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Gendered Surveillance, Informal Justice, and Collateral Victimisation: A Socio-legal Ethnographic Study of Honour-based Violence in Rural Balochistan

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ABSTRACT

Honour-based violence (HBV) remains one of the most durable expressions of gender inequality in Pakistan, sustained by the interaction of patriarchal norms, informal social control and plural legal orders. That interaction is especially visible in rural Balochistan, a vast, arid and thinly populated province in which tribal authority and customary adjudication frequently operate in place of the state. Although the Constitution guarantees fundamental rights and honour killing is a criminal offence, such killings persist wherever kin-based networks, rather than police stations and courts, exercise effective jurisdiction over everyday disputes. Scholarship has tended to concentrate on the relationship between victim and perpetrator, leaving the structural conditions of the violence and its intergenerational aftermath comparatively unexamined. Drawing on a qualitative socio-legal study of an unreported honour killing in rural Balochistan, this article examines how violence in the name of honour functions as an instrument of punitive social control. The empirical material consists of focus groups and semi-structured interviews with community members, legal practitioners and law-enforcement personnel. It is read through legal pluralism, feminist legal theory and the concept of gendered surveillance, and is triangulated against a doctrinal review of reported trial-court and appellate decisions. The article advances the notion of collateral victimisation to capture the secondary harms (bereavement, displacement, neglect, economic decline and transmitted trauma) borne by dependent children and surviving relatives. It argues that honour violence in this setting is not merely a criminal aberration but a socially negotiated process, maintained by pervasive surveillance, parallel tribal adjudication and institutional failure.

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1. Introduction

Honour-based violence (HBV) is one of the most entrenched and most controversial expressions of gender inequality in Pakistan (Gill 2014; Brohi 2017). It is often presented as a cultural or family issue and is usually discussed in the public arena as such. In contrast, socio-legal scholarship demonstrates that it is more of a tool of power: a tool of moral regulation and gendered social control (Kandiyoti 1988; Shah 2006). In rural areas the movements, associations and physical presence of a woman are not generally considered to be issues of personal autonomy. They are actually read, rather, as direct markers of the family standing (Brohi 2017). Thus, an unproven allegation, or a rumour, against a woman's chastity or character can result in the immediate application of communal sanctions, such as retributive violence and punishment outside the court system (Gill 2014). In this frame killing in the name of honour is better viewed as a premeditated and theatrical practice or performance, rather than a typical crime, that reasserts male authority and makes the killers conform to other people's behaviour in order to keep it going.

It is hard to determine the extent of the problem. Reporting is low, the stigma placed on disclosure is high, and there is no single, uniform system of official recording (UNODC 2022). Despite this, the evidence available suggests this practice is common and has been ingrained. According to Amnesty International (2020), approximately a thousand honour killings happen in Pakistan annually. The provincial situation is no different; at least 769 individuals (510 women and 259 men) were reportedly killed in the name of honour in Sindh between 2014 and 2019 (UNODC 2022). In recent years, the Human Rights Commission of Pakistan (HRCP 2025) reported 268 honour-related killings in the first five months of 2025, of which 155 were females. The logic of honour is above all about the control of female sexuality, sometimes resulting in the killing of the man, as the numbers show. Sometimes men are killed as co-accused or as collateral casualties; as the numbers show, the logic of honour is directed above all at the control of female sexuality. Data on the proportion of Balochistan to the total population of the province is not readily available in the sources consulted. It may be assumed without proof here, but it is likely that it is worse there than elsewhere because of the lack of regular policing and frequent out-of-court settlement of conflicts.

1.1 Situating Rural Balochistan

Balochistan is the most populous province in Pakistan, accounting for about 44 per cent of the country's area, but also the least dense province. Small settlements are widely dispersed in the mountainous, plateau and desert areas. Climate is dry to semi-dry, water is scarce, and drought is recurring. The rural economy is mainly based on livestock husbandry, sometimes with transhumance, as well as rain-fed agriculture and small-scale farming (karez and tubewells). Households thus make their life depend on common items like wells, pasture areas and temporary settlements. These are locations where women are known to family and friends and where the reputation is earned and lost.

