

Rights & Wrongs

The Story of Hala: Anatomy of an “Honor Crime”

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Can you imagine punishing a person for having blue eyes instead of green ones, or for having a fair complexion instead of a dark one? Can you believe that we are living in a society which evaluates people according to their anatomical attributes? Can there be anything more barbaric than killing a girl for something over which she has no control and perhaps has never looked at, due to a sense of shame? Only 41.32 percent of girls are born with what may be considered a normal hymen; 11.2 percent with an elastic hymen, 16.16 percent with so fine a membrane that is easily torn, and 31.32 percent with a thick elastic hymen.⁽¹⁾

Hala's hymen had never been intact; it did not meet with the “proper criteria”. Hence, execution was her fate. The judge was her father and the executioner was her brother. All of her tears and protests that she was innocent were to no avail. All that mattered was the condition of her hymen, which apparently did not match with society's specifications: it did not bleed on her wedding night. Perhaps it was too thin or elastic, and Hala had to pay for this with her life!

One has to admit, though, that Hala was given a fair chance according to the legal codes of Lebanon. A judgment wasn't passed on her immediately, as is the case with many other girls, especially those living in rural areas. Upon her family's request, Hala's husband was kind enough to have sexual intercourse with her several times — every time in a more fierce manner than the time before — hoping that she would eventually bleed. However, she did not. Hala cried, and her husband, who believed she was innocent, told her, “I know you are innocent. Hence, I will wound my finger with a knife and when it bleeds, I will stain the sheet with my blood and present it to your family as proof of your innocence.” But Hala's pride and integrity prevented her from accepting her husband's solution. She asserted that she would confront her family with the truth. “I know I am innocent; I have never had sexual intercourse with any man other than my husband.” This truth hardly mattered to Hala's father, though, who passed the death sentence on his daughter and ordered her indignant brother to carry it out.

Hala's murder was taken to the military court, since her brother is a corporal in the Lebanese army; and here, one should note the fairness of the judges who were so sensitive to Hala's misery that they would not accept to sentence her brother to less than one year's imprisonment! Apparently, if Hala's brother had bounced a check, he would have been subject to a longer

prison sentence. (Article 666 of the penal code specifies that a person who bounces a check can be sentenced for up to three years in prison.) Does this mean that a check is of more value to the judges than the life of an innocent woman? Does it mean that unfortunate girls like Hala, whom nature has neglected to endow with the proper kind of hymen, are not protected by the Lebanese law? Or does it suggest that our laws include a hidden form of discrimination against women? To answer these questions objectively, one must examine the Lebanese laws.

The Lebanese Constitution guarantees equality among all Lebanese citizens, and emphasizes that personal freedom is safeguarded and protected by the law (Articles 7 and 8 of the Lebanese Constitution.) However, if we look at the Lebanese penal code, we find that it doesn't really conform to the Constitution, as it clearly includes laws that distinguish men from women. These laws are related to the so-called “crimes of honor.” What are these crimes? To whose honor do they refer? And why is such a distinction made between men and women?

Crimes of honor refer to those actions committed by a man in an effort to defend his honor. Hence, it is *man's* honor which is meant here. Interestingly enough, though, man's honor in our Middle Eastern societies is more closely related to the sexual behavior of the women in the family than to his own behavior! In other words, a man can commit adultery and yet be considered an honorable man, as long as women in his family are safeguarding their sex organs. A man can sleep with a different prostitute each day, but if one of the women in his family was only suspected of having had a sexual relationship outside of marriage, his honor would be greatly wounded. Hence, he would be excused for killing the *suspected* woman and her partner. Article 562 indicates that if a man was surprised at seeing one of the females in his family in an act of adultery or pre-marital sex, and subsequently killed her unintentionally, he will benefit from an extenuating excuse. It is worth noting here that the act of adultery to which Article 562 refers need not be witnessed by the murderer. The mere presence of circumstantial evidence providing a man with a sense of certainty about the occurrence of such an act allows him to benefit from the extenuating excuse if the act of killing is carried out immediately, due to surprise.

