Universal vs Particular Socio-Cultural Episteme(s): Addressing the Women Rights Conundrum in Pakistan

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Abstract:
Patriarchal cultural norms of women subjugation are rooted in parochial cultural episteme(s) and guarded in name of religion in postcolonial Muslim states and societies. The critics of Women rights in such states/societies view the universal human rights as "cultural imperialism",and advocate a multicultural approach.
Tracing a genealogy of human/women rights discourse(s), the paper aims to reflect on the question that: does woman self/subject in non-west is situated in a singular-particular cultural reality in opposition to universalism; and the quest of women rights can be epistemologically addressed from that particular standpoint? Or multiculturalism in the postcolonial state(s) means the existence of multiply situated self, embedded in a multitude of culturally particular episteme(s); each with different percept of human/women roles. The objective is to compare the stakes of adopting either universal or multicultural/particular approach for Women Rights in Pakistani Scenario, employing the method of destabilizing

epistemology and discourse analysis. The key finding of research is that in presence of diverse cultures contending not only with universal human rights order but also with each other; the universalism implemented by the state policy; can destabilize the parochial socio-cultural episteme(s) and expand the horizon for women by making universal and particular social norms commensurable.

Keywords: Universal Human Rights, Destabilizing Epistemology, Multiculturalism, Discourse Analysis, Pakistan

Introduction

Rights are considered to be guarantees essential for a meaningful life. The concept appeared in the Renaissance episteme of Europe and matured in Enlightenment Europe. To Foucault Episteme(s) mean *priori* beliefs that serve as a base to different concepts. These priori beliefs are obviously rooted in a cultural space. Foucault is of the view that with change in *priori* assumptions and ideas, about the arrangement and organization of relations, a new episteme takes birth, which denies the truths and normal ways of doing things in previous ages. Renaissance was a rupture that came into existence with the denial of religious authorities considered as given in the classical period of Christian Orthodox Church. (Merquior 1985, 45-46)The denial was not limited to the religious domain but it was a comprehensive re-definition of a multitude of authorities and institutions. With this, came to fore the famous Kantian notion that Enlightenment is ***Sapere aude***: "a courage to rely on one's own reason". With the new definition of "man" having the capacity to reason and employ reason in all spheres of activity i.e. social, political and economic emerged a long struggle of "white man" that changed his status from subject to citizen; from a docile body meant to live a life under the suzerainty of authorities for eternal salvation in hereafter; to a being having not only agency on his own life but also to reorder the natural forces under his reign. The concept as man bearer of rights in exchange of responsibility to community and state was a rupture in the long history of governance. (Foucault 2002)

It was a long route to action politics and resistance that entitled western subjects rights, and made governance not an

entitlement and privilege, and a right bestowed by the divine, but a duty and covenant to citizens. History reveals that the modern notion of human rights is essentially particular and peculiar emerging in European space. This gives rise to Universal vs particular debate and critical theorists belonging to various post-positivist schools especially Postmodernism/ Post-colonialism denounced the claim of universality of Europe. The critical schools of thought allege Europe that wants to dominate the reason of the non-western world by imposing a specific way of life inherent in the conception of rights. The hegemonic imposition is in practice cultural imperialism and provides room to intervene in social orders of non-west. (Cistelecan 2011)

At the same time, the notion of rights is under severe criticism by western critics that concept of rights like other concepts of social sciences is a gendered concept leaving little space for women to employ her reason. The feminist further, add that making women equal to men will not serve the purpose for women, until or unless one recognizes the distinct status of women essentially different for man, hence entitled to a differential, not equal treatment under law. (Steans 2006, 13)The feminists and critical adherents of multiculturalism both meet at ground zero when they challenge the universality claim of Human Rights.

