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## Honour Killings in Pakistan: An Analytical Study of Sharia

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### Abstract

*In terms of the country's silent characteristics, it is a well-known historical fact that many factors motivated the movement for the establishment of Pakistan, including political, social, and economic independence from colonial powers. However, Islamic philosophy and religious foundations played a key role in the convergence of both of these factors, as well as in inciting people emotionally. It's a fascinating fact that the majority of Pakistanis have an emotional commitment to Islam rather than a rational or logical one. With this context in mind, honour killing is debated from an Islamic viewpoint. The protection of a person's life and procreation, whether he or she is a man or a woman, is a central aim of Sharia. Islam developed a chastity structure in order to achieve moral purification in society. Islam prohibits men and women from openly and uninhibitedly congregating. Adultery is a heinous sin, and it has been guided to prevent the causes and rewards of adultery, according to Quranic commandment. As a result, every attempt is made to block any avenues that might lead to a loss of morality or obscenity. In Pakistan, an honour killing or honor-related violence occurs when a man kills a woman or commits some violence against her while claiming that he did so because she engaged in immoral sexual conduct. The murder of a prostitute, and in some cases her illegal murderer, aims to eliminate guilt, restore dignity, and impose social norms to explain and govern women's lives. I will. Pakistan is believed to be one of the highest incidence in the world (Greff, 2010) Pakistan is also among the top five most dangerous countries for women in the world, according to a Thomson Reuters report, due to the highest rates of dowry murder and so-called honour killings. (According to Trust, 2011)*

**Keywords:** Honour Killing, Adultery, Sharia Law, Religious Phenomenon, Pakistan, Islamic State, Women Rights

### Introduction

The killing of women for the purposes of maintenance or restoration of “honor” (male honor or family honor) has been taking place throughout the history in different ways. In the recent decade despite the high rate of domestic violence and the growing tendency for honor killings, the social and cultural factors underlie it and how it affects family members is missing in empirical data with special reference to Pakistan. This article emphasizes upon the legal frameworks available in Islam, as Islamic laws do not respect murder. This dissertation investigates honor killing, as a multifaceted phenomenon, based on the interplay of several complex factors, including institutionalized social patriarchy, local culture; the values of honor and shame and other social influences.

According to Pakistan Bureau of Statistics, Muslims constitutes 96.28 percent of the population. As a result of Human Rights Activism and the feminists' propaganda it has been highlighted internationally that the crime rate against the women is on the increasing side in Pakistan. Further it is allegedly propagated that everything (including honour killing) is done in the followings of the teachings of Islam. The wave of militancy throughout the world is always linked with the Islam, while the issue of honour killing has also been posed by the Western media as a part of it. In this chapter an effort is being made to clarify the status of the women in Islam and highlight the safeguards and protections extended to them in this regard. Most of the arguments are based on the

directives of Almighty Allah in the Holy Quran or the sayings of the Prophet Muhammad (PBUH) as quoted in the books of *Ahadith*.

**Principles of Shariah Law Regarding the Honour Killing:**

It is a misconception throughout the western media that all the cultural norms and values prevailing in certain parts of the Muslim world emerged from the religion of Islam. By doing this they mix up the culture and civilization with religion. It is true that both culture and religion influence each other but at the same time they are separate entities having their separate domains. In Pakistan the issue of honour killing is never projected by its supporters as a religious obligation or binding. During this study various legal decisions were searched out to know this fact but none of the decisions found where arguments were given from the Quran or *Hadith*. Rather the cultural norms or values were referred and emphasized in the defence. The supporters of these notorious traditions/practices always referred to their traditions, customs, and values. They rarely talked about religion. In this regard there is an incident of Baluchistan. The Daily Dawn dates back to August 30, 2008, giving other girls the opportunity to let go and then use them while you live. Their mistake was to express a desire to marry according to your will. According to the newspaper's report, "Senator (member Upper House of the parliament) from Baluchistan "Sardar Isralullah Zehri astonishes the Senate (upper house) in case he defeats this problem with the living disorders of three teenage girls and two women in this province, if you want it to be another toy custom, because you will want to get down."

