

Romancing the Rapist

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Sample of Content:

A woman is raped, and the society decrees that she marries the rapist. It doesn't make sense, does it? This action, if allowed, legitimizes the crime and the criminal.

Content:

An Indian woman who was allegedly raped by her father-in-law was ordered last August by a Muslim council of community elders to marry him. Imrana, a young mother of five was allegedly raped by her father-in-law. The village council ruled that the woman had become *haram* for her husband, and could no longer live with him. So the council suggested that she could live with her father-in-law as his wife and treat her present husband as her son.

In another instance, the courts had offered marriage to the rapist as an option for the nurse who was raped and also had her eyes gouged out by a ward boy.

That the court even entertained the offer of marriage is a telling testimony to the mindset of people regarding women, marriage and chastity. The fact that the victim, a nurse at a hospital in east Delhi, rejected the offer, tells another tale of the rising defiance of women against the societal diktats that compromise their self dignity.

Here's a recent story from the neighboring country of Pakistan. A doctor was beaten, raped and left semiconscious while at work in Pakistan. After she reported the rape, local authorities locked her up in a psychiatric hospital and her husband's grandfather, the family patriarch, called for a mob to kill her because she had "stained" the family honour.

At the core of such incidents is the patriarchal society's felt need to control women's sexuality: women's chastity equals a community's, caste's or family's honor. If a woman's *izzat* is 'looted', it's blot on the community's honor. The society constrains women to be the custodians of culture and tradition. It venerates her, for example, if she performs *sati*, that is, burn herself at the funeral pyre of her husband or loathes her if she's raped. Instead of perceiving the violated woman as a victim who needs protection, she is seen as someone who debased the family honor that must be redeemed somehow, may be by marrying the rapist. That a woman has a right to her body, and violating it without her consent even within marriage is a crime, is not recognized even in the statute books.

What's disgusting about marrying the rapist? Such an act legitimizes the crime, trivializes the trauma and reinforces the belief that the victim's reputation has been so much besmirched that the only chance of rehabilitation is through marriage, made possible by the largesse of the rapist. While the rape victim is traumatised, stigmatised, ostracised, defiled and considered "easy game", she is also penalised for being the victim. It's common in the court trials to accuse that the victim must have "invited" the rape, cast aspersions on her character and let free the rapist.

The incidents cause deep revulsion in many of us, but one should nevertheless attempt to understand it, so that we can understand it in the correct social and cultural context. The ancient Indian text *Manusmriti* recognizes eight types of marriages. In *Gandharva* marriage the maiden and her lover, overcome by love and desire, simply exchange garlands and consummate their union, without undergoing any specific rituals. The *Rakshasa* type of marriage involves forcible abduction of a maiden from her home after her kinsmen have been slain or wounded. Here though the woman has been abducted, once the marriage is consummated, her loyalty lies with the abductor though the family of the maiden may nurse feelings of shame. In the Indian epic of *Mahabharata* Krishna abducts Rukmini and marries her, but Rukmini's brother becomes the sworn enemy of Krishna. The History is full of incidents where the victorious soldiers have taken away girls from the vanquished, raped and married them.

If you thought marrying the rapist is horrendous, then one must realize that it is perhaps a "kinder" option that the society offers the victim in some countries, where the victim is frequently expected to atone for her "sin" by killing herself, or a male member of the family kills her.

In such societies, women are considered the property of the males in their family. The owner of the property has the right to decide its fate. The society perceives the man who refrains from "washing shame with blood" as "less than a man, a coward who is not worthy of living."

The United Nations Commission on Human Rights reports show that honor killings have occurred in Afghanistan, Bangladesh, Great Britain, Brazil, Ecuador, Egypt, India, Israel, Italy, Jordan, Pakistan, Morocco, Sweden, Turkey, Iraq, Iran and Uganda. The governments in many Islamic countries perceive the crimes as excusable or understandable.

But murder is not the sole remedy for rape or other violations of a woman's chastity. An alternative is marrying the woman off with the person who violated her honor, although marrying her to someone else is a possibility too. For instance, in cases where the rapist is a brother, and marriage is impossible, the family may find someone else who will marry the victim. This procedure of getting the woman married is felt to rectify the offense supposedly committed by the rape victim against her family and as such has won the legal approval of the state. If a rapist-victim marriage takes place in Jordan or some other Middle Eastern states, the criminal investigation is stopped, though the rapist may still face criminal charges if he divorces his wife within five years without a legitimate reason. However, Islamic authorities both in Jordan and Egypt have recently expressed opposition to this law, claiming such a procedure is not prescribed by Islam, and have demanded its abolition.

The murder of women to salvage their family's honor results in good part from the social and psychological pressure felt by the killers, as they explain in their confessions.

The December 2000 issue of the Middle East Quarterly magazine reports that a 25-year-old Palestinian who hanged his sister with a rope: "I did not kill her, but rather helped her to commit suicide and to carry out the death penalty she sentenced herself to. I did it to wash with her blood the family honor that was violated because of her and in response to the will of society that would not have had any mercy on me if I didn't." Ten thousand people attended his sister's funeral once she was dead, society again embraced the family.

In India the largest number of edicts against women are issued by caste *panchayats* or village councils that pose a challenge both to the parliamentary processes and judicial structures. These have no legal standing, yet they function with impunity, backed by the narrow caste politics practiced by bourgeois landlord parties, for whom a caste means a vote bank.

There is little doubt that India's criminal and legal apparatuses, shackled by conditioned thinking and age-old practices, are ill-equipped to tackle the issue. Those working in the field of women and violence have argued that the people responsible for the criminal-justice system in the country - the police, the courts - have played a decisive role in reinforcing existing biases. It is they who persist with making the unconscionable link between rape and marriage. They must be taught to reform the manner they handle such cases and protect the self-confidence of the assaulted.

This cannot happen without simultaneous and substantive reform in existing law - the very fact that rape within marriage is not recognized as a crime in the statute books indicates the significant gaps in our jurisprudence. We should recognize a woman's right to her bodily integrity and incorporate it in our criminal-judicial processes and, more fundamentally, in the way we think.

The statistical figures with the National Crime Records Bureau of India indicate that despite the high incidence of rapes in the country, the conviction rate of rapists is not more than 2%. The fact that most rapists get away with their crime must be the main reason for its high incidence.

Therein lies the solution. If the law has to act a deterrent, plug the loopholes in it and convict the guilty without undue judicial delays.

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