The notions like man, human and women human rights signifying different meanings, indicate that the very idea of hu(man)/woman rights is a perplexed one, further compounded by the questions that who is the bearer of rights, i.e., individual or community? Are rights universal or rooted in particular lived experiences differing with cultures? Fact that all societies were patriarchal including the Europeans and ordained secondary status to women gives rise to puzzling historical discourse that whether enlightenment was a conscious choice and the other societies must learn from European experience; Enlightenment concepts like women Rights is cultural imperialism and orientalist mode of categorizing non-west as barbaric and uncivilized; and non-west must resist the efforts to intervene in the most personal domains of human life. This study is contextualized in the already existing literature.

Review of literature

Kapoor and Hunt are of the view that the Universal Declaration of human rights declaring "all human beings are born free and equal in dignity and rights" is rooted in the American declaration of independence and the French declaration of the Rights of Man and Citizen. The idea according to Hunt was not inclusionary but exclusionary in nature as initially, it denied the rights to slaves, the blacks, people with property, sometimes to religious minorities and always and everywhere to women. Hunt declares the human rights discourses in history as elitist, racist and misogynist. Kapoor criticizing the human rights discourses gives an opinion that human rights are vague and unenforceable. The rights discourse is more symbolic than substantive, and insisting on individualism they conflict with cultures and are a guise of liberal imperialism. (Hunt, 2007; Kapoor, 2011)

Tracing the genealogy of Human Rights discourse, Andrew Clapham (Clapham 2015) is of the view that though the rights discourse has the power to mobilize people against injustices and indignities, yet it is incapable to resolve the conflict between competing interests and diverse views of ordering the world. Drawing on Karl Marx he phrases that "human rights is in fact a gigantic fraud", as ex-colonial powers tried to impose their very specific localized idea of what rights should be as universal. Further adding the objections of feminists that human rights fail to redress the structural inequality between sexes, issues of violence in domestic private spheres and making state decision making more inclusive for women; Clapham (2015) & Hunt (2007) are of the opinion that human rights discourse is instrumental as an excuse of intervention in political, economic and cultural spheres of weaker countries. To Clapham, since WWI the rights discourse served the purpose to justify war and provide a moral purpose for just war declaring war as a "battle of all humanity to preserve human rights for generations to come".

Moyon (2010) (2018) is of the view that though rights are the highest moral percepts and political ideas to improve the world by promoting liberal freedoms and ensuring social protections,

carting the image of a utopia that has not yet been called into being. Rights discourse evokes hope and aspires the social movements. The rights discourse according to Moyon gained currency with the defeat of socialist ideology and emerged as a new moral discursive formation. Beitz (2009) is of the opinion that rights can become universal only if they are acceptable to all moral and cultural points of view. This view comes in conflict with the idea that rights are entitled to individual human beings, as a conception of rights enlisted in main international treaties especially in the case of women status, roles and rights are differently interpreted in most of the non-western societies living in pre-capitalist time geographies.

Susan Muller Okin (Is Multiculteralism Bad For Women? 1999) is of the opinion that gender remains a concern of almost all cultures endorsing the control of men over women leading to clear disparities of living conditions of sexes. While all the world cultures have patriarchal pasts rooted in the interpretation of religions, like Judaism, Christianity, and Islam. Western liberal cultures drifted apart from stark patriarchy through legal reforms and social engineering. Still, there remains a difference in the accepted roles of men and women. Dichotomous views about men and women emphasizing on beauty, thinness, and youth in females at the same time associate intellectual accomplishment, strength and skill to males. Women have to perform unpaid household works with or without the work for wages. Partly due to this and partially due to discrimination at the workplace women are more likely to be poor. The difference between western liberal societies and other patriarchal societies is the legal protection of women's subjects. Macey believes that multiculturalism is a form of social engineering to cope with cultural diversity but the problem with multiculturalism is that if government efforts to inculcate new norms and reshape moral behavior are resisted by adherents of community and group rights. (Macey 2009)

