked to leave, her father offered to drive her back to Prince George to be with her boyfriend. On the way there, her father pulled over the car, stabbed her 17 times, and took her body to hospital two-and-a-half hours away from the site of the crime, where he initially claimed that Amandeep had committed suicide. Rajinder Atwal was convicted of

⁵³ Unless otherwise noted, this account is based on R. v. Atwal, [2005] B.C.J. No. 1512.

⁵⁴ R. v. Atwal at 3.

second-degree murder following trial by jury, receiving a sentence of life imprisonment with no eligibility for parole for 16 years.

Neither initial media reporting nor the trial, which took place in June 2005, treated the murder as an honour killing. Yet, the events preceding the crime as well as the murder itself bear its hallmarks and her name has been added to the list of Canadian honour killing victims. Indeed, Amandeep's murder fits the patterns I described above. In particular, Rajinder Atwal's murder of his daughter seemed to be a response to an unsanctioned relationship with someone outside the community, which as long as it was hidden could continue but which had to be sanctioned once it became public. Reading the sentencing decision in the case, I wondered if the family really did not know that Amandeep continued to see her boyfriend during the two years prior to their car accident. The key seems to be that the relationship was well hidden; Rajinder Atwal committed the murder *after* the continued existence of the relationship became public knowledge. Telling also is that the judge in her sentencing decision, indicates that the Atwal family continued to have the support of their community and that Rajinder Atwal also had the support of his two other children – clearly, both his community and his immediate family understood why he acted the way he did, an indication that shared moral systems and meaning-making processes were at play. At the same time, reports suggest that Amandeep was aided by school counsellors and others in keeping her ongoing relationship a secret, suggesting a multiplicity of moral systems and meaning-making processes. Finally, the events that occurred between the time of the car accident and the murder itself, including initial anger and familial fighting, followed by an

apparent reconciliation, and then murder, is a common pattern in accounts of such violence. In a number of cases, victims are killed after they have been asked to come home for reconciliation.⁵⁵

B. Aqsa Parvez⁵⁶

On December 10, 2007, 16-year old Aqsa Parvez was murdered by her father Muhammad and brother Waqas. Aqsa's family moved to Canada from Pakistan when Aqsa, the youngest of eight children, was 11 years old. Aqsa rebelled against her parents' strict rules regarding dress and social interactions with her peers. During the months immediately preceding her murder, she had numerous meetings with school counsellors, her parents, and social workers at a social service agency that focused on the Indian immigrant community. She spoke with school counsellors about her parents' restrictions and in early fall, one of Aqsa's school counsellors helped her spend a few nights at a shelter but Aqsa returned home again. During this time, school counsellors invited her father and mother to come meet with them. In one of these meetings, Aqsa's father agreed to Aqsa wearing western clothes without a hijab, but he continued to insist that she come home immediately after school ended. Aqsa ended up skipping classes to be with her friends and continued to complain about parents' continued restrictions of her movements and her lack of privacy at home. By early December, she had become so fed up with her home life that she ended up moving in with a friend's family, also Muslims originally from Pakistan, who told her she could stay with them as long as she wanted. Her father and two

⁵⁵ In the Netherlands, see, for example, the cases of Schijman Kuashi and Zarife, in Canada, the cases of Amandeep Atwal and Aqsa Parvez.

⁵⁶ Unless otherwise noted, this account is based on R. v. Muhammad Manzour Parvez (father) and Waqas Parvez (son) Agreed Statement of Facts. Available at <http://www.cbc.ca/toronto/news/pdf/sof-parvez.pdf>, last accessed December 19, 2011.

of her seven siblings, sister Irim and brother Waqas, are explicitly named as pressuring her to come home, offering monetary rewards and more privacy than she had ever had.