The safeguarding of a person's life and procreation, man and woman, is seen as the fundamental aim of Islamic *Sharia*. Chastity is established by Islam for spiritual cleansing in society. Like all other Abrahamic religions, Islam also defines the concept of Chastity and imposes certain discipline and restrictions on sexual relations. Adultery is considered a very abominable sin, and according to the order of the Quran, the cause and the motive for adultery is also prevented so that every effort is made to reach all the way to the loosening of morality and obscenity. However, in an Islamic State the implementation of social and religious system is the duty of the State's legal, judicial and administrative set up and not of any individual or group of individuals. A person is never allowed in any state system to enforce the law and handle the system by himself.

Pakistan, as posed by the western media, has one of the world's highest incidences of such types. In a survey carried out by Thomson Reuters, Pakistan is also among the world's top five countries with the highest rates of dowry murder and so-called honor killings. However, this is not proved as 100% true by the conclusion of this study. The ratio is not so high while the figures are too much exaggerated. But it is also true that the existence of honour killing cannot be denied absolutely.

Islamic State, however, never allowed the killings in the name of honour or dishonor. Actually this custom is practiced and maintained by the patriarchal mindset and male dominant systems of the world. Even in Arab society this tradition was prevailing in early days or in pre-Islamic period. As soon as Islamic State of Medina was established along with its all administrative and legal institutions, this practice was the one of the early social challenges to it. So it was forcefully stopped by the Holy Prophet and the Pious Caliphs. Allama Iqbal in his famous book, *Reconstruction of Religious Thought in Islam* pointed out with reference to Shah Wali Ullah that a large number of Arab customs which were prevailing in the time of early Islam are confused and mixed up with the Islamic rules regulations.<sup>i</sup> The social cultural and traditional customs are deeply rooted in this region for centuries, even before the advent of Islam in this region. They are certainly different from the Islamic law & Quranic teachings, so here we justify that honour killing neither is Islamic custom nor comes under the ambit of Islamic law. To prove this verdict, it's necessary to elucidate the threat of honour killing with the provisions of Islamic teachings. It is western confusion that honour killing is permitted in Islam and Muslims has authority to do an act of honour killing under the religious teachings. To eradicate this confusion it is necessary to justify that honour killing is considered as a cultural phenomenon rather than a specific religion or race. Religion and Customs as to understanding, and adoption mode, are two different things. Religion is that which is applicable on all individuals in the same manners irrespective of the time and place, while on the other hand custom is that which is applicable on the specific individuals of a specific locality or territory.<sup>ii</sup> There were many pre-Islamic customs which were criticized and eradicated by the early Islamic State. Islam never permit the female genocide, rather it banned such practices in the early days of State of Medina. Islam ensures honour of the female and prohibits violence against her by clearly expressing the relationship between men and women in the Qur'an. The Qur'an states that both are equal. It was in

the pre-Islam period when Arabs used to bury their daughters alive. Holy Prophet Muhammad (PBUH) restored the true honour of the women and started from his own daughter Fatima.<sup>iii</sup>

Quranic verses say that both men and women must be judged on a similar and equal touchstone, because they both are responsible for their moral character and both are similarly accountable before Allah for their deeds. Islam considers that both men and women are similarly capable to watch their purity and chastity and there is no hierarchal contrast or difference. However, practically speaking, all men in general and Muslim men in particular hold themselves as sole watchmen and guardian of their ladies to bolster and support their merciless activities. Quran also has categorically assigned certain obligations and responsibilities on men for the women living with them in family.

The Quranic verse often quoted to justify male dominance is:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ

**“Men are caretakers of women, since Allah has made some of them excel the others, and because of the wealth they have spent”**

(Nisa: 34).

Reality is that the so called Islamic scholars (*Ulama*) of Pakistan interpret the Islamic laws with the patriarchal mindset and due to their biased attitude they interpret the Quranic verses with narrow-mindedness. Resultantly the women face discrimination and attain secondary level in every field of life. Women are being kept backward and underdeveloped economically, socially and politically so that the religious leaders, fundamentalist remain in force and control the lives of women of Pakistan and by doing this they satisfy their patriarchal nature and male dominant mind set.<sup>iv</sup>

