

**COURSE TITLE*****Responsible Faculty Instructor:*****Dr Ritabrata Roy** [ritabrata.roy@jgu.edu.in]

Designation: Assistant Professor

Credits: 4Credits Type:Cross-registration:Pre-requisites:**COURSE DESCRIPTION (COURSE VISION):**

This course is designed to provide a detailed understanding of the practice of honour crimes worldwide with a specific focus on India and England. The course begins by critically understanding the very use of the term “honour” associated with these crimes and the paradox it creates. “Honour” is commonly described as respect or privilege by the Oxford English Dictionary. This description clearly manifests a positive connotation of the term. The Oxford English Dictionary also explains “honour killings” as, “the murder of a relative, usually a girl or woman, because she has done something that is thought to bring shame on her family”.

However, to describe a series of heinous crimes perpetrated for the sake of patriarchal communal/familial prestige on individuals, the use of the word “honour” is an ironical misuse of the term. Very often such use of the term “honour” in context of these crimes helps the perpetrators to justify their crimes and even seek for lesser punishments or acquittal on grounds that they had no other choice than to commit the crimes for “restoring” their community/family honour, tarnished by the victim through their actions. Such an argument is inherently flawed as it shifts the blame on the actual victims from the perpetrators. Interestingly, a survey of several English judgments reflects that in the past often judges have accepted such cultural defences of “honour” as a justification to award lesser sentencing for the offenders. Another important aspect to be discussed in the foundational lectures is use of the term, “honour killings” in majority of the dominant literatures on the issue as opposed to “honour crimes”. This discussion will focus on analysing whether at present, describing the practice merely as “honour killings” restricts the ambit of the term by not including several other crimes committed in the name of family/community “honour” and if there is a need to expand this ambit.

Additionally, the students would be provided insights to various facets of the practice through thought-provoking discussions around issues of caste, gender, religion, sexuality of an individual and their intersectional interplay in the society that often results in perpetration of “honour crimes”. Beyond these, other themes that this course will explore are: a general understanding of the concept of patriarchy and the notion of P.H. Collins’ “patriarchal bargain”.

Since “honour crimes” are essentially manifestations of patriarchal violence, there is a common understanding that women are “necessarily” the victims of such violence. However, in several instances it is witnessed that women have not only been accomplices to such crimes but have also played an instrumental dominant part in their perpetration. These scenarios effectively go beyond the general perception of the patriarchal nature of the “honour crimes”. However, a critical understanding of Collins’ “patriarchal bargain” will help students to understand that a broadened explanation of patriarchy transcends the gender binaries and accommodate women as key perpetrators of “honour crimes”, keeping the very nature of these crimes as patriarchal. Another important theme which this course will explore is that of immigration and multiculturalism in England in context of the rising numbers of registered cases of “honour crimes” in the country. The common understanding among a large section of British population is that “honour crimes” are typically South Asian or Middle Eastern vices, which make their way into England through the country’s liberal immigration policies. The discussions around this theme would explore that “honour crimes” are not exclusively an immigrant problem and there are several instances of such crimes being perpetrated among the “White British” communities. The problem in such instances is that of identification and branding of these crimes within the fold of “honour crimes” rather than passing them off as acts of domestic violence. An allied topic to be discussed in this context is that of wrong classification of “honour crimes” in England where several cases are wrongly classified under other headings in the annual crime records in the country, published by the Home Office. This effectively results in a serious vacuum of credible data on “honour crimes” in England. A comparative analysis of the same, along with discussions of other important factors behind lack of credible data on “honour crimes” in India would be discussed under this topic. Such factors include:

Dedicated sessions will be allocated to one of the significantly under researched aspects of honour crimes i.e. victimisation of men. This problem stems from the general perception that “honour crimes” being patriarchal violence, men can either only be perpetrators of the crimes or it is easy for men to escape such crimes. This perception is rather evident from analysis of several definitions and explanations of “honour crimes” in the mainstream discourse, where “honour crimes” are explicitly described as “killing of women” by the male members of her family/community. There is also a fairly strong opinion among several dominant feminist scholars that including the issues of male victimisation (such as in cases of honour crimes) within the fold of patriarchal violence would eventually “dilute” the very essence of their voice against patriarchy. Further, lack of understanding of the broader notions of gender, culture, sexuality and patriarchy among the researchers, investigators as well as judges (in some cases), has heavily contributed to this vacuum in data on the male victims of honour crimes. Despite these perceptions, the insightful works of Dr Idriss and Dr Rusi Jaspal in England and my own research in India have shown a sharp rise in the “honour crime” cases involving men as victims (in some cases the only victim). Thus, the discussion

on male victims will generally try to understand the shortcomings in perceptions and awareness within the dominant literature on “honour crimes”. Additionally, discourses around situating male victims within the ambit of patriarchal violence will be made. Finally, students will be provided insightful thoughts to incorporate a broader notion of gender as a social construct in light of intersectionality of other identities of a man to investigate the issues prevailing within the investigative agencies, lawmakers and judiciary on male victims of honour crimes particularly in India. The methodology will involve critical analysis of news reports, legislation and decided judgments along these lines.

