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SURVIVAL WITHOUT JUSTICE: HOW FORGIVENESS LAWS ENABLE HONOR-KILLING IMPUNITY IN PAKISTAN

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Abstract
This paper analyses A Girl in the River: The Price of Forgiveness (2015), directed by Sharmeen Obaid Chinoy, the story of Saba Qaiser, a 19 year old Pakistani woman who survived an attempted honor killing by her father and uncle .Saba does not forgive her attackers, although she does because of the pressure of the society at the time, she is able to forgive them under the law. The study employs a qualitative method of thematic and discourse analysis, and an analysis of theories of patriarchy, coercive control, feminist legal theory and documentary representation to analyses how patriarchy and Pakistan's pre-forgiveness provisions of 2016 intersected to create impunity. Findings Demonstrate that "forgiveness" is more an act of forced survival than a freely-made moral decision, in a system where family settlement took precedence over state responsibility. The documentary highlights the role of genderization in framing the violence of honour killing, the role of the community in enforcing the violence of honour killing and the role of the law in creating a space for honour killing, while simultaneously acknowledging the agency of the survivors who are limited by the forces at play. The paper also considers the Criminal Law (Amendment) (Offences in the Name or on Pretext of Honour) Act, 2016, which substantially restricted the effect of family pardon in honor-killing cases. The paper concludes by discussing the continuing significance of survivor protection and effective enforcement.

INTRODUCTION
Honor killing refers to a type of gender-based violence in which perpetrators attempt to restore family or community "honor" through violence toward women that are believed to have threatened or degraded the family and community's "honor." This practice has long been a challenge for Pakistan and there is ample evidence of underreporting by human rights groups. The film, A Girl in the River: The Price of Forgiveness, is the rare survivor story, of a girl marries a man of her choice and both her husband and her father and uncle shoot her and throw her into a river. She lives and fights for her rights and

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she publicly rejects their forgiveness. However, community and family pressure eventually causes her to forgive and the men are let go and go back home, as per the law that applied to her situation. A Girl in the River: The Price of Forgiveness, directed by Pakistani filmmaker Sharmeen Obaid Chinoy, was the recipient of the 2016 (Academy of Motion Picture Arts and Sciences) Oscar for Best Documentary (Short Film) (Oscar's, 2016). Its international recognition brought the debate on honors killing in Pakistan to the fore, giving an impetus to the legal reform campaign. The film emerged as a major talking point in the controversy of the family waiver or the compounding of sentences in murder cases in the then existing legal practice of Pakistan. The documentary is therefore not only a narrative case study, but also a social intervention dealing with law, patriarchy, coercion, and reform. It questions cultural honor ideology and legal forgiveness provisions and asks how these factors combined together to allow for impunity in Saba's case, and how the changes in the legal landscape in 2016 affected the relationship.

2. Objectives

1. To analyses the patriarchy and community perpetration of honors violence as documented.
2. To study the legal and social processes by which forgiveness is demanded from survivors and released for perpetrators.
3. To analyses how well the film depicts state institutions and their ability to safeguard survivors.
4. To detect the narrative and cinematic approaches the documentary employs in the presentation of agency, coercion and reform.

3. Research Questions

1. How does the film suggest that the documentary is about the part played by forgiveness clauses and community pressure in allowing impunity for honor killers?
2. Who tells the survivor she must forgive and how?
3. How is "honor" and "shame" and "forgiveness" conceived as gendered in the film?
4. How are police, courts and political actors represented in regard to survivor safety and accountability?
5. What social changes reforms does the documentary call for, explicitly or implicitly?

4. Literature Review

4.1 Honor Ideology and Patriarchy

Research on honor-based violence shows that "honor" can function as a patriarchal control system connects the reputation of the family with women's sexuality and marital decisions. The documentary's violence can be better understood as part of a broader system of social structures and practices in which men dominate, oppress, and exploit women, as Walby, (1990) conceptualizes patriarchy as. In contrast, women's autonomy is represented as a collective failure, and a cultural logic emerges whereby male family members assert control over women's decisions. In line with this, the feminist scholarship also argues that honors killing is a social regulation practice, which is part of gender hierarchy and kinship relations (Khan, 2021).