The other misconception about Islam is that “the men and women are not equal in the eyes of Islam; that Islam gives more importance to the men while the women are subordinate to their men. A woman is considered as an inferior creature. But the reality is far different from this point of view. Islam is the first religion which protects the rights of women and increases the position of women in the period of ignorance. Muslim scholars said that Islam gives women equal rights as men i.e. right to property, right to choose a spouse and right to divorce etc. The killers who kill the women in the name of honour and think that they did something religious and the Islamic scholars (*Ulama*) who encourage this practice by coloring it as Islamic, forgets and ignore the Quranic emphasis on the full protection of women.”<sup>v</sup> There is a documented decision of the Prophet Muhammad. There, the girl approached him saying that her father forced her to marry him.<sup>vi</sup> Prophet Muhammad gave her the choice of accepting her marriage or immediately disabling it for her coercion.<sup>vii</sup> “One of the historic events in the life of the Prophet Muhammad that reflects this principle is the proposal of Hadia Binte Quirid, the first wife of the Prophet Muhammad. Hadia is the employer of the Prophet Muhammad and By cooperating with him, she respected his integrity and integrity and proposed to marry him. Hadia is 25 years older than the Prophet Muhammad and has much better finances at the time of the proposal. He was in a state. He accepted her proposal and their marriage is known for the love and compassion they had with each other.”<sup>viii</sup>

According to Quran and *Sunnah* men or women both have the right to enter into marriage and full and free consent of women is also main essential element of the contract of marriage. But facts are that the families in Pakistan restrain their daughters to enjoy this right because of patriarchal culture of Pakistan. Many cases of the women killings, as referred in the previous chapter, were due to the exercise by the women’s own choice of marriage.

Verses 4 to 9 of Surah AI- Noor (XXIV) of the holy Quran:<sup>ix</sup>

وَعَاثُوا النِّسَاءَ صَدَّقْتِهِنَّ نَحْلَةً فَإِنْ طَبِنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا (٤) وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَمًا وَارْزُقُوهُمْ فِيهَا وَاكْسُوهُمْ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا (٥) وَأَبْتَلُوا الْيَتِيمَ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَنْ يَكْبَرُوا وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَغْفِرْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ وَكَفَىٰ بِاللَّهِ حَسِيبًا (٦) لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا (٧) وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتِيمَ وَالْمَسْكِينِ فَارْزُقُوهُمْ مِنْهُ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا (٨) وَلْيَخْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَةً ضَعِيفًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا (٩)

**“And those who launch a charge against chaste women, and produce not four witnesses (to support their allegation) flog them with eighty stripes and reject their evidence ever after, for such men are wicked transgressor, unless they repent thereafter and mend (their conduct) for Allah is Oft-Forgiving, Most Merciful, and for those who launch a charge against their spouses, and have (in support) no evidence but their own - their solitary evidence (can be received) if they bring witness four times (with an oath) by Allah that they are solemnly telling the truth. And the fifth (oath) (should be) that they solemnly invoke the curse of Allah on themselves if they tell a lie. But it would avert the punishment from the wife, if she bears witness four times (with an oath) by Allah that (her husband) is telling a lie; and the fifth (oath) should be that she solemnly invokes the wrath of Allah on herself if (her accuser) is telling the truth.”**

The above verses of holy Quran indicate that:

1. Islam does not allow any individual (particularly the husband) to fix the allegation of adultery against any women.
2. It is emphasized that the legal proceedings must be followed to determine the creditability of the witnesses.
3. Husband's witness alone is not acceptable.
4. There must be any impartial authority to take the final decision. Today, in a modern State its best form is the judiciary.

The verse 223 of *Surat Baqrah* is quoted by the modern liberals and critiques of Islam to highlight the discrimination among the men and women, and inferiority of the women in Islam. This verse is quoted as under:<sup>x</sup>

نِسَاؤُكُمْ حَرْثٌ لَّكُمْ فَأَتُوا حَرْثَكُمْ أَنَّىٰ شِئْتُمْ وَقَدِّمُوا لِأَنفُسِكُمْ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّكُمْ مُلْقَوُهُ وَبَشِّرِ الْمُؤْمِنِينَ (٢٢٣)

**Your wives are a place of sowing of seed for you, so come to your place of cultivation however you wish and put forth [righteousness] for yourselves. And fear Allah and know that you will meet Him. And give good tidings to the believers.**

The reality is that this verse of Quran has a specific background and its objective was just to provide the guidance to the followers of Islam regarding purely a private relation between a husband and wife on a specific issue. Its need was felt when a misunderstanding was spread by the Jews of Medina in this regard. It has nothing to do with the socio-political status of the men or women.