Though in western liberal societies, the acceptance for new morality is manufactured through legal protection but state and governments in postcolonial Muslim states face paradoxical challenges as reforms are considered to be a western agenda, a

form of degeneration in moral codes sustained by religio-cultural orthodoxy. Fatima Mernissi (Mernissi 1991 a) highlights the fact that women in Muslim societies are excluded subjects and women raising voices for equal citizenship rights are considered brainwashed or influenced by western propaganda. A derivation from Muslim history reveals that contrary to that woman raised their heads from slavery and violence and claimed their rights in the earliest days of Islam. The rights acclaimed by women in that particular age of Islam was the right to enter the council of Muslim Ummah; to speak freely to the prophet (Peace be upon him); to dispute with men; to fight for their happiness as a person; and involved in military and political affairs. In her other work, Mernissi (1991 b) is of the opinion that women in Muslim communities' face gender-based discrimination associated with patriarchal pre-capitalist gender systems with features like kinship-based extended families, early marriages, linkage of family honor with female conduct, polygamy, and sex segregation are integrals to the gender systems.

Leila Ahmad (1992) is of the view that women in the Muslim world face exclusion like minorities due to the interplay of various factors. Islam was opted as a religion by the old societies with diverse ethnic stock; and dominant cultural influence of previous religion. Everyday life is shaped not only by Islamic teachings, as imprints of old cultures and religions are deeply engraved in cognition. The situation was further complicated with the advent of European rule and politico-administrative reforms accompanied with the imperial rule.
The Veil has become an ambivalent question for Muslim women, and an emphatic concern of the universal vs. particular debate on women's rights in Muslim societies as well as Muslim women living in Western societies. The contested nature of the subject is argued by (Young 2003) (Jamal 2013) (Weiss 2015), as in Europe the veil signifies the mysteries of the east for the orientalists and Europeans, while for Muslims it is a symbol of identity and cultural expression. In patriarchal Muslim states/societies veil has become a matter of choice giving scarf-wearing women freedom of mobility needed for economic empowerment. The veil question reveals the

existence of multiple situated subjects and indicates the paradox of lived experiences in multiple episteme(s). Depending on whom you are, the veil is a signifier of control/defiance, oppression/autonomy, patriarchy/nonwestern cultural/communal mores, etc.

The women's struggle for rights is an alien idea in Muslim societies. But do Muslim women share unanimous ideal about rights and their place in society? In the past century, after colonial reforms, women mobilized throughout the Muslim world. The idea still remains alien as many postcolonial Muslim states are struggling to identify the traps of colonization and westernization. To Weiss, Pakistan is passing through a turbulent time of cultural wars that are visibly ripping the country apart. She (Weiss 2015) is of the view that not everyone shares and embraces a one-dimensional view about women's rights. Rights discourse in the Muslim world is not essentialist in nature. There are many prevailing views even within one family, one neighborhood and one community in Pakistan with no consensus normal definition. Amina Jamal taking the case study of active women participants in politics as members of the ideological *Jamat-e-Islami* establishes that even these women are not a unified homogenous group and identify the fissures of class, sect, religion, ethnicity and region. (Jamal 2013) Muslims take pride in the fact that Islam is the first religion that gave women the right to inherit and hold property. Saadia Toor (Toor 2011) touches the contested terrain of women sui generis (autonomous citizen) status in Pakistan under the heading "women and/as property". She discusses the tradition of *Haq Bakhswana* (relinquishing one's rights of property and marriage); women as victims of the sexualized violence; and honor killing even in educated middle-class families, Toor establishes that even the recruits and roles of the modern state system like judges and parliamentarians uphold the cultural values while implementing the state laws about women rights and accuse women rights activists of working on foreign agenda, corrupting the young girls.

Problem Statement

Multiculturalism is a good idea on paper celebrating differences and rights of cultures to follow the age-old parochial patterns of existence. But multiculturalism is not without stakes especially in the case of women still living in subject status, which are not only denied voice and recognition but also their very existence; their most fundamental right to live is not ensured. The cultural practices of postcolonial state reflect that if multiculturalism is given free play in these societies the adherents to cultural norms can have the tendency to go beyond their parochial spaces and implement these norms not only to urban, modernized city centers where women enjoy limited freedoms, but also these ideologues have the will to impose their norms universally, replacing the western notion of human rights.