#### TEACHING METHODOLOGY:

A combination of **classroom lectures on dominant literature/decided judgments, analytical discussions on debates/podcasts, news reports and documentary/movie reviews** would constitute the teaching methodology of this course. Further, some **guest lectures by practitioners, NGO representatives working in the field** (specifically in India and United Kingdom) **and investigators** will help the students to achieve the intended learning outcomes.

#### INTENDED LEARNING OUTCOMES:

The students are expected to gain in-depth critical insights regarding the dominant literature, investigative and judicial approaches to the practice of honour crimes in India and abroad. Further, they will learn about the different qualitative research methods commonly applied in conduction research on the subject.

#### READING LIST (upto 10 select readings):

1. Are honour killings unique? A comparison between Honour Killings, Domestic Violence Homicides, and Hate Homicides by far extremists, *Homicide Studies*, 2018-02, Vol.22 (1), p.70-93.
2. M. Sreedevi Xavier, Honour Killings: A Global Concern, *Paripex*, 2015, Vol.4 Issue 3, p. 6-9.
3. Michelle Lowe, “Anti-gay “Honor” Abuse: A Multinational Attitudinal Study of Collectivist- Versus Individualist-Orientated Populations in Asia and England”, (2021) *Journal of Interpersonal Violence*, Vol.36 (15-16), p.7866-7885.
4. Phylis Chesler and Nathan Bloom, “Hindu vs. Muslim Honour Killings” *Middle East quarterly*, 2012-06, Vol.19 (3), pp.43-52
5. Aparna Subramanian, “No honour for homosexuals: Exploring honour killings against the LGBTQ community in India” (2024) Vol. 7(6) *International Journal of Law Management and Humanities*, pp. 2303-2310.
6. Kimberle Crenshaw, Mapping the Margins: Intersectionality, Identity Politics and Violence against women, *Stanford Law Review*, 1991-07, Vol.43 (6), p.1241-1299.
7. Leslie McCall, “The Complexity of Intersectionality”, (2005) *Signs*, Vol. 30(3), pp. pp. 1771-1800.

8. Patrick Akers, “Establishing Rule of Law through Informal Justice Systems and Development Programs” (2016) 30 Notre Dame Journal of Law, Ethics & Public Policy 115.
9. Norman K Denzin and Yvonna S. Lincoln, *The SAGE Handbook of Qualitative Research*, (2017), SAGE Publications, Chapter 1: Introduction.
10. Mohammad Mazher Idriss, ‘Abused by the Patriarchy: Male Victims, Masculinity, “Honor”-Based Abuse and Forced Marriages’ (2021) Journal of Interpersonal Violence NP11905–NP11932.

WEEKLY READING PLAN (WEEKLY OUTLINE):

A weekly plan is provided below:

MODULES	WEEK(S)
<p><b>MODULE 1: HONOUR CRIMES: INTRODUCTION AND CONCEPT</b></p> <p>“Honour Killings”, as defined by Human Rights Watch are, “acts of violence, usually murder, committed by male family members against female family members who are perceived to have brought dishonor upon the family.” In the Indian context however, the practice is commonly understood as, cases where family members have come together and perpetrated the killing of the victims after coming to know of the consensual inter-caste or inter-religious relationship or marriage. A 2022 report mentions that majority of the honour violence victims are members of Scheduled Caste communities. The report found that as many as 20 Dalit men were either killed or grievously injured by families of their partners, invariably belonging to a dominant caste in 2022-23. Similarly, the Supreme Court of India has noted (i) loss of virginity outside marriage; (ii) pre-marital pregnancy; (iii) infidelity; (iv) having unapproved relationships; (v) refusing an arranged marriage; (vi) asking for divorce; (vii) demanding custody of children after divorce; (viii) leaving the family or marital home without permission; (ix) causing scandal or gossip in the community, and (x) falling victim to rape as the common factors behind perpetration of honour killings in India. There is a very delicate difference between these two notions of honour killings. The HRW definition which is commonly used worldwide provides a broader inclusive nature of the practice and encompasses several other possible factors behind perpetration of honour killings. Whereas the Indian context is largely restricted to inter-caste or inter-religious relationship or marriage without familial consent of the victims.</p> <p>A careful analysis of both these dominant notions of “honour crimes” reflects a narrow understanding of the practice in relation to primarily heterosexual inter-caste or inter-religious marriages/relationships among the victims without their familial consent. This approach leaves several important</p>	<p>1</p>