Recent human-rights reporting supports this broader context. The U.S. Department of State's Pakistan 2023 Human Rights Report notes that women who marry without family consent may face social ostracism and risk becoming victims of so-called honor crimes; it also reports persistent legal and economic discrimination affecting women's ability to exercise formal protections (U.S. Department of State, 2024). HRCP's State of Human Rights in 2024, drawing on National Police Bureau data, records at least 405 women as victims of honor crimes during 2024, alongside 1,641 domestic-violence murders and 4,175 reported rape cases (Human Rights Commission of Pakistan, 2025). These figures indicate that the documentary's focus on family control, coercion, and gendered violence remains relevant beyond Saba Qaiser's individual case.

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4.2 Legal Compound Ability and Impunity

In the past, an heir of a murder victim in Pakistan had a strong power to waive this qisas and compromise the claim by giving a settlement. It could be argued that this would privatise homicide and allow for coerced forgiveness in honor killing cases (Alam, 2019; Khan, 2021) when perpetrators and heirs are of the same family. First, however, it is important to note that the legal situation shown in A Girl in the River differs from the law following 2016. The Criminal Law (Amendment) (Offences in the Name or on the Pretext of Honour) Act, 2016 (Act XLIII of 2016) placed honor based murder under the umbrella of fasad fil arz, and modified Section 311 of the Pakistan Penal Code such that, where the murder is committed in the name of or on the pretext of honor, punishment after waiver or compounding is imprisonment for life (Pakistan, 2016). Therefore, a family pardon does not extinguish the criminal liability for an honor-based murder under the amended provision but can impact on qisas.

4.3 Documentary as Social Intervention

It is not just a representation of reality, but it is constructed and has a voice, a moral stance, a social or political agenda (Nichols, 2017). Selection, sequencing, testimony and juxtaposition can be structured in documentary form to interpret a cause and make a public judgment. This is why survivor testimony can be used as a counter-narrative to dominant cultural reasons in gender-violence documentaries. This lens can help us evaluate what Saba has to say to her fathers, her family, community, and state actors' answers in Obaid Chinoy's film.

5. Theoretical Framework

The method of this study is integrated with theoretical frameworks of patriarchy theory, coercive-control theory, feminist legal theory and documentary theory. These perspectives work together to link the interpersonal stressors exerted on Saba with other familial, community, legal and symbolic systems.

5.1 Patriarchy Theory

Walby's (1990) theory of patriarchy is a theory of domination, not actions. The term honor is interpreted in this study as a social device for the distribution of authority to male relatives, to control women's marriage and mobility, and to justify sanctions against those who oppose family control. The argument for this is therefore given structural support in the framework of Saba's attempted killing, as it is not only individually motivated, but also a process that is structurally enabled.

5.2 Coercive Control Theory

Stark (2007) defines coercive control as a pattern of domination through intimidation, isolation, dependency and liberty restriction. The term was coined in the context of intimate-partner abuse but it is convenient to use here as an analytical tool examining the network of pressures affecting Saba. The film reveals that the last pardon takes place in the context of economic dependency, community mediation, social isolation and the threat of reinvigorated insecurity. Coercive-control theory, therefore, aids in the identification of formal consent from a decision made under a prolonged constraint.

5.3 Feminist Legal Theory

Under a feminist legal theory, what is considered a neutral legal rule may reinforce the current social gender hierarchy if it is applied in an unequal social environment? In particular, MacKinnon (1989) asserts that acquiescence, the result of social production, can be recognized as consent by law, and that dominant power relations can be reproduced by seemingly neutral categories. In Saba's case, this approach points to the disparity between a valid pardon and an imbalanced process to achieve that pardon. It also sets the stage for studying the role of the private settlement in later reform, and its replacement by compulsory state punishment.

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5.4 Documentary Representation

Documentaries narrate and represent the world of history in an organized manner, according to Nichols (2017), through a "voice" that is produced by framing, editing, testimony, and the narrative structure of the documentary. This study thus focuses on not only on what happened to Saba, but in how the film shapes the meaning of what happened. Formalized techniques such as first-person narration, courtroom (and hospital) scenes, and the juxtaposition of Saba's testimony with men's justifications are treated as devices that enable the documentary to make an argument about coercion, impunity and reform.