Quran has disclosed, “origin of all mankind and addressed men and women are component who capable of maintaining survival of human race. Islam not only gives the rights to men but also gives the legal rights to women equally. Women can earn a living, sell, manage and buy her property and money.” According to Islam a woman is legally independent and her obligations are totally independent from her husband, brothers and father.<sup>xi</sup>

Personal superiority is based on piety, according to Islam. There is no mention in Islam about forced marriage of women. But women became target of honour killing when refused to enter into arranged marriage. It is wrong because Islam gives the right to a woman to choose her husband. That is why “*Iijab-o-qabool*” (*proposal and acceptance*) by both of the partners is essential and integral part of the marriage ceremony in every Muslim society/culture. So it clears that if honour killing is practiced anywhere, it is violation of Islam. None can compel women, or even men to marry without their free consent. In Islam it is not mentioned anywhere about restriction on the practical side of Islam.<sup>xii</sup> Life is always considered as sacred in Islam.

*“Islam gives much value to human life and security. Islam says killing of one is equal to killing the whole humanity. If any person saves the life of one, he saves all humans”<sup>xiii</sup>*

No indication of permission of honour killing is justified in Islam. According to Islam it is extra-judicial punishment given by family against women. *Sharia* forbids it. However, many people try to justify their crimes of honour killing by using the religion. Actually due to low level of mass education, emotional attachment of the people with religion, and mixing of culture, local norms and values with each other, the wrong and notorious practices are attributed towards Islam. Many regional customary principles are mixed up with Islam and erroneously considered as part of Islam.

**Islam about Honour killing:**

A man asked from the Holy Prophet (PBUH) that if a man finds his wife with another man than what would happen. Prophet (PBUH) responded, husband cannot kill her and cannot punish her unless he produces four witnesses who had seen that act. Thus Quran set down a procedure for both husband and wife suspecting cheating towards their relations. So it is clear from this *hadith* that honour killing is forbidden in Islam.<sup>xiv</sup>

A renowned Islamic Scholar, Sheikh Ahmad Kitty states:

“Islam gives full protection to the women and does not allow people to take law and administration of justice in their hands, while the State institutions have been fully developed and functioning according to the law of the country. Individuals have no authority to pass any judgment and take action by themselves. It is only the State which has jurisdiction for maintenance of security and peace in the society. Government can apply the laws through the judicial procedure.”<sup>xv</sup>

Islamic injunction as to the preservation of right to life and regulations was long before the Magna Carta and UDHR. Islam had set of human rights in its teachings. Long ago the world suffered the violation of human rights, at high risk of life. None was there to help the wounded, widows, fatherless children, prisoners and civilians.<sup>xvi</sup> When the right was revealed in the Holy Quran and detailed saying of Muhammad (PBUH) that was main difference between Allah’s law and man-made laws; the first aim of Allah’s law is to respect to human life. Muhammad (PBUH) strictly imposes the Islamic teachings and injunctions during time of peace and war. Do not burn it alive or torture it with fire. Injured or sick soldiers who neither fight nor actually fight should not be attacked by enemy parties. Soldiers must not be killed or tortured in a brutal manner. These are practices established by the Holy Prophet and approved by his pious caliphs. "It is forbidden to kill detainees or captives. Do not loot, destroy, loot or destroy residential areas. Muslims do not rob the general public of the conquered land without paying for these goods. The corpse of the enemy must not be ashamed or injured during The corpses must be returned and all agreements must not be broken. You must bind and enforce their provisions.”<sup>xvii</sup>

Rafi Ulah Shahab was a prominent religious scholar and a member of the Executive Committee for the legislation and abolition of the Hudud sentence of the National Committee on the Status of Women in Pakistan. He concludes about the honor killing. "Therefore, the murder of a accused woman is not Islam by any standard, but believers are not even allowed to divorce without proving guilt." Authorities said Islam in the cultural justification of honor killings. One factor in misunderstanding the ban was the lack of religious knowledge.<sup>xviii</sup>