Most of the social and political life is organised in tribal ways throughout much of the province. The leadership of Baloch, Brahui and Pashtun tribes is exercised by sardars, nawabs, maliks and mirs, and conflicts are traditionally resolved through jirga in an unwritten code and honour (a combination of nang and namus) takes a central place. An honour killing, or siyahkari, as it is known locally, is often defined as a “blackening” of the family name. There are uneven representations across the state. Police stations, courts, women's shelters and female officers are found in a handful of urban centres, whereas large rural districts throughout the years have been covered by the Levies force, which functioned more as a customary-administrative body than a policing force, and have recently been integrated into the provincial police. Female literacy and school enrolment are among the lowest in the country in the province. These circumstances do not lead to honour violence, but they influence the context in which it can occur and where it is tolerated—and not always by the state, but rather by the family, religious leaders, teachers, or peers.

In this context, the gendered gaze faced by women in rural Balochistan is significantly linked to the physical, economic and institutional nature of the context. The geographical setting, the tribal order and the limited reach of formal justice therefore provide an analytical context for this article, as they all shape the policing, justification and redress of honour violence in the region of Balochistan.

Shame violence should also be understood in the broader context of the gender system in Pakistani society (Kandiyoti 1988). Women continue to confront structural obstacles to socio-economic and reproductive autonomy, including restricted schooling, early and forced marriage, harassment in the workplace and domestic abuse (Shah 2006). International observers have repeatedly drawn attention to the heightened vulnerability of women in rural and economically deprived regions, where access to state protection and to legal standing is limited (UNODC 2022). In a province where distance and poverty compound these barriers, HBV is best read not as a self-contained legal problem but as a diagnostic window onto the patriarchal arrangements that structure women's lives (Gill 2014).

Pakistan has enacted a range of constitutional and statutory measures in response to domestic and international pressure (NCSW 2019). The Constitution of 1973 secures the right to be dealt with in accordance with law (Article 4), the security of the person (Article 9), the right to a fair trial and due process (Article 10-A), dignity and privacy (Article 14) and equality of citizens regardless of sex (Article 25). The state is also a party to CEDAW and the ICCPR (Shah 2006). Yet the translation of these obligations into practice is frequently bent by custom, communal pressure and competing centres of authority (Ahmed et al. 2024). Chief among these competitors are informal bodies such as jirgas and panchayats (Brohi 2017). The Supreme Court of Pakistan has consistently held that such assemblies possess no lawful power to try criminal cases (NCSW v Federation of Pakistan 2019), but in rural areas they continue to exercise de facto adjudicative authority (Ahmed et al. 2024). The resulting situation exemplifies legal pluralism, in which the legitimacy of state law is contested by customary law and informal power structures (Griffiths 1986).

Earlier scholarship has offered rich doctrinal and sociological critiques of honour killing, but it has largely confined its attention to the immediate relationship between victim and perpetrator (Gill 2014). Far less consideration has been given to the socio-legal consequences of the killing and its long-term effects on surviving families and dependants (Merry 2006). This article addresses that gap through a case study of an unreported honour killing in rural Balochistan, in which a married woman was killed on the strength of an unverified suspicion of extramarital relations. Drawing on semi-structured interviews with community members, lawyers and law-enforcement personnel, together with a comparative reading of trial records, the study develops the concept of collateral victimisation. It presents HBV as a socially negotiated process, sustained by gendered surveillance, informal tribal authority and institutional failure.

2. Theoretical and Legal Framework

2.1 Legal Pluralism

Legal pluralism is a social space where multiple normative orders (state laws, religious teachings, customary law and informal dispute resolution systems) develop and clash (Griffiths 1986, Merry 1988). In rural Pakistan, jirgas, panchayats and councils of elders serve as substitutes of the formal state in cases of land and family claims and honour disputes, and they are in regular practice to replace the formal state in these conflicts (Ahmed et al. 2024). Explaining why such bodies endure requires attention to pluralism as it operates in practice: customary arrangements and colonial legacies supply accessible, albeit discriminatory, avenues of dispute resolution on which much of the rural population relies (Brohi 2017).

In rural Balochistan the pluralist field is particularly pronounced. Authority is arranged along tribal lines, with sardars and other notables presiding over jirgas that apply unwritten customary rules and that typically give priority to restoring equilibrium between kin groups over punishing an individual offender. These councils create norms of

their own. Such norms are not consistent with constitutional rights, reduce the formal options available to women and limit the power of the state judiciary (Griffiths 1986; NCSW 2019).