During the fall of 2007, Aqsa often told her friends that she was very afraid of her family and her father in particular. “Approximately 2 weeks prior to leaving home again, she confided in her closest friends, that her father had *sworn to her on the Koran that if she ran away again he would kill her*”.⁵⁷ Her friends assured her that “her father could not be serious” (ibid). However, about 10 days after leaving home, Waqas picked Aqsa up as she was waiting for the morning school bus. At home, Waqas strangled her with the help of his father, though his father initially took the blame. Waqas initially denied his involvement but on June 15, 2010 both Muhammad and Waqas entered guilty pleas for second-degree murder and were sentenced to life in prison without eligibility for parole for 18 years three days later.

The initial reporting of the case focused on whether this was an honour killing. Margaret Wente, columnist for the *Globe and Mail*, the main national daily in Canada, is usually quite eager to point the finger at “bad” immigrants, particularly if they are Muslim. However, in this case, she claimed that:

There’s no sign that Aqsa’s death was an honour killing, deliberately plotted and coldly carried out to preserve the family name. More likely, if the version we have heard so far is correct, it was an accident, the product of rage, frustration and an urge to punish that got out of hand. It’s a common enough story. A man who feels powerless and impotent strikes out at the woman whose behaviour and

⁵⁷ Agreed Statement of Facts at 5, italics in original.

sexuality he fears he can no longer control. Her moment of greatest danger is when she tries to leave.⁵⁸

Despite such interpretations, Aqsa's murder became known as an honour killing far more quickly than in Amandeep Atwal's case, in part through the guilty plea of her father and brother. In terms of Aqsa's perceived transgressions, the newspapers focused on her refusal to wear the hijab as the underlying conflict. However, this issue had actually been resolved in early fall of 2007. Rather the Agreed Statement of Facts indicates that the conflict pertained to Aqsa living away from home, no longer under the supervision of her father. According to the statement, religion played a clear role in this case, emphasizing that Aqsa's father had sworn on the Koran that he would kill her if she ran away from home again. Yet, religious authorities argue that nothing in the Koran would support such actions. It seems clear that Aqsa's father interpreted her actions and his responses to them through his own religious interpretive lens.

While the Agreed Statement of Facts does not contain a discussion of the family planning this murder, it suggests a family-initiated response to Aqsa's perceived transgressions. The statement reports that on the day of Aqsa's murder, police overheard her mother, Anwar Jan, saying to herself that "[he] said will break arms and legs – has killed her right away. What should I do?"⁵⁹ Anwar also explained to a police officer that when girls act like Aqsa their fathers will "either kill the girl" or "turn them out of the house" (Agreed Statement of Facts, p. 8). Similarly, Aqsa's sister Irim followed Aqsa around, passing information about her from Aqsa's friends to her father, suggesting that Irim was closely involved in monitoring Aqsa and

⁵⁸ Margaret Wente, "A teenage Muslim girl: Why was she killed?" (13 December 2007) *Globe and Mail*.

⁵⁹ Agreed Statement of Facts at 10.

that Aqsa's actions had become a family problem. Though we can never know for sure, taken together, the statements of Aqsa's mother and sister suggest that the father's attempt to get Aqsa to come home might have been a ruse and that Aqsa's life was in danger already.

At the same time, the Agreed Statement of Facts suggests that Aqsa Parvez's family differed from other families who like them had emigrated from Pakistan. The statement describes the family Aqsa stayed with the days preceding her death as a Muslim family hailing from Pakistan who understood the pressures she was under without judging her. In addition, reading how her friends, some with names suggesting a similar migration background as Aqsa's, assured her that her father would not harm her also indicates that they did not anticipate the severity of his response. Aqsa's mother's assurance to the police officer that this response is the norm is to some degree belied by these statements, suggesting the multiple meanings that honour can take on within seemingly similar immigrant communities. It seems that Aqsa's school counsellors and other social service providers involved in the case also underestimated the threat to Aqsa's life. Aqsa's murder exhibits many of the elements that mark honour killings in the contemporary immigration context – in particular, the multiplicities and disjunctures in meaning-making processes within the family and between the family, the wider community, and educational and social service institutions.