“During the critical review of the honor killings law, officials, especially lawyers, discussed many countries with legally approved customs laws, including Turkey, Lebanon, Jordan, Palestine and Morocco, including Pakistan. In these countries, women are emotionally murdered by men. This is often referred to as an "affair crime" and claims that men have gained legitimacy from the state and its indigenous communities. In the case of Pakistan, legal experts reported that a law on honor killings was passed in 2004 against the Kissas and Diaya laws published in 1990. Life imprisonment or death sentence. Criminal law, family law and Hood's law needed to be changed because they contained flaws that gave criminals more room to escape and freed them with fewer sentences.”<sup>xix</sup>

There are many justifications and reasoning to show that honour killing is never permissible in Islam (not even in any other religion). It does not grant authority to any individual to kill another arbitrarily. Islam is religion of calm, patience, politeness, care and conduct of good deeds, and on top of all, respect of the State laws and the institutions. Islam elucidates the whole life of individuals and their conducts. Islamic perspective of honour killing is necessary to discuss with proper reasoning and their justifications. There are many reasons and justification in this regard. The justifications and reasons enhance the competency of Islamic perspective in this regard.<sup>xx</sup>

Here the question arises that why the honour killing is always linked with Islam. Its overwhelming reason seems as the high rate of occurrence in the Muslim populated areas of the

world. These areas are comprised of the countries mainly located in Asia and Africa. Further, honour killing practices were very common in the pre-Islam Arab society, which was a great challenge for the Holy Prophet (PBUH). This very feature of pre-Islam society was actually the culture of those who later spread Islam in the rest of the world (though it was absolutely discarded by the Holy Prophet). But unfortunately this feature had been highlighted so excessively by the historians that the world started to take it as a part of the culture of the Muslims. It very rarely happens in non-Muslim European countries despite of the fact that a large number of the Muslims are living in Europe and America. This very fact shows that this evil practice is not religion, rather cultural based feature. This feature created this confusion that honour killings are sanctioned by Islam as it mostly occurs in the Islamic societies. This factor is further strengthened by the perpetrators of honour killing when they try to take refuge under the umbrella of their religious and cultural norms and try to establish the justification for their illegal acts. At this moment it is beyond any doubt that no religion of the world (including Islam) admits anyone's right of honour killing under any type of circumstances.<sup>xxi</sup>

In Pakistani society it is perceived that the arranged marriages create a balance as compared to the marriage with the person of their own choices (publically known as love marriage). Many times females are killed when they exercise or try to exercise their own choice. Member of the family has different choices for the marriage of the girl. She has to comply with the prevailing social norms. As a result, other male member of the family kills her. An example is of the Nagina Bibi who was a seventeen years old girl, betrothed with her cousin by her father's choice, but her brother desired her to marry with his brother-in-law. After that when her brother saw her with her cousin then he burnt her alive. She was taken to the hospital and the fact was tried to be concealed under the veil of turpitude. But she disclosed all the facts when she came into conscious.<sup>xxii</sup> Now in the following pages some of the significant issues providing the causes of the honour killing are briefly discussed in the Islamic perspectives.

#### **Honour Killing In the Pretext of Extra-Marital Relations (Adultery):**

In the honour killing the most common excuse projected by the culprits is her alleged extra marital relations with someone. When it is perceived or blamed that a woman is engaged in such type of relations with a guy, she is killed by her family members or close relatives without adopting the other measures available in Islam or the State laws. Sometimes such type of decisions are taken jointly by the elders of the tribe or clan and implemented accordingly. Such type of activity is done extra judicially and concealed from the local administration. In the Tribal areas or Sindh, Baluchistan where there is a *panchayat* (which has no legality in the present system of law) or *Jirga* system, she is killed by the people of that system after being declared her as guilty. The detailed statistical data is provided in Chapter 2 It was held by LHC in 1994, when an accused who murdered his wife under grave and sudden provocation, due to which he deserved lesser punishment from life imprisonment to five years. Juma Khan and Bakhtawar were declared *Siyahkar* on the basis of mere suspicion of illicit relations. This example shows that these are not Islamic junctures which gave him the relief, rather the circumstances or sudden provocation which provided him a cushion. However, it was detained by Baluchistan High Court that nobody should be permissible to take law in his own hands. Even in case it is agreed between the parties to compromise the offence then the court may permit them to submit their compromise deed before it. Then the court may decide the fate of the compromise. These incidents indicate that the crimes against the women are always supposed to be punished in any case except when the parties are ready to pay *Diyat* or *Qisas*.<sup>xxiii</sup>