Objectives of the Study

The study with the help of destabilizing epistemology and discourse analysis of just rules of multi-cultures aims

- To trace the genealogy of human rights discourse and identify factors leading to its universal status.
- To understand the flaws, imperfections, limits and stakes of opting the multiculturalism in Pakistan.
- To identify the stakes involved in opting universalism in the context of Pakistan.
- To consider the possibility of commensurability between universalism based on Enlightenment and multiculturalism is rooted in local contexts with the help of state institutions.

Research Questions/ Supposition of Study

- What were the factors that contributed in the universalism of Human Rights discourse originated in Enlightenment Europe?
- Does woman self/subject in non-west is situated in a singular/particular cultural reality in opposition to universal human rights; and the quest for women rights

can be epistemologically addressed from that particular standpoint?

Or

- Multiculturalism in postcolonial state(s) means the existence of multiply situated self and existence in a multitude of culturally particular episteme(s); each with a different percept of human/women's roles and rights.

Theoretical Construct

Foucauldian episteme(s) are often compared with the famous Kuhnian notion of paradigms, yet to Merquior, the Foucauldian episteme(s) are different from Kuhnian paradigms as episteme is a concept specific to social sciences, and out of reach of those whose thinking is framed by its laws. Episteme is a generative grammar of the cognitive language that provides fundamental codes for theorizing. (Merquior 1985)

Foucault did the (Archaeology) history of Human Sciences in a particular region and identified three episteme(s) in timeline i.e., Classical, Renaissance and Enlightenment the question arises what would be the Archaeology of Human Sciences in regions other than Europe. The author in a previous study on non-western regions identified that imperial rule was a shift in non-western regions, when people who were considered without history were included in the domain of history. Hence the history of these regions can be time lined roughly in pre-colonial, colonial and postcolonial epochs. Imperial powers like Great Britain introduced administrative reforms rooted in enlightenment structure of the state. In the postcolonial epoch, the enlightenment idea(l)s was experimented by local self-rule, and the postcolonial state can be attributed as a continuum of colonial administration. (Nawaz 2014)

But the question arises here that does colonial and postcolonial experimentation with enlightenment ideas brought real change in the cognitive grammar of the common man in the non-western world? and a priori / episteme providing human subject everyday percept is shaped in enlightenment syntax. The lived experience of non-west indicates existence of a multitude of

episteme(s) informing the discourse of everyday life with contrary and contradictory rules of inclusion/exclusion; prohibitions; right/ wrong; legitimate/illegitimate. Hence human subject is conditioned by a multitude of rules and episteme(s) some defined by pre-colonial culture, some by religion and some by state laws and institutions bonded in universal norms and treaties.

Methodological approach

The study is based on Foucault concept of episteme and discourse analysis. To Foucault episteme is historical *a priori*; that in a given period delimits the totality of experience in a field of study; define the modes of beings of the objects that appear in the field; provides man's everyday perception with theoretical powers; defines the condition in which one can sustain discourse about things that are recognized to be true. Foucault episteme deals with three empirical categories, i.e. life, labor and language to understand man as living speaking and acting animal or human beings in biological, socio-economic and cultural domains. (Gutting 2005) (Merquior 1985) (Nawaz 2014)

The question of human/ women rights in non-western societies is also situated in paradoxical conditions of existence, where universal norms are contested by adherents of multiculturalism and women are denied sui-genre status (sovereign subject) status and equal citizenship rights. Arena of Women rights and protection of their interests in domestic and public sphere become contested in presence of multiple episteme generating multiple particulars where human/women subject is situated. These episteme(s) create different and diverse worlds in different regions of even the same state. Foucault's aim of history is to unearth these rules that make priori and subject cognition. Hence in presence of a pack of episteme(s) like culture, religion, enlightenment, the researchers have to move between different worlds understanding the rules of discourse(s), destabilizing epistemologies. Destabilizing epistemology, is a sort of descriptive experiment, that according to Foucault starts with an exploration of a limited region, notwithstanding with given forms and doing a critical