C. Zeynep Boral⁶⁰

Zeynep Boral (24) was murdered by her ex-husband on June 25, 2007, in the train station of Alkmaar a town in the North of the Netherlands, close to the city of Amsterdam. Serdar Boral (28) shot Zeynep three times as she was standing on the escalator on her way to her last exam in law school. Zeynep was born in the Netherlands after her parents moved there from Batman, Turkey. In the newspaper reporting, Zeynep is represented as the perfectly integrated immigrant daughter whose parents were keen on having her finish her education, even though she was a girl, as one newspaper article points out. However, she also was tightly knit into her family and agreed to marry her cousin (her father's brother's son of a branch of the family still living in Turkey) in an attempt to help out with a family problem, a move that surprised but initially pleased her mother. According to the newspapers, the cousin had a reputation as troubled, and possibly violent, with limited education, and his immediate family hoped that his move to the Netherlands would set him on the right path. Instead, he turned out to have a difficult time with the language and with finding employment while his wife was going to law school and had a wide circle of friends.⁶¹ He abused her during the marriage, and with the consent of her parents, Zeynep Boral first separated from Serdar, moving back in with her parents, and then divorced him. Two weeks after the divorce was finalized Serdar shot his ex-wife, before turning the gun on himself. Zeynep died instantly, Serdar died five hours later in hospital.

⁶⁰ Unless otherwise noted, this account is based on Renate van der Zee, "Hij wilde haar niet doden, maar kon de druk niet aan" (April 7, 2007) *NRC Handelsblad*, available at <http://vorige.nrc.nl/article1855988.ece>, last accessed December 17 2011 and Renate van der Zee, "Getrouwd, gescheiden, vermoord; De eerwraak op rechtenstudente Zeynep Boral (24)" (May 24, 2008) *NRC Handelsblad*, <http://archieff.nrc.nl/index.php/2008/Mei/24/Overig/z08/Getrouwd,++gescheiden,++vermoord/check=Y/identify=Y>, last accessed December 20, 2011.

⁶¹ "Alkmaarse vrouw deed al aangiftes tegen ex" (June 28, 2007) *De Volkskrant*, <http://www.volkskrant.nl/vk/nl/2686/Binnenland/article/detail/850724/2007/06/28/Alkmaarse-vrouw-deed-al-aangiftes-tegen-ex.dhtml>, last accessed December 20, 2011.

Zeynep's murder is not an honour killing per se – her ex-husband Serdar acted alone and killed himself upon murdering her. Zeynep's parents fully supported her divorce – they did not see their daughter's actions as violations of their family's honour or standing within their community. Serdar's stalking and the ongoing domestic violence he subjected Zeynep to during their marriage, her attempt to regain control of her life by divorcing him, and the fact that her ex-husband killed her shortly after the divorce was finalized and then killed himself all fit a general pattern of intimate partner violence ending in murder. In addition, he faced structural constraints in integrating into Dutch society, struggling as many young immigrant men do, in ways that left few avenues to assert his masculinity. Yet, while key attributes of honour killing were not present in this case, investigative journalism suggests that Serdar Boral did understand his marriage and its dissolution through the interpretive lens of honour.⁶² He discussed the dissolution of his relationship in those terms with friends. This cultural lens intensified the risk that he would murder his ex-wife. Zeynep went to the police (together with her mother) suggesting as much in the months preceding her death but the police felt that the patterns leading to honour killing were not fully present and did not intervene, although they would have if they had followed the protocol for assessing the risk of honour-related violence. This later led to a re-thinking of police procedures.