Table 1 Integrated Theoretical Framework for Documentary Analysis

Framework	Core concept	Application in this study
Patriarchy theory (Walby, 1990)	Structural gender domination	Explains how family authority, honor ideology, and control over women's marriage and mobility operate as a wider social structure rather than isolated individual behavior.
Coercive control (Stark, 2007)	Domination through intimidation, dependency, isolation, and restricted liberty	Distinguishes between a formally expressed pardon and one given as a result of continuous family, economic and community pressure.
Feminist legal theory (MacKinnon, 1989)	Law may reproduce unequal power relations when formal neutrality ignores social inequality	Defines the difference between legal forgiveness and unequal social circumstances under which forgiveness can be gained.
Documentary theory (Nichols, 2017)	Documentary "voice" is shaped through framing, testimony, editing, and narrative structure	Analyses the structure of the film's argument through testimony, scenes in the courtroom and hospital, spatial symbolism, and juxtaposition.

Note. The table synthesizes the four theoretical perspectives already used in the study and shows their distinct analytical roles.

6. Methodology

6.1 Research Design

A qualitative case study approach was used, combining documentary for content analysis with contextual legal policy reading.

6.2 Data Sources

- **Primary:** The documentary itself (scenes, interviews, narration, sequencing).
- **Secondary:** Legal texts and reforms regarding qisas/diyat and honor killings, NGO and human rights reports, peer-reviewed scholarship, reputable media attention to the case and policy consequences
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6.3 Data Collection

The documentary has been watched several times. A scene log was developed, with time stamping, actor notes, statements, settings, and pertinent aspects of power dynamics. A codebook was prepared on an iterative basis.

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6.4 Analytical strategy

1. **Thematic Analysis:** Recognizing repeated dynamics including coercion, patriarchal power, loopholes in the law and survivor resistance.
2. **Discourse Analysis:** The study of language in terms of how family, community and officials discuss honor and forgiveness.
3. **Process Tracing:** Documenting the justice process of an attempted killing that ends in a judicial outcome.

7. Findings and Analysis

7.1 Narrative Reconstruction: Survival and Confrontation

The documentary portrays the act as Saba's marriage. Her father and uncle beat her to death and throw her body in the river. The film focuses on both physical and symbolic survival: Saba's journey back from the river places her as a threat to the finality of the father. From the early interviews she shows a no-nonsense lack of forgiveness, a call for justice and safety.

7.2 Theme 1: Honor as Gendered Control

Honor is represented as a group good that is associated with female submission. The family and community members often refer to Saba's marriage as "dishonor," and the victim is to blame for people's morality. The film portrays the forms of surveillance that are used to police women's mobility and relations in the name of "respectability."

Interpretive point: The documentary does not only draw attention to the fact of believing, but also to the fact of being a social practice – a system that legitimises violence and calls in community approval.

7.3 Theme 2: Coercion Disguised as Reconciliation

Saba's unwillingness to forgive is the central tension, while the pressure to forgive increase. The movie is a film on a number of oppressive forces.

- **Family Dependency:** The economic and residential reliance on family, makes separation risky
- **Community Mediation/Jirga Logic:** Forgiveness is presented as a way of restoring social order.
- **Threat of Ostracism:** The survivor risks isolation and insecurity if she maintains prosecution.

The movie portrays forgiveness as an aspect of social duty. Saba's eventual pardon is shown not as moral transformation but as constrained choice.

Interpretive Point: If someone cannot forgive, then he or she will be the victim of violence or rejection once again, and forgiveness is a way of surviving in such a world.

Table 2 Mechanisms That Constrain Forgiveness in the Documentary

Mechanism	How it operates	Analytical significance
Family dependency	Prosecuting in cases involving families' economy and/or housing is impractical.	For reasons why the decision about legal choice can't be taken out of the context of material dependence and personal safety.
Community mediation / jirga logic	Forgiveness is offered as a solution to maintaining social stability and minimizing social conflict in the family.	Recasts reconciliation as a collective demand rather than a purely individual moral decision.

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Mechanism	How it operates	Analytical significance
Threat of ostracism	Prosecution could lead the survivor to be isolated from their community, losing community resources, and feeling insecure.	Demonstrates how social sanctions can shape consent without requiring direct physical force.
Kinship overlap in the legal process	Persons of interest in perpetration, relatives, and persons that may influence pardon could be part of the same family network.	Helps explain how social coercion could historically interact with waiver or compounding provisions to produce impunity.