2.2 Feminist Legal Theory

Feminist legal theory challenges the power relations and domination of law, alongside other informal adjudicative mechanisms, which maintain a patriarchal order (Gill 2014). In this Pakistani context, it condemns the objectification of women in peace negotiations (e.g., in terms of swara and vani) and the objectification of women's sexuality as a storehouse of family honour rather than as a claim to individual rights (Brohi 2017; Shah 2006). Women's absence from decision-making institutions like jirgas undermines the effectiveness of their protective laws and reinforces their subordination (Gill 2014).

2.3 Gendered Surveillance

Gendered surveillance denotes the continuous observation and regulation of women's bodies, movements and sexual relationships. The idea is inspired by Foucault's (1977) description of panoptic power and internalised discipline. This examination is carried out at three interrelated levels in rural Balochistan:

Familial: There is a personal responsibility with respect to the conduct of women by their parents, husbands and male relatives, and this is done through direct monitoring.

Communal: Neighbours, village elders, wider kin networks - communal observation. The daily routines in dispersed settlements, or villages, with common water supplies, pastures and seasonal camps, are rarely left alone.

Digital: Newer forms of tracking that relate to mobile phones and social media are referred to as digital. Connectivity is not uniform throughout the province, but a single photo or message or call can spread rapidly in a tightly knit community.

As time goes on, women internalise the constant possibility of exposure and start to monitor themselves for their own safety to prevent informal sanction and extrajudicial violence (Foucault 1977; Gill 2014).

2.4 Collateral Victimisation

This article proposes to pursue the idea of collateral victimisation in order to explain the secondary, and longer term consequences, that HBV imposes on those who remain behind as dependants and relatives of the main victim. In addition to the loss of a mother, collateral victimisation includes the loss of the children, institutional neglect, economic downturn, social marginalisation and intergenerational psychological loss. To fully understand the socio-legal effects of honour violence, it is essential to name these other harms.

2.5 Constitutional Rights and Legal Framework

The Constitution of Pakistan 1973 expressly protects several rights that are relevant here: the right to be treated according to the law (article 4); security of the person (article 9); fair trial (article 10-A); dignity and privacy (article 14); equality before the law (article 25); and protection of the family (article 35) (Constitution of Pakistan 1973). These assurances provide a normative framework to contest extrajudicial violence and informal justice. However, the practical effectiveness of their power is significantly reduced in rural areas of Balochistan by the weak capacity of the government, the persistence of tribal institutions and entrenched gender norms (NCSW 2019; Ahmed et al. 2024).

3. Methodology and Research Design

The study has a qualitative socio-legal design, which focuses on the systemic nature of honour-based violence in rural Balochistan and its broader implications. An empirical nucleus is not a case that is publicised or reported in the media. It is an anonymous unreported incident in rural Balochistan where a married woman was murdered due to allegations of extramarital relations which were unconvincing and had not been reported to police. The incident was reconstructed using qualitative field interviews, as there was no formal state documentation. These accounts were then triangulated with a doctrinal

analysis of the reports of trial court records and appellate court judgements of similar cases of honour punishment reported in Pakistan, thereby enabling a placement of community narratives in juxtaposition with formal court processes.

3.1 Data Collection and Triangulation

Primary sources of data include fieldwork, and secondary sources of data include legal texts:

Focus group discussions (FGDs): Discussions organised with women, men and youth in the community to discuss the prevailing attitude towards women's conduct, informal conflict resolution and communal enforcement of honour.

Semi-structured stakeholder interviews: In-depth interviews with key legal and institutional actors (practising trial lawyers, police officers and local community representatives) to arrive at the procedural delay, barriers to FIR registration and pressure towards informal settlement.

Comparative doctrinal analysis: The primary legal materials, including the Pakistan Penal Code 1860, the Constitution of Pakistan 1973 and reported precedents, were examined to evaluate the relationship of the formal penal system with the intervention of jirga.

3.2 Sampling Strategy

The sampling methods were purposive and snowball sampling, as there is little documentation on honour-based violence as a very sensitive topic. The participants were chosen because they had an understanding of local social dynamics and were willing to speak about customary issues of honour, reputation and dispute resolution. They were divided into four large categories: first-hand or eyewitness information about the community; legal practitioners (in this case a practising lawyer); institutional actors (in this case a police officer and, if available, a judge); and informal-justice actors (information on jirga proceedings, if available). Throughout particular care and ethical caution was used, as it was a subject.