As my renditions show, the accounts of these murders, taken from legal documents and newspaper articles, are highly legible through the framework of honour killing outlined in this article. Particularly the actions of the perpetrators and the immediate family fit the cultural

⁶² Van der Zee *supra* note 62.

meaning processes and social patterns described above. The source material for these accounts also contain mentions of the economic activity of each of these families, suggesting some level of economic hardship in each (Rajinder Atwal worked for the Alcan Smelter in Kitimat, Muhammad Parvez was a taxi driver and Waqas Parvez operated a tow truck, while Serdar Boral was unemployed). In addition, they bring up the integration into the community in the Amandeep Atwal case and the differential approach to allowable practices in the Aqsa Parvez case, where a mention that Aqsa went to the movies for the first time in her life with the family she stayed with can only be understood as a way to introduce a contrast between two Canadian Muslim families hailing from Pakistan. In the Dutch case, they make much of the difference between the well-integrated victim and the poorly integrated perpetrator. Only when such specificities are brought into play can we move away from accounts that all too easily lead to culture as a reified construct and the stigmatization of entire immigrant groups. However, these by necessity cursory accounts, themselves based on partial sources of court documents and newspaper reporting, do not fully enable an analysis of the broader institutional, social, economic and political processes at play that are necessary to more fully understand how this violence unfolds.

In terms of prosecution, these cases also show that whether the label “honour killing” becomes attached to a case might not matter terribly for the sentence handed down. A comparison of the Atwal and Parvez sentences shows them to be quite similar even though the former, unlike the latter, did not have the label honour killing attached to it. The sentencing decision in the Atwal case and the Agreed Statement of Facts in the Parvez case illustrate an attentiveness to cultural and social specificities in each case. In the Atwal case, Wedge J.’s justification for her sentence reads in part:

Amandeep was Mr. Atwal's child. It is difficult to conceive of a position of greater trust and authority. On that day near Cache Creek, Amandeep was in the company of the person who, above all others in her life, should be expected to protect her and keep her safe from harm. It was because he occupied the highest position of trust and authority that she allowed him to drive her to Prince George that day. This was a cold, brutal and sober attack on his completely defenceless young daughter, carried out with the intention to cause her death. Amandeep remained in the car throughout the attack, still secured by her seatbelt. Her final moments in life must have been terrifying.⁶³

Durno J. in the Parvez case mentioned the following in his justification of the sentence he handed down:

It's profoundly disturbing that a 16-year-old adjusting to living in a different world than her parents could be murdered by her father and brother for the purpose of saving the family pride [and] because they couldn't control her," Durno said.

"That twisted, repugnant mindset requires a sentence that sends a message to others who would be like-minded. Because of the abhorrent motivation behind this crime and the gender inequality issues, 18 years is a fit sentence."⁶⁴

⁶³ R. v. Atwal para 43.

⁶⁴ "Father, Brother Of Murdered Teen Aqsa Parvez Sentenced To Life In Prison" City TV staff, June 16, 2010,

This shows a shift in motivation from the simultaneously more general and more personal abhorrence voiced by Wedge J. in the Atwal case, which focused largely on how Rajinder Atwal had failed his child, to the specific denunciation of meanings and practices associated with honour killing by Durno J. in the Parvez case. Durno J. in this newspaper account seems to target not the utter failure of a parent to act in accordance with the standards of the general society but rather “a mindset” related to “gender inequality issues” are more specifically located in particular communities. Yet, both cases were treated as second-degree murder cases and the final difference between them is the two year difference in parole ineligibility (which for both cases is high). The question is whether the specificity in Durno J.’s denunciation will inspire greater stigmatization of immigrant groups or more comprehensive policy approaches to the issues faced by some within this group of Canadians.

The Shafia trial, concluded on January 29, 2012, does not bode well in that regard. On the one hand, the Shafia verdict of guilty to first degree murder led to one of the most severe sentences possible: life without parole. This, as well as the 2009 life without parole sentence in the Sadiqi trial, shows that there is indeed no need for the development of new law to specifically address honour killing. On the other hand, the Shafia trial seems to reinforce that law is the prime avenue for tackling honour killing because it broadcasts “Canadian values”:

<http://www.citytv.com/toronto/citynews/news/local/article/79206--sentencing-wed-for-father-son-who-murdered-16-yr-old-aqsa-parvez>, accessed December 17, 2011.