history of the present. Foucault's history according to Merquior is a "heterology, a knowledge as very opposite to enlightenment's ideal: culture-bound instead of universal". (Merquior 1985, 55-57)Hence the study employing the destabilizing epistemology for the state of women's rights will not only trace the critical history of universal human rights discourse(s) but aim to understand the cognitive difference that makes universal human rights discourses unacceptable to some cultures. Destabilizing epistemology transcending various particularities operating vertically; have the potential to identify the flaws, inconsistencies, imperfections of particular cultural episteme(s). Further, this mode of analysis can serve as bases to commensurate universal with particular, by treating not only the universal but also particular episteme(s) as incomplete and inconstant. (Akerly 2008, 27-28)

Discussion

Discussion incoming segments revolve around two research questions and the suppositions of the study. After discussing at length the factors leading to universalization of peculiar European experience conditioned by Enlightenment episteme *priori*; the paper revolves around the existence of multiple episteme(s) in Eurocenter due to migration and non-west due to colonial/postcolonial reforms; the situated lived experiences of women self in multiple episteme(s); as well as the possibility of commensurability between seemingly incommensurate universal with a multitude of particulars by employing destabilizing epistemology for universal as well as particular(s).

Evolution of concept of Rights of Hu(Men)

The concept of rights of hu(man) is rooted in the evolution of the concept of governmentality (the conduct of conduct). In the European historical context, the first document of human rights is the Magna Carta (1215), where an absolute monarch recognized the right of private property of aristocracy. The philosophical treatises of Hobbes, Locke and Rousseau brought a rupture in thinking base on political concepts. The contribution of social contract theorists to the concept of rights is undeniable. It was a rupture that transformed governance

from the privilege of a family to the liability of welfare of the community. Michel Foucault employs the analogy of pastor and shepherd for the European kings responsible for the security and wellbeing of their flock. (Foucault 2009) (Nawaz 2014) Foucault believes that change was the result of a discourse between the king and representatives of the citizen body, who revolted to be governed under authoritarian arbitrary rules. The conduct of the citizen body, as a result, was accorded to principle based on the shared responsibility of ruler and ruled in the economic, social and political arenas. The concept of shared responsibility and transformation in the concept of governance was the *priori* belief on which the citadel of enlightenment ideal of the reason was erected, i.e., man is endowed with reason and capable to take or participate in vital decisions regarding his self as well as collective self. He must not be subjected to lead of authority. (Foucault 2002)

The idea served as banal for revolutionary action politics leading to French Revolution followed by the US declaration of independence. "Man …everywhere in chains entitled for natural inalienable and sacred rights". Accompanied rupture to discourse of human rights was in the concept of sovereignty is an attribute of the nation, not king. The declaration on the rights of citizens and Men and the US Bill of rights provided the exemplary treatises to be followed by revolutionaries chasing the utopia of bringing enlightenment to their spaces and drafters of manifestos, laws, treaties, constitutions and conventions adopted by various movements, and finally endorsed in UN Declaration on Human Rights. Despite the claims of self-evidence and universality, the idea was rooted in the Greek concept of individual reason; the Roman conception of legal rights and Christian doctrine of the soul, making the human rights discourse exclusive to European civilization and syntax of the moral superiority of European race. Ignoring the rich traditions of Babylon, Hinduism, Buddhism and Islam the discursive formation of Rights of Man was also exclusionary for women. Hence to Hunt, the whole idea is misogynist, racist and exclusionary. (Hunt 2007)

Women articulated their demands for rights on margins in Eurocenter. Rossi is of the view that from 1770 to 1870, feminist writers, living by their pens, and marginal to socio-

economic power of the day resisted the repression in the Victorian society through their writing. The writings of Wollstonecraft, Wright and Martineau were very much product of enlightenment episteme conviction in human reason and a progressive social order free from superstition. But in the US the ideas of the English women generated the action politics. Action politics was rooted in the teaching of the Methodist church, and its participants were native-born American White middle-class women who struggled for equal political status. In the third phase of the development of feminist thought motivated by Marxist teaching, the question of economic empowerment gained currency. (Rossi 1988) The three parallel paradigms, i.e., Enlightenment liberal ideals, religious moralism, and dialectical materialism emerged in Eurocenter within the frame of Enlightenment episteme, with different conception on women's roles, status and rights.