Note. These mechanisms are drawn from the findings in Section 7.3 and the study's coercive-control framework.

7.4 Theme 3: Legal Forgiveness as Structural Impunity

For Saba, however, after forgiveness is granted, the legal path to further punishment is shattered and the ones who commit the sin are set free. The pred-2016 system is presented as the opposite of a serious crime, since the formal crime will be recognized by the victim-family's waiver or the compounding power of the victim-family.

In the film, the family pressure can directly influence the legal solution, when attackers and decision-making relatives come from the same kinship circle and a closed circle is formed. It is therefore not a comprehensive description of the state of law in Pakistan at the time of the case rather an analysis of the legal structure prevailing there at that time.

The film also implies that if the patriarchal honor ideology and the legal 'compound ability' work in tandem, legal outcomes become predictable. It is not just an individual decision – it is the structural gender hierarchy, the coercive social pressure and the legal rule that historically has most heavily influenced family settlement.

7.5 Theme 4: Representation of the State

Police and courts are depicted as being pro forma but limited by the then existing law. There is an official process, but even when granted a pardon, the ability to secure punishment seems to be very constrained. The attacks suggest that the state was not as responsive as it claimed to be when stating its desire for change; on the other hand, the attacks put the state on a pedestal where it may be held accountable by the population. The importance of the latter amendment of 2016 is that it modifies this aspect of the law, and introduces the concept of life imprisonment for honor killing even in cases where the right of qisas is waived or compounded (Pakistan, 2016).

7.6 Cinematic Framing

The film uses:

- **First-person testimony** to center survivor agency.
- **Courtroom and hospital scenes** to contrast formal justice with social coercion.
- **Spatial symbolism** (river, home, public streets) to mark shifts between danger, confinement, and exposure.
- **Editing contrasts** between Saba's voice and men's justifications to highlight moral asymmetry.

These strategies position the audience to see forgiveness as coerced and the legal system as complicit through design.

7.7 Legal Aftermath and the 2016 Reform

The documentary's value is not only in terms of representation as it sparked a national discussion that led to legislation. A Girl in the River was awarded Best Documentary (Short film) at the 88th Academy Awards and sparked international

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attention to the matter (Academy of Motion Picture Arts and Sciences, 2016). The Criminal Law (Amendment) (Offences in the Name or on Pretext of Honour) Act, 2016 was enacted in October 2016 in Pakistan. The Act amended the Pakistan Penal Code, Code of Criminal Procedure, specifically made honor-based offences part of the fasad-fil-arz, and replaced Section 311 making honor based murder punishable with imprisonment for life even if the qisas is waived or the offence is compounded (Pakistan, 2016).

This reform needs to be carefully explained. It did not remove the qisas-and-diyat system and it did not make all homicides non-compoundable. Instead, it limited the power of pardon in instances where it was shown to have been committed for or under the banner of honor. However, under Section 305, an accused or convicted person in a case of qatl-i-amd is not allowed to be wali; in the absence of an heir, the Government is wali. Therefore, the case that the reform has brought back a mandatory public penal sanction in honour-related cases, rather than the state always being wali when the family does not report the crime, is stronger. "Imprisonment for life" should not just be synonymous with fixed 25 years: Under the Pakistan Penal Code (1860) section 57 the calculation of the fractions of punishment would take 25 years as the length of a life sentence. 57). This ongoing analytical issue is whether or not cases are investigated and proven as honor-based offences to secure the mandatory Section 311 consequence.

Table 3 Legal Position on Family Pardon in Honor-Killing Cases: Pre-2016 and Post-2016

Dimension	Position reflected in Saba's case / pre-2016 framework	Post-2016 position
Effect of waiver or compounding	Family waiver or settlement could substantially affect whether perpetrators remained subject to punishment, creating scope for coerced forgiveness in intrafamily cases.	The 2016 amendment restricted the effect of pardon where murder is committed in the name or on the pretext of honor.
Section 311 consequence	The documentary depicts a legal structure in which family forgiveness could lead to release in the circumstances of Saba's case.	If waived or compounded, Section 311 calls for life imprisonment in the event of an honor-based murder.
Role of the state	Accountability could be constrained when the private family settlement determined the practical legal outcome.	The reform intensifies the public punishment, but investigation, evidence of honor motive, protection for the survivors and enforcement are needed.
Continuing limitation	The case illustrates how kinship pressure and legal settlement powers could reinforce each other.	The reform did not abolish the qisas-and-diyat framework for all homicide and does not by itself eliminate underreporting, coercion, or enforcement gaps.

