

The law applied to "honor crimes" is a disgrace to the Law

by Nabeela Saab Barakat (1)



If the right to divorce is unilateral, i.e. restricted to the husband unless the marriage contract states otherwise, the law of the personal status in Mohammedan communities compensates the wife by imposing on the husband certain duties which he must fulfill if he decides to divorce his wife: first he has to pay her the "mahr" or dowry required in the marriage contract; second, in case he has children from the divorcée, he has to provide her with the regular allowance necessary for their support.

In some cases, however, the husband may resort to dishonest means to get rid of his wife without incurring any loss, by bringing to the court witnesses who would falsely assert that the wife is an adulteress. In this case, she would have no right to the "mahr". The husband might even consider himself justified if he kills an unfaithful wife, since the so-called "honor crimes", i.e. crimes committed to save the honor of the family, are considered by law as minor infractions whose penalty does not exceed a few months, imprisonment.

Tradition and public opinion generally support this harsh attitude toward woman's adultery. Why? Because the patriarchal system which makes the husband the head and supporter of the family imposes on his wife complete chastity by which he can be assured that the children he supports are his and not another man's.

On the other hand, the husband's adultery has little importance from the legal point of view, though from the social point of view, it may have serious results. A man who keeps an affair with another man's wife may ruin the reputation of that woman and cause the disruption of her family. By betraying his own wife, he is apt to create trouble in his own family and start an antagonism which may lead to separation or divorce.

It is worthwhile to point out in this respect that the woman's position now-a-days should be viewed from a different angle. In many cases she shares the household

expenses and the husband is no more the sole provider of the family. Even if he were, the wife's contribution as housekeeper more than counterbalances his contribution. If in the past her economic rights were neglected, if she accepted to perform all the housework duties in return for mere maintenance, it is now high time for her to protest against injustice and claim complete equality with man before the law, as well as equal rights in personal status and family laws.

The penal law in Lebanon, Egypt & other Arab countries states that a husband who surprises his wife in the flagrant act of adultery and kills her under the influence of anger, has the right to benefit from alleviating circumstances and receive a light penalty. The wife, in contrast, has no right to benefit from alleviating circumstances if she surprises her husband in the same act.

Needless to say that this unequal treatment of husband and wife is by no means justified since they both suffer the same kind of injury and are both equally provoked. Besides this flagrant injustice, art. 562 which deals with "honor crimes", may give rise to another form of injustice due to the difficulty of distinguishing between premeditated and unpremeditated crime. The killer may affirm that his crime was committed offhand while it was not. He may also produce false witnesses to support his claim. The judge, on the other hand, often yields to the influence of public opinion which incriminates the wife and acquits the husband.

For all the above reasons, the abolition of the said article becomes imperative and it is only fair to respond to the claim of the "Women's Rights Committee" and all other feminist groups demanding its abolition. In consequence, the word "honor" should be wiped out as a term which unjustly serves to justify atrocious crimes committed by wicked individuals who seek thereby to cover their own shame by simulating a dignity which they lack.

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Record of Infantile Mortality in Asia

A study published in New Delhi on Oct. 4, 1978, by the Indian Council for scientific social research, reveals that India and Iran have the highest rate of infant mortality among Asiatic countries.

According to this study, the rate of infant mortality in these two countries reaches 13.9% while the average in all Asia is 10.2%.

The study mentions also the rate of infant mortality in the following

countries: Iraq, 9.9%; Thailand, 6.5%; Sri Lanka, 4.5%.

One of the main causes for high infant mortality rates, says the study, is the neglectful treatment which baby girls receive from their parents, who are still enslaved to the tradition which says that a girl is a burden on her family.

(from L'Orient-Le Jour, Beirut, Oct. 8, 1978)