Other aspect of such type of the cases is the rape cases which are sometimes mixed up with extramarital offences and the victims are treated in the same way as those discussed earlier. It is a brutal kind of killing when it is thought that a girl is existence raped without her permission, and then she is being killed by her family or the relatives in course of bringing dishonor upon the family. After the rape she is also being killed by the tribal *Jirga* or the *panchayat* as she has brought dishonor upon the tribe as well. Those persons should be punished or prosecuted by law who commit such type of offence. A woman raped humiliates the civic and dishonors the man. It was reported by Amnesty International that sixteen year old mentally disordered girl was raped by a clerk. They were caught by the police in a hotel and the girl was handed over to the tribe. The tribe was obvious to kill the girl to restore the honour of the tribe; there is no space of such activities in an Islamic State such as the Islamic Republic of Pakistan.<sup>xxiv</sup>

There are so many cases where the women were killed in the name of honour, but based on some other allegations such as:

- Punishment for seeking divorce from husband
- Punishment for the disobedience to husband
- Punishment for demanding share in inheritance
- Honour killing based on ethnicity
- Honour killing based on Patriarchy.

Islamic injunctions in this regard are very much clear and unambiguous. It is also obvious that such rules of Islam are to be implemented by government of the day. The masses sometimes intend to violate the laws and even the injunctions of the religion, and try to do the things at their own. There are so many instances of such violations committed by the individuals or the communities, as the details are given in the previous chapter. However, such occurrences cannot be blamed for Islam. Rather such casualties are due to lapses in the law enforcement process, or faults in the judicial processes in the country. A few instances of such honour killing or violations are quoted in the following portion.

Samia Sarwar, who at the age of seventeen married with her maternal cousin, and suffered continuing violence and abuse, she decided get divorce. During that time she fell in love with Captain Nadir Mirza and left her kids and husband. One day at the age of twenty-nine she was killed as her murder was arranged by her mother, father and aunt in the office of a prominent lawyer Asma Jhangir while seeking legal assistance for divorce. Even afterwards her parents forgave the alleged murderer they hired to kill their daughter under the *Qisas* and *Diyat* Ordinance.<sup>xxv</sup> Though such examples cannot be generalized, but even such type of casual incident is hard to accept or ignore. As the focus of this Chapter, Islamic *Shariah* never endorses such individuals or communal actions.

Honour killings also occur in Pakistan in the pretext of disobedience to the husband or his parents. When it is assumed that a girl is not obeying her family or challenges the prevalent norms of the society then she is first targeted by the domestic violence, and then eventually killed by her family. A seventeen years old girl was killed by her parents because she wanted to adopt the western culture and desired to choose her partner. She refused her parents for arranged marriage for which they killed her brutally. The culprits were granted for life imprisonment by United Kingdom courts. Honour killing as a Punishment for Disobedience is again quite common in Pakistan. Many incidents have been quoted in the previous Chapter. However, in the Quranic perspective killing on the basis of this disobedience has never been permissible in Islam. Such allegation cannot be justiciable, and its simple solution in Islam is persuasion and ultimately divorce. This provision has been discussed in the previous lines.

#### **Honour Killing Based On Ethnicity**

Ethnicity is also one of the reasons of honour killings in Pakistan. The decision of a girl to marry a man from another ethnic group provides solid ground for her killing. It is considered a sin to marry with the person of another community. In 1998, Riffat Afridi a Pashtun girl eloped with another guy Kunwar Ahsan of other ethnic community and became married. The tribal Jirga called for their murder.”<sup>xxvi</sup>

#### **Honour Killing As a Punishment for Rejection**

It is also one of the basics reasons due to which a woman is being killed for rejection of forced marriage. When she refused to marry with the person chosen by her family and insists to marry with the person of her own choice, she is targeted. It is perceived in a cultural norm that a marriage partner should be chose by the parents, where girl deny from the decision of his father then her father killed her after making an accusation of adultery upon her. “Despite of the increase of official attention concerning honour killings and *Karo Kari* in the last years, one cannot find good and healthy outcomes concerning these issues in Pakistan. There was a noticeable increase of these crimes against females, who face this threat by selecting their life partner by their own free will. Statistics collected by HRCP labels the ratio of these crimes which hit the total of 607 around in the year of 2012 from January to September.”<sup>xxvii</sup> Honour killing’s actual reasons are various, as discussed. However, all these reasons are clandestinely tried to be covered by with the allegation of ‘adultery’, because this is the only excuse which is softly acceptable in the society generally of the rural Pakistan.