“This is a good day for Canadian justice,” the chief Crown prosecutor Gerard Laarhuis said outside the courthouse, adding the four women were “murdered by their family in the most troubling of circumstances.” “This verdict sends a very clear message about our Canadian values and core principles in a free, democratic society that all Canadians enjoy and even visitors to Canada enjoy.”⁶⁵

Given the absence of resources outside of legal ones, this reflects a misplaced belief in punishment as deterrence and in reified notions of Canadian and, by extension, non-Canadian cultures. Many journalists commented on the apparent failure of social workers and counsellors who interacted with the Shafia sisters to understand the severity of the threat they were under. Yet, in statements like those of the prosecutor (and also the judge) in the Shafia case, law seems to be able to solve it all.

V. Conclusion

In sum, honour-related violence is complex phenomenon that centers on perceptions of sexual propriety. It is a form of gendered violence, linked to, though different from, domestic violence and violence against women. While the majority of victims are women, men are also targeted. In addition, this form of violence is historically and culturally specific, but not in ways that are unchanging. Indeed, elsewhere my colleague Gökçe Yurdakul and I have argued that:

⁶⁵ Melinda Dalton “Shafia Jury Finds All Guilty of First-Degree Murder: Verdict Sends Message Prosecutor Says” CBC News, Jan 29 2012. <http://www.cbc.ca/news/canada/montreal/story/2012/01/29/shafia-sunday.html>. Last accessed February 23, 2012.

... immigrant communities generally build on homeland practices but redefine them in the new country. From this perspective, violence against women in immigrant communities needs to be understood in relation to the history of immigration to the new country and the ethnic and religious background of each specific immigrant community, as well as in relation to the immigrant-receiving country's integration policies, understandings of gendered violence and responses to domestic violence.⁶⁶

In Canada, we are at the beginning of a public and policy debate on how to approach honour-related violence in terms of prevention and protection. When it comes to prosecution, we are in the midst of a changing environment. Where the concept "honour killing" was not mentioned in the trial following the murder of Amandeep Atwal, it was used in the Parvez sentencing, and in the Sadiqi and the Shafia trials, where honour killing was used to get a conviction for first degree murder. The question is whether such recognition will go hand in hand with the stigmatization and racialization of entire immigrant communities, which research suggests is a distinct possibility or whether this recognition of honour killing and other honour-related violence will lead to an approach that treats immigrants as full Canadian citizens, subject to equality in both rights and responsibilities, analogous to the policy developed in the Dutch and British cases.

So far, criminal law has been the arena in which honour killing has been directly addressed and prosecution efforts have taken a front seat in state-based approaches to honour killing in Canada. Whether organizations representing other faces of the state, particularly those involved with social welfare, will develop much needed comprehensive policies to address prevention and protection remains to be seen. In other countries, activists and advocates from

⁶⁶ Korteweg and Yurdakul (2010) *supra* note 8 at 4.

within the communities that face honour killing and honour-related violence have played a key role in the process of getting the issue on the policy agenda. There are some hints that a similar process might be unfolding in Canada as well, with an increasing number of social service agencies in the Greater Toronto Area for example discussing the issue in various public fora. At the same time, Canadian immigrant organizations are incredibly diverse and divided on this issue, with some seeing honour as informing patriarchal gender relations in ways that require intervention and others afraid that such discussions will further stigmatize their communities, making it more rather than less difficult to deal with all forms of gendered violence that affect immigrant women and men (of which violence informed by honour is only one form). Majority society organizations either do not see a need to develop knowledge around honour killing and honour-related violence or afraid to offend if they do. It might well be that in this Canadian context, policy development will have to focus on gendered violence more generally, but in ways that allow for an awareness of how the cultural meaning-making and social processes outlined in this article affect the wide array of expressions of gendered violence.