3.3 Ethical Considerations

Participants' privacy was always a priority due to the fact that the events discussed are extremely sensitive and that they were not officially reported. Names, addresses and any other identifying information, such as information that may lead to the identification of the time and/or location of the incident, were either removed or anonymised. Informed consent was obtained from all participants, the interviews were set up in a way that puts the respondents at ease, and topics were given the possibility of being avoided. All research activities were conducted in accordance with confidentiality and avoiding harm to individuals, families and communities.

3.4 Analytical Approach and Limitations

Data analysis was thematic, using a socio-legal approach, drawing on feminist legal theory, legal pluralism and the notion of gendered surveillance. The analysis focuses on the importance of informal norms, the tribal/ethnic hierarchy and notions of honour in response to allegations and violence. Within the community stories and then the institutional perceptions, the themes were first identified, and then socio-legal interpretation was used to highlight the relations between the formal and informal justice systems.

The study is not about the incident per se but embedded in the pattern of structural honour based violence in rural Balochistan. The indirect impact of such violence on families and dependants, long term and often not recognised, is referred to as collateral victimisation. The inquiry also reflects on the role of informal settlement practices and communal negotiation in the deliberation of justice, such as withdrawal of cases, lack of witnesses and extralegal compensation systems.

Some restrictions should be noted. The research is qualitative, limited in scope and uses reconstructed accounts and a few interviews, and cannot be statistically generalisable. There is not a complete written record of the incident, and there is no complete judicial record. The study is not quantitative, nor is it intended for generalisation; it aims to provide a socio-legal understanding, gained through a close analysis, of how honour-related violence is socially constructed, negotiated

and processed in a context in which there are both formal and informal justice systems.

4. Findings and Discussion

4.1 Gendered Surveillance and the Normalisation of Violence

The facts of rural Balochistan suggest that honour-based violence rarely comes out of nowhere as a sudden outburst of anger. It is rather the means to an inevitable and long-dreaded end of gendered surveillance. The movements, relationships and, now to a greater extent, digital communications of a woman are subject to a panoptic gaze, a familial, communal and, to a growing extent, a technological gaze. If a rumour or claim of immoral transgression becomes widely accepted, it stops being considered a rumour or a claim and becomes a fact. Crime was not the usual language of the community's reaction to lethal behaviour; rather, the language of the community was "normal" and "necessary" measures to restore the moral order of the community. This normalisation is a disciplinary tactic—that is, it encourages women to self-policymake in order to prevent dire consequences.

4.2 Legal Pluralism and Structural Impunity: The Role of Jirgas

Formal criminal procedure and informal tribal authority are manifestations of legal pluralism. Even after the constitution, through Articles 4, 9, 10-A and 25, which have granted the right to establish local courts, and the Supreme Court has so far ruled out the parallel jirga processes as an adjudicative court, the parallel jirga processes still exist as quasi-tribunals in rural areas of Balochistan. Their approach focuses on reconciliation and rebalancing of social harmony in the community rather than on prosecution and punishment of the offender. In particular, male elders are likely to facilitate settlement agreements that involve payment of monetary compensation (diyat) or any other extra-legal type of accommodation, such as sharing a wife in marriage (swara and vani), which directly challenges formal prosecution. The effects are inevitable: FIRs are delayed, crime scenes and physical evidence are marred, and important witnesses are coaxed, forced to change their statements. The local forum is often convenient in cases where the closest police station and court are hours away, and also its power to preempt any state action is significant.

4.3 Collective Decision-Making and the Spatiality of Control

The data questioned the legal classification of honour killing as 'private' acts of violence. Lethal attacks were mostly organised and executed within the context of family. The targeted woman's male relatives were severely pressured by the community to kill her as a means of restoring their social capital. Unilateral divorce would not be able to wash away the “public disgrace”, the respondents repeatedly said, and in a few cases alternatives of this sort were specifically denied. Violence, in this way, is a way of asserting and negotiating the patriarchy and the social control in public space and is extended and reinforced through kinship networks.