Apparently, Hala's inability to bleed was considered the sound evidence which provided her brother with the utmost certainty about her non-virginity, and strangely enough, her brother's crime was considered unintentional. As a matter of fact, Hala's brother, upon learning that she did not bleed, consulted with his

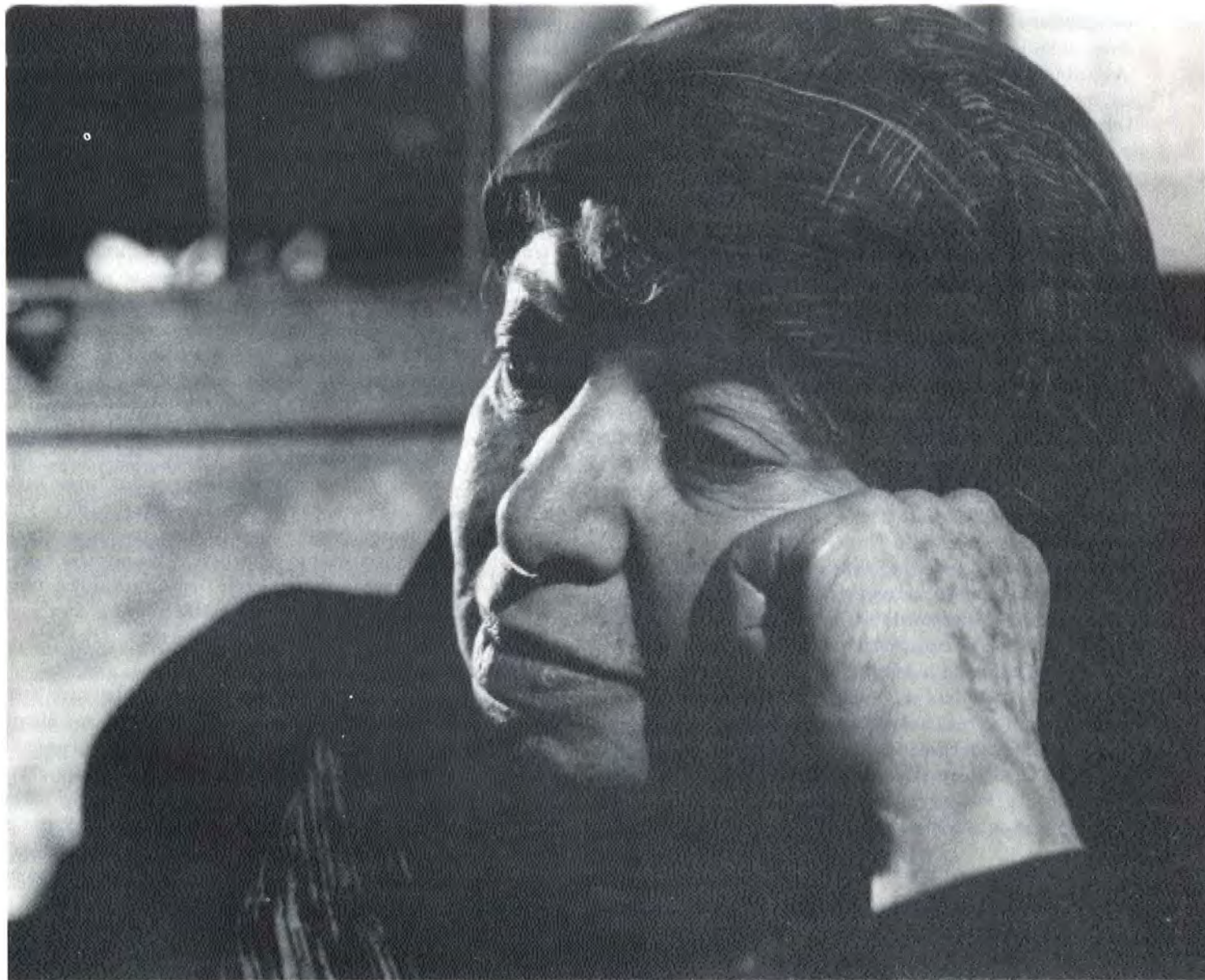
father first, took the permission for the murder, and then took Hala to the suburbs of the country where he actually killed her. In spite of his conscious planning of the murder, his act of killing was not seen as intentional or deliberate by our judges!

Should we deduce, then, that our law is more favorable to the man's welfare? Or should we deduce that our law is influenced by beliefs which indicate that a man is less capable of exercising control over either his temper or his sexual impulses? But isn't such a belief quite offensive to any decent, mature human being? Apparently not, at least as far as our judges are concerned. Even if these laws are not offensive to them as human beings, they are highly offensive to Lebanon's legal institutions. What is the use of any legal system that is incapable of

implementing justice? What is the importance of a law if it cannot protect innocent girls like Hala from ignorance, anger and unjustified suspicion? It is certain that no law can ensure safety and protection for all the citizens all of the time, but it is just as certain that laws should not be subject to the biases or prejudices of a patriarchal system that uses religious and moral values and sometimes man's honor to mask its cruelty.

Footnotes

(1) Statistics of the Institute of Forensic Medicine, Baghdad, Iraq, 1940-1970, published in *The Iraqi Medical Journal*, 21 February, 1972, as reported in *The Hidden Face of Eve* by Dr. Nawwal As-Saadawi.



Picture credit: Hayat Karanouh