Parallel development in colonies was the movement of self-rule. Based on the Enlightenment ideal of reason, the objective of struggles was to extend the European concept of governance based on rule of law and dignity of humans to the nonwestern world. The constitutions of the postcolonial states in ex-British colonies can be signified as mimic constitutions, replicating the rules and usages of ex-masters. (Nawaz 2014) The constitutions of postcolonial states of South Asia are exemplar case studies that almost all include chapters on fundamental human rights not very different from the documents included in the constitutions of the developed world. Almost all the member countries of the United Nations pledge to their commitment with Universal Declaration on Human Rights and Convention on Elimination of Discrimination Against Women. But as the penetration of modernization is not even in all regions of postcolonial states the implementation of women's rights is contested in many areas still ruled by traditional authorities. Hence there are parallel rules in addition to rule of law of state and tradition serves as apparatus of domination. The presence of grey areas outside the authority of the modern state itself is a challenge to the claims of the universality of human rights. But the fact is that on the theoretical front the challenges to Universality claims are posed by the adherents of critical discourses like postmodernism, post-colonialism contributing

to debates living in the cosmopolitan free environment of western capitals.

Challenges to Notion of Universality from Multiculturalism

The adherents of multiculturalism assert that the notion of universality simply denies the communities the freedom to speak on their own and determine their ways of being and living. They also believe that notion of universality does not take account of the historical diversity and lived experience of a majority of the world population. So the concept is discriminatory in itself.

They believe that like other concepts of social sciences the Human Rights is the concept that gives powerful access to enter in the most capillary level of non-western societies considered as "other". Through cultural imperialism and the will to impose hegemony, the west builds a relation of domination with its "other". Evaluation of the situation of rights serves to describe the cultural lag between the west and the rest. Hence according to multicultural standpoint, it is an effort on part of the west to erase differences and annihilate the other. (Steans 2006) The thinkers like Ratna Kapur believes that concepts like tolerance and assimilation are in practice the syntax of western Enlightenments and serves as "devices of exclusion". According to Ratna, there is a need to re-read human rights from alternative sites, from the zones of excluded and from the perspective of excluded subjects. (Kapoor 2011)

The Feminists taking account of the women's marginalized and vulnerable status consider women as excluded subjects and attributes the concept of human rights as gendered. Standpoint Feminists also believe in subject existence in a multitude of varied lived experiences and believe in the essentialist concept of human right; and also, that women are different in nature and experience from males. Hence there is a need to record women's experiences as excluded subjects and rewrite the human rights treatises from the standpoint of women. The incorporation of experience of pain is essential to redress the grievances of women. (Steans 2006)

The critical perspective meets halfway challenging the claim of universality though based on a different premise.

Multiculturalism and Clash of Civilization: Stakes to Implement Multiculturalism

The issue of multiculturalism arises when cultures with incommensurable life views come in contact with each other in same time geography. It was a rational policy choice to cope with the challenge of cultural-religious diversity that characterizes western societies due to the presence of migrant diaspora groups. Another facet of multiculturalism appears in postcolonial states where state reforms and modernity is treated as counter episteme to culture guised in religion. The view treats culture as sacred hence rigid and immutable, whereas culture is a dynamic concept that not only change due to cultural contact but also with material conditions in the environment. The staunch adherents of cultural purity take government efforts of reform as offensive. (Macey 2009) Women rights question for most cultural groups is the one related to the private sphere of activity, hence outside the domain of state and government intervention. Gender and culture are intricately related. The contenders of religio-cultural group rights are particularly concerned with "personal law", regulating marriage, divorce, child custody, division and control of family property and inheritance. The control of women remains the principal aim of claimants of group rights and identity.