Note. Based on the paper's discussion of the Criminal Law (Amendment) (Offences in the Name or on Pretext of Honour) Act, 2016, including the amended Section 311 of the Pakistan Penal Code.

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8. Discussion

The film documents the mechanisms behind murder for revenge as a fusion between patriarchy, communal policing and the law. Walby's (1990) theory of violence as an embedded part of a gendered structure helps to contextualise the violence, while Stark's (2007) coercive-control theory helps to understand how Saba's eventual pardon could be formally voluntary but in fact constrained. Saba's resistance is authentic, but the film portrays the hardships of resisting as being extremely social and economic. Violence is not untouched by her final forgiveness, it is swallowed up by the patriarchal social order. The case also highlights how the production of 'choice' is also possible under duress. This feminist critique by MacKinnon (1989) is pertinent because it draws attention to how acquiescence that comes from unequal situations may be mistaken for free consent.

This documentary brings the difference between the free will mandated by law and the social reality into focus, given Saba's refusal and then capitulation. It is clear that the film does make this claim using testimony, editing, and juxtaposition, as Nichols (2017) account of documentary voice makes clear, not just simply a record of events. The 2016 reform is, therefore, a partial institutional solution to the issue that was highlighted by the film and is the removal of the mandatory life-imprisonment consequence of Section 311, which sets up an honor-based murder. The reform does not close a significant loophole but it is not enough, on its own, to ensure accountability where social coercion, evidential issues, underreporting and enforcement gaps have a negative impact.

The evidence from after the reforms is also a warning to take statutory change as a proxy for effective accountability. HRCP documented at least 405 honour killings, with modern-day reporting highlighting ongoing issues with the informal social and tribal pressures, as well as poor governance and enforcement of the laws (Human Rights Commission of Pakistan [HRCP] 2025, Web Desk/Reuters 2025). These sources are used in conjunction with the U.S. Department of State's report on the risks women encounter if they marry without their families' consent, which underscores the difference between the formal legal protections and social environment that can limit survivors' options (U.S. Department of State, 2024).

9. Conclusion

A Girl in the River: The Price of Forgiveness does not reveal honor killing as just family violence, but as an outcome of a larger system that is created by a combination of patriarchy, community pressure, coercive dependency, and the law in place at Saba Qaiser's time of arrest. The film thus takes significance not only as a documentary text but also as a media intervention in the politics of legal reform, due to the Academy Award and the public debate.

1. Ideology validates violence by defining women's autonomy as shameful to the community.
2. Forgiveness is made into a requirement for reconciliation due to community pressure.
3. Pre-2016 forgiveness provisions portrayed in the movie facilitated impunity if the perpetrators or the ones controlling pardon were part of the same family network.
4. State institutions were represented as being involved in the process and bound by the law in force but by 2016, a compulsory life sentence was added for honor killing following waiver or compounding.

The documentary is thus a call for legal and social reform. The theoretical analysis presented here suggests that the narrow scope of the pardon loophole tackled by the film in Pakistan in 2016 should not be understood without considering the need for survivor protection, effective investigation and prosecution, and the reduction of the economic and social relations in which coercion is practiced.

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10. Implications and Recommendations

1. **Legal implementation:** Legal enforcement: consistently implement the amendments to the law on honor crimes, ensure that honor motive is being investigated and pleaded, where supported by evidence, and apply the mandatory life sentence for honor crimes, where the statutory conditions are met. Legal interpretation and public discourse need to be able to differentiate between the existing law and the pardon system in the documentary, which existed prior to 2016.
2. **Protection:** Increase survivor's shelters, witness protection, relocation support and economic help, to minimize reliance on abusive relatives.
3. **Community intervention:** Community intervention: targeted norm change programs including mediation forums in the community to change the honor ideologies.
4. **Media/documentary role:** Survivor center stories can reveal coercive structures that reside behind the "tradition" and "family reconciliation."

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