<p>unanswered questions particularly with relation to same-sex relationships (which is still a taboo in India) and the notion of familial honour. For example, a person of the LGBTQ community carries their identity, but how do they break the generic idea of honour, so face violence. Who is the symbol of honour? Does their act of breaking the stereotypical gender roles, are potentially seen as threat to their familial/community honour and thus they could be subjected to “honour crimes?” Admittedly, with the rising number of honour killings only involving male victims, experts and the judiciary in India and worldwide have started to acknowledge that men and persons of LGBTQ crimes are also subjected to the honour crimes, but these acknowledgments are still very scarce.</p> <p>With a detailed overview of the concept of the practice of honour crimes through a statistical overview of the practice worldwide, these complexities of the concept will be critically discussed. The lecture will focus on the wider concept of “honour” and its relation to gender, sexuality, religion and cultural norms. This analysis will provide a strong conceptual platform for the students to understand the importance and application of theory of intersectionality on the issue of honour crimes in the forthcoming weeks. Additionally, the complexity of using the term “honour crimes”, the difference between “honour crimes” and “honour killings” will be discussed. The core focus of this discussion will shed light upon the difficulties of using the word “killings” instead of “crimes” and how the use of the later phrase will help in encompassing all the crimes beyond causing death of the victim in the for the sake of honour. Furthermore, the question whether, one should use “honour crimes” or name the phenomenon as so-called “honour crimes” especially when several countries, including India do not have a dedicated legislation on the issue will also be discussed in the introductory lecture.</p>	
<p><b>MODULE 2: FACTORS BEHIND HONOUR CRIMES</b></p> <p>In this module various causal factors which lead to the perpetration of the practice of honour crimes will be explored in detail. These factors primarily include (but are not limited to) caste backgrounds of the victims and the perpetrators, their religious backgrounds, class/economic standings and sexual orientations. These factors intersectionally cross with one another to create an adverse positionality for the victims in the society.</p> <p>These lectures will individually discuss the relation of “honour” as a notion with each of these identities around the following questions (inclusive and not limited to)</p> <p>a. <u>Honour crimes and caste</u>  <i>What is the relationship between honour and caste violence in</i></p>	2-3

*Indian society?*

*Can honour killings be called as “caste killings”?*

*Does honour killings break caste or strengthen caste?*

*Can there be a distinctive understanding of honour without caste?*

*b. Religion and honour crimes*

*To what extent (if at all) are honour crimes religious?* This discussion will primarily be around the religious connotations of the gender roles in societies (India and abroad) where deviation from these gender roles (especially for women) are perceived as dishonorable acts and subsequently honour crimes are justified on grounds of religion. However, the broader misconception which authors such as Phylis Chesler forwards around the concept of honour killings is to brand these crimes as religious (especially in relation to the global south and the south Asian immigrants). The lecture will analyse the flawed nature of such understandings.

*c. Class (Economic Backgrounds) and honour crimes*

The important questions in this discussion will be to *what extent does economic disparity between couples or their social status works as contributing factor behind perpetration of honour crimes*. This aspect is one of the most under-researched aspect of the issue. Two important cases to be discussed in this context will be *Ashok Kumar Todi vs Kishwar Jahan & Ors* (2011) SCC and *Vikas Yadav vs. State of UP* Criminal Appeal Nos. 1528-1530 of 2015. The facts of these cases appropriately form an interesting premise for complementing these discussions.

*d. Gender and honour crimes*

Honour killings are correctly referred to as gendered crimes. However, given that gender itself is a social construction and cannot be confined merely into binaries the complexity of honour crimes as a gender crime elevates. Firstly, the most common understanding of honour crimes as gendered relates to the fact that in many societies across the world, a woman is considered to be the flag-bearer of “collective honour” of the society. This leads to detailed scrutinization of her domestic and social conduct, especially of her sexual behaviour which is rigidly controlled by her male family members. This eventually leads to creation of strict gender roles, particularly for women in those societies. Non-conformation to these strict gender roles often leads to perpetration of honour crimes against her by her immediate family or even extended family or members of the community. Another point of discussion about the gendered nature of the honour crimes is with regards to the persons of LGBTQ communities and their expression of breaking the rigid gender norms could potentially be seen as a “dishonorable act” and could victimize them for the sake of their family honour. Alongside these discussions, the lectures will also determine whether the notion of honour crimes can be understood from the point of gender neutrality.