To Susan Muller-Okin, though all cultures including Western Christian cultures were patriarchal in past, the legal protection of vulnerable groups like women, children and old were the rational choice and only difference between European states and postcolonial nonwestern states lie in the legal structures protecting the weak. To Susan, cultures are not monoliths and within all cultural communities' differences of power determine the status of the subject. (Okin 1999) Adoption of universal norms through the legal system and fulfilling international treaty commitments are resisted in Postcolonial states. According to Fatima Mernissi the kinship system of society affects the process of state development and the state is blamed to be the imperial western agent. (Mernissi, Women and Islam: An Historical and Theological Inqiiry 1991 b)

The contenders of Particularism base their argument on the notion that modern accounts of human rights ignore the perspective and historical experience of existence. They also criticize the dark side of enlightenment as an end-day ideology believing in universalizing the norms of the whole world whether through coercion or through consensus. They take West as the dominant power that determined the course of history by imposing a Eurocentric world order. (Baxi 2011)

The fact is that the experiences that they want to incorporate in contemporary human rights discourses are also as exclusionary, non-assimilationist and intolerant as the western discourses of human rights. Also, like the western enlightenment urge to dominate the whole world and impose its ideology, these particular concepts are also not free from the will to universalize their respective ideas. Hence Clash of Civilizations is inherent in acknowledging multiculturalism.

The female experiences living under the strict cultural rules in regions of postcolonial state considered to be outskirts of rule of law are in itself experiences of pain. Also, the radical ideologues with their parochial mindsets are ready to attack and destroy the zones of modernity in post-colonial states. Often their targets are female educational institutes, women not wearing veils, and liberals leading a modern life within the states. The liberals and women become the vulnerable groups in these particular cases becoming soft prey to orthodox radicals.

Multiculturalism and Question of Women Rights in Pakistan

Pakistan can be attributed as a transitional democratic modern state where state institutions are not evenly penetrated. Different regions of state represent different cultural episteme(s), determining the social behavior in individual and collective life. The cultural episteme(s) favor gender discrimination in public as well as private spheres of life. Though urban women have access to agents of empowerment like education the lived experience of women in rural geographies is worst. Women in these areas are generally denied education and health facilities but in worst-case scenario, they are the victims of honor killing, abduction,

domestic violence, and rape. Women are socialized to be docile subjects born to obey and denied a voice. Personal life decisions like marriage and reproductive rights are taken by the male of the house and a woman asking for rights is considered to be a dissident. Society is hypocritical in nature as it insists on virtues, and chastity in women, yet women are subjected to honor crimes that are ordained by local institutions like Jirga and Panchayats (Elder Council). Women are traded to settle disputes informally outside the legal system. (Khaliq 2014)

Women bodies according to Silvie Bovarnick are tools by which social order is maintained. Though veil is contested by modern interpretations of Islam like (Kassan 2010) (Ahmed 1992) (Mernissi 1991 a) yet according to Bovarnick, purdah (veil) and women exclusion from the economic sphere are justified to prevent *fitnah* (chaos), a threat to social order. The women are bestowed with the honor of men, families and communities. Panchayats (Elder Councils) ordered rapes serve as a traditional form of revenge and settling feuds. Men wage war through women's bodies or use them as shields to protect them from harm. (Bovarnik Jan 2007)Women are considered in these rural areas as properties of their families like gold and silver and are bartered for rape on Panchayat orders in cases like the famous *Mukhtaran Mai* case.