### **Notion of Patriarchy**

The word patriarchy literally means the 'rule of male'. The term patriarchy is a community system where the male member of the family holds authority over their females. It is a system of society or government where the father or eldest male is head of the family and descent is traced through the male line. Generally in modern times it refers to social system where the power is held by the adult men primarily. According to Patel patriarchy is a system of societal structures and practices, in which men lead, repress and adventure women.<sup>xxviii</sup>

Men supposed to be a head of the family who undertake his entire family and guides them what to do and what not to do. When the girl got married she again faces discrimination. On the other hand, the boy brings second generation through marriage and inherits his forefather's in Pakistan. Patriarchy can be seen in many institutions such as family, marriages, and work places and in mass media.<sup>xxix</sup> So far Islam as well as the Arab culture is concerned, the superiority of the male member of the family is firmed<sup>xxx</sup>. Even in the record of the NADRA Office in Pakistan the senior male member of the family is designated as the 'Head of the Family'. But such type of patriarchy never supports necessarily the subordination of the female members to the male members. Rights and the obligations are very much defined separately in the religion as well as in the legal system of the country.

### **Violence and the Teachings of Islam:**

Most of the people pretend to be the followers of Islam when they practice or support the honour killing or other wrong practices in the remote rural areas of Pakistan. They either misapprehend the religion or practice it wrongly. The most ideal approach to comprehend Islam is through its sacred sources which are the Quran and *Sunnah*. The blessed wellspring or medium of Islam is the Qur'an. The model of profound quality in the Qur'an is totally not quite the same as the picture of it is framed in the brains of a few westerners community and others.<sup>xxxi</sup> The Qur'an depends on the ideas of profound quality, adore, sympathy, benevolence, humanity, selflessness, resistance, calm and peace, and all Muslim who genuinely lives as indicated by these ethical statutes is exceedingly refined, keen, tolerant, reliable and obliging. To everyone around him he gives love, regard, genuine feelings of serenity and a feeling of the delight of life for everyone. The word Islam has an indistinguishable significance meaning from "peace" in Arabic. Islam is a religion that boiled down and comes to offer mankind an existence loaded with the peace and prosperity in which Allah's unceasing and eternal leniency and sympathy is showed in the whole world.<sup>xxxii</sup>

Allah welcomes all individuals to acknowledge the ethical lessons of the Qur'an as a model whereby benevolence, empathy, resistance, peace and prosperity might be knowledgeable about the world. Under the above discussion it can be said that the religion of Islam is complete code of life and Quran and *Sunnah* are sources of direction to all individuals about their conducts and needs. Under the teaching of Islam all the human are having equal rights and status. None is above the law and ignore under Islamic provisions. Status of women is protected by Islam rather than ignored, wrecked or smashed.<sup>xxxiii</sup>

### **Women & Religion of Islam:**

In a time when other countries in the world, from Greece and Rome to India and China, thought that women could no better than children and non-rights slaves, Islam paid much respect to women in many ways. Recognized equality and correspondence with men. Muslims believe that Adam and Eve were created and created by the same nature of the soul. Both were equally responsible for their breach and were falsely convicted, and Allah both justify that many Islamic women had high status. The wife of Muhammad (pbuh) he worshiped and counted. After the death of the hadith, his most beloved spouse, Aisha, was clearly a researcher and one of the best sources of hadith writing. A significant number of companions have completed extraordinary acts and achieved infamy. Throughout Islamic history, there have been famous and fascinating scholars and lawyers..<sup>xxxiv</sup>

Similarly, while many in the West examine Islam in terms of the treatment of women, it can be said that there are in fact female rulers and presidents in various Islamic countries. Turkey Bangladesh and Pakistan. Women are treated as if God has blessed her. For example, even after getting married, you have the right to claim and destroy your property and income and to be treated as a person with the privilege of signing a contract. She is educated and has the privilege of working outside the home in a non-chance she chooses. She has the privilege of receiving from her father, mother and husband. A very fascinating and interesting point is that in Islam, unlike other religions, women can be imams, pioneers of public speaking or leaders of joint prayers for groups of women.