<p><b>MODULE 3: THEORY OF INTERSECTIONALITY</b></p> <p>This week’s discussion will analytically explore the theory of intersectionality along the lines of its notion by Kimberle Crenshaw. The lectures will also analyse the possibility of expanding the ambits of intersectionality to apply the theory upon the male victims of honour crimes.</p>	4
<p><b>MODULE 4: INFORMAL JUSTICE SYSTEM AND KHAP PANCHAYATS IN INDIA</b></p> <p>Bernard Cohn defines an informal justice system of local law-ways as the “norms sanctioned by individuals and groups whose authority is essentially based on their position within restricted political systems, and in which nation-state authority may be present, but is not essential.”</p> <p>In these weeks, the concept of informal justice will be in context of the formation and functioning of the khap panchayats in India and their role in alleged perpetration of honour crimes in India.</p>	5-6
<p><b>MODULE 5: RESEARCHING HONOUR CRIMES AND PRIMARY DATA COLLECTION TECHNIQUES THROUGH QUALITATIVE METHODS</b></p> <p>These lectures will comprise of detailed discussions about various qualitative research techniques which are commonly used for honour crimes research worldwide. These include designing an ethnography through participant observation, semi-structured interviews, elite interviews and data analysis. An important aspect of these discussions will be around the applicability and viability of using these techniques keeping in mind the time and allied constraints of the research.</p>	7-8
<p><b>MODULE 6: MARGINALISED VICTIMS OF HONOUR CRIMES</b></p> <p><b>(i) Male Victims of Honour Crimes</b></p> <p>The issue of male victims of honour crimes is admittedly a seriously under-researched one. Several factors which lead to this lacuna include: a notion that men cannot be victimized in the name of family/community honour, men can easily escape honour based violence, men are tertiary victims of the crime and that inclusion of male victims within the feminist analytical framework will render it weak. Despite these notions, worldwide statistics reveal a sharp increase in the number of men who are subjected to honour crimes. These lectures will discuss these factors behind the peripheral treatment given to male victims of honour crimes especially in India and England and explore the possible legislative, social and implementational measures which can incorporate the male victimization within their folds.</p> <p><b>(i) Honour of a woman is related to class, race, and religion in a non-Hindu society</b></p>	9-10

<p>In these lectures the scope of applying the intersectionality theory on the women related to identities such as class, race, and religion in a non-Hindu society will be discussed. These discussions will also critically look into the difference in the pattern of perpetration of honour crimes in India (as understood in India – reference to Week 1) in comparison to one committed abroad.</p>	
<p><b>MODULE 7: APPLYING INTERSECTIONALITY THEORY ON MALE VICTIMS OF HONOUR CRIMES</b></p> <p>The issue of male victims of honour crimes is admittedly a seriously under-researched one. Several factors which lead to this lacuna include: a notion that men cannot be victimized in the name of family/community honour, men can easily escape honour based violence, men are tertiary victims of the crime and that inclusion of male victims within the feminist analytical framework will render it weak. Despite these notions, worldwide statistics reveal a sharp increase in the number of men who are subjected to honour crimes. These lectures will discuss these factors behind the peripheral treatment given to male victims of honour crimes especially in India and England and explore the possible legislative, social and implementational measures which can incorporate the male victimization within their folds.</p>	11
<p><b>MODULE 8: COMPARATIVE STUDY OF THE LEGISLATIVE FRAMEWORK ON HONOUR CRIMES (FOCUS ON UNITED KINGDOM AND INDIA)</b></p> <p>In this week various legislative frameworks on the issue of honour crimes in India and U.K. will be analysed. This will provide a comprehensive understanding of the said legislative frameworks to the students and help them to identify the shortcomings in these frameworks which often act as major roadblocks to effectively eradicate the practice of honour crimes mainly in India and U.K.</p>	12
<p><b>MODULE 9: COMPARATIVE STUDY OF THE JUDICIAL APPROACHES TO HONOUR CRIMES (FOCUS ON UNITED KINGDOM AND INDIA)</b></p> <p>These lectures will discuss the different approaches adopted by the Indian and British courts while deciding cases on honour crimes in their respective jurisdictions. The analysis will focus upon various judicial approaches such as categorization of a case as an honour crime, the court's inquiry into the intersectional identities of the victims and the perpetrators in these cases, use of the cultural defense by the accused during the trials and so on. These discussions will help to identify the differential approaches adopted by the judges in the two countries and further to analyse the shortcomings in these judgments from an intersectionality standpoint.</p>	13-14

<b>REVISION WEEK</b>	Week 15
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