Toor taking the case of role incumbents of modern state like Parliamentarians and judges who take an oath to uphold the constitution establishes that cultural norms serve as obstacles for the proper working of the legal system. As universal human rights depend on legal protections the social attitude towards laws to eliminate discrimination against women and granting them autonomous citizenship rights are detested by the state officials themselves. Discussing the case of Samina Sarwar who was murdered in the office of her lawyer on April 6, 1999, by her family for daring to get divorced, she establishes the case of clash of civilization and cultural war going on even in most modern segments of state and society like media, politicians, and public figures who lauded the action of parents with appraising. Defending the parents, a senator from the province valorized the action as upholding of *Pakhtoonwali* (Pushtoon custom), and signified the victim as a girl in jeans: a westernized agent and disobedient woman. (Toor 2011)

The most critical point in these cultural wars arrived when a religious group of *Tehrik-e-Taliban* took control of Swat Pakistan through force and established a parallel state in the region. The consent for the illegitimate rule was partially attained by employing the name of Islam. The girls' schools were burned and women were subjected to the worst form of seclusion. Public thrashing for adultery became commonplace and women were told to remove themselves from the workforce. The Swat Taliban decrees were based on their 'distinct interpretation of Shariah, despite their collective lack of formal religious training (Weiss 2015)

Conclusion: Destabilizing Epistemology and Commensurability between Universal and Particular

Women insecurities are social as well as economic and political; and rights discourse is a critical tool of resistance on local, state and global levels. The arguments of critical, postmodern, postcolonial, Islamic and third world feminists all have their relative substance despite the fact that they are not only different but competing views. All these views are in fact resisting the power dynamics from particular standpoints. People in different geographies live in different time zones each with different *priori* beliefs and episteme(s), each forming different centers of power and resistance. Destabilizing epistemology is the mode that while advocating alternatives to power dynamics; with belief in agency & reason of being and non-transcendentalism, destabilizes all subject positions and contest power dynamics at micro as well as macro levels of existence; by moving between different levels, accommodating yet contesting the cultural difference as well as inter and intra-cultural conflicts. The mode will be helpful in understanding the relationship between culture and socio-economic institutions, culture and social behaviors and culture and decision making, making rights a relative concept.

Such destabilizing epistemology can be exercised by the state as well as actors involved in political participation. In the previous segment, the role of local institutions like Jirga and Panchayat, in female subjugated status is discussed at length.

Pakistan in its fifth periodic report on CEDAW presented in October 2018 (CEDAW 2018) acknowledged the fact that Jirga and Panchayats are embedded in the socio-cultural system. Hence, the state is trying to *transform* them by regulating their work as the formal alternative dispute resolution system making them accountable to the judicial system in Pakistan. National Assembly in Feb 2017 passed the Alternate Dispute Resolution Bill 2017. In Punjab Local Govt Act 2013 introduced the alternative dispute resolution mechanism. In villages, such bodies are named Panchayats to make it commensurable with traditional episteme(s) and in cities, these are named *Masalihati* Councils (Resolution Councils). Women membership in these local cultural bodies is mandatory.

In Pakistan political parties represent different ideologies. *Jamat-e-Islami* is the oldest political party erected on religious ideology with the objective to create an Islamic state. In 1964-65 despite its ideological stance opposed to women political participation, JI supported MS Fatima as a joint opposition candidate to resist the authoritarian military regime of Ayub Khan. JI stance about women political and economic participation changes in different cultural regions. Weiss (Weiss 2015) and Jamal (Jamal 2013) are apprehensive to *Jamat-e-Islami* stance on women question in North-Western/Khyber Pakhtunkhwa province adjacent to Afghanistan as an alliance partner of Orthodox *Mutahida Majlis e Amal*, yet both regard *Jamat* stance on women economic and political participation with limits of the veil as dress code as a mode to bring commensurability between religion, culture and modernity. Amina Jamal believes that "we must refrain from a reinscribing simple framework of secular universalism vs cultural-religious particularism. We must understand Jamat women religious agency as an attempt to bring together the culturally marked particular with unmarked universalism. (Jamal 2013) To avoid extreme positions taking system of liberties declared in UDHR and other Right Treatises as unavoidable there must be mediation between moral universalism and ethical pluralism (Corradetti 2009) at the same time identifying patterns of oppression and peculiars of

oppression ordained by both universal and particular discourses of social orders.

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