4.4 Theoretical Development: Collateral Victimisation and Intergenerational Trauma

Collateral victimisation is one of the main findings of the research. Honour violence is not just an offence against the first victim; it has broader socio-legal impacts. Kids are homeless, have severe emotional needs, are sent to institutional care, and are physically exposed. When the primary female carer died in the field, data revealed examples of death amongst children who survived the event, especially when the father was imprisoned or had disappeared. Few and far between are formal child protection and child shelter organisations in such circumstances, leaving dependants to largely rely on the existing fragmented kin network. In addition, families suffer social stigma, economic decline and marginalisation. Honour violence reveals shortcomings in the state's institutional response and the intergenerational nature of the violence through the lens of collateral victimisation.

5. Policy Directions and Reform Framework

Legislation must be there to break down honour-based violence at the system level, and it's important that it's not enough. Integrated reform at

the institutional, judicial and community levels is also required, and it must be fitted to the realities of a province in which the state's footprint is light and customary authority is strong.

5.1 Legislative and Judicial Accountability

Although the Supreme Court of Pakistan unambiguously rejected jirgas as parallel criminal tribunals in NCSW v Federation of Pakistan (2019), administrative compliance remains weak at the rural periphery. The Code of Criminal Procedure should expressly impose liability on police officers and state administrators who divert criminal complaints to informal tribal gatherings. Trial courts, for their part, should apply firmly the non-compoundable character of offences under the Criminal Law (Amendment) (Offences in the Name or on Pretext of Honour) Act 2016, which bars the out-of-court compromise of murder cases. Gender-sensitive trial benches operating under expedited evidentiary procedures would also shorten the window in which witnesses can be intimidated and "family" retractions procured. Given the distances involved, circuit or mobile court arrangements for remote districts merit consideration.

5.2 Institutional and Law Enforcement Reform

Rural policing requires restructuring. Women-staffed protection desks at rural police stations could allow victims and complainants to register FIRs safely and shield them from the pressures of local tribal mediation. The continuing integration of the former Levies into the provincial police offers an opportunity to embed such reforms, including training on honour-related offences and on the non-referral of criminal cases to jirgas. Alongside this, the state must put in place robust protection for witnesses and dependants. That means state-supported emergency shelters, a workable system of legal guardianship and psychosocial support designed specifically for the child survivors of collateral victimisation left behind after honour-related incidents.

5.3 Mitigating Surveillance and Civil Society Engagement

Reducing the pervasive monitoring of women requires sustained civil-society involvement and community-level legal-literacy programmes. These should address digital rights, privacy protection, and online harassment and surveillance, and should be delivered through channels suited to areas of limited connectivity, such as radio and in-person outreach. Engagement with tribal and religious notables is likely to be indispensable to the credibility of such efforts. Existing local dispute-resolution processes, finally, should be placed under firm administrative supervision by the state, so that strict adherence to fundamental constitutional rights, gender-equality norms and institutional accountability is assured.

6. Conclusion

This study has examined honour-based violence in rural Balochistan as a phenomenon that reaches well beyond the initial killing, shaping lives, relationships and social structures over the long term. The findings show that honour operates as symbolic capital (Bourdieu 1991) held by the community as a whole, and as a social obligation placed on women, one that converts unproven accusations into collective extrajudicial verdicts. HBV is thus more known as a form of social control than as a traditional crime.

The study highlights the relevance and importance of legal pluralism. Informal Jirgas are parallel judicial forums that often replace the formal judicial system and often prioritise community reconciliation above legal liability for crimes. Although the Constitution of Pakistan and the criminalisation of such behaviour under the Pakistan Penal Code guarantees effective enforcement, in practice enforcement is very weak, as is evidenced by the lack of prosecution of domestic violence cases, witness intimidation, and the absence of evidence tampering, and the tendency to hold onto local elites. The problem with justice is not that there's a lack of it in the law but the lack of its implementation.

It also contributes to a theory of 'collateral victimisation' that accounts for secondary and inter-generational harm to surviving dependent victims of HBV. It's not just the mother's death that ends the violence. The children suffer from long-term psychological and emotional consequences,

financial losses, abandonment and social isolation. Finally, HBV springs from informal power, entrenched patriarchal surveillance and institutional neglect. It must be dealt with, and not just by tougher sentences. It requires strong protection for witnesses, structural mechanisms of accountability for those charged with enforcement, supervision of parallel tribunals and a reorientation of the social logic of honour. Justice in this sense is making legal responsibility independent of patriarchy and changing private violence into public responsibility.

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