Islamic women have even more specific responsibilities. Laws and regulations regarding prayer, fasting, philanthropy and philanthropy, travel, pilgrimage to perform great deeds, etc. apply to women, but few contrasts are related to female physiology. Before getting married, women have the privilege of choosing a husband (as explained on the previous page). Islamic law is very strict regarding the need for women to consent to marriage. The groom gives the woman at that time a marriage contract for her own use. Instead of bearing her husband's name, she bears the name of her special family. As husband and wife, women have the privilege of being empowered. She also has the privilege of finding a special caregiver for young people and children. She does not return the share, except in some unusual situations.<sup>xxxv</sup>

Prophet Muhammad (PBUH) said:

*"The most perfect in faith amongst believers is he who is best in manners and kindest to his wife."*<sup>xxxvi</sup>

Many thinkers and philosophers say, "Women's status in Islam is not good. Islam ignores it, and killing in the name of honor is one of the good reasons." According to Quran & Sunnah a woman has her status and living position with honour and respect. There are many pre-Islamic customs which are criticized by Islam that permits the female genocide. These pre-Islamic customs provide obvious example of the opposition that females face in their routine life.<sup>xxxvii</sup> Unfortunately, the message brought by Islam prohibiting the female genocide appears to have been forgotten with today's rising violence against females. Islam requires Honour of the female and prohibiting violence against her by clearly expressing the relationship between men and women in the Qur'an. The Qur'an states that both are equal. Islam honours the women greatly as a mother, sister, wife and daughter, who must be obeyed, respected and treated well by the men. The Qur'an says that women have souls in exactly the same way as men and will enter Paradise if they do well:<sup>xxxviii</sup>

أَدْخُلُوا الْجَنَّةَ أَنْتُمْ وَأَزْوَاجُكُمْ تُحْبَرُونَ (٧٠)

**"Enter into Paradise, you and your wives, with delight."**

Islam encourages the husband to treat his wife well; The Qur'an stresses the essential unity of men and women in a most beautiful simile:<sup>xxxix</sup>

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَاصْلَحُوا مِنْ أَمْرِهِمْ فَاِصْلَحُوا فَتَتَّ حَفِظَتْ لِلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ وَأَعْزَوْهُنَّ فِي الْمَضَاجِعِ وَأَضْرَبُوهُنَّ فَإِنْ أَطَعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا (٣٤)

**"Men are in charge of women by right of what Allah has given one over the other and what they spend for maintenance from their wealth. So virtuous women are sincerely obedient, guarding in the husband's absence what Allah would have them guard. But those wives from whom you fear arrogance first advise them; then if they persist forsake them in bed; and finally, strike them. But if they obey you once more, pursue no means against them. Definitely, Allah is ever Glorious and outstanding."**

Women were frequently treated worse than animals before the beginning of Islam.. The Holy Prophet (pbuh) wanted to stop all crimes against women. He (pbuh) preached kindness to them. He (pbuh) said to the Muslims:

*"The fear of Allah towards women and the best of you is the one who treats his wife the best, and Muslims must not hate his wife. "That is good, and Muslims are his. The more complete his faith is."*

Said the Prophet Muhammad (pbuh),

*"Do not defeat the servants of the wife of Allah." Some (women) visited my family and complained to her husband (beating them). These (husbands) are yours. "It's not the best," he said. "It is not a shame that any of you hit your wife, just as [an unscrupulous person] beats a slave and sleeps with her at the end of the day."<sup>xl</sup>*

In another Hadith the Prophet (PBUH) said,

*"How anyone of you can beat his wife as he beat the stallion camel and then he embraces (sleep) her?"<sup>xli</sup>*

Atrocities against women are neither Islamic customs nor traditions. The Prophet Muhammad (pbuh) trained Muslims to women. He doesn't want to be merciful to women. Shariah, like the water of the family, demands that the man advise the family and say the last word of the case to connect with him. In doing so, he must not claim his rights and hurt his better half.<sup>xlii</sup> Cheating on this

guidance is supported by Allah, because his better half is not his subordinates, but uses the expression of the Prophet (pbuh), who is "the ruler of her house." Includes risk of loss This is the position that a true Muslim is needed to be given an important one. Contrary to these enlightened Islamic lessons for women, Westerners say that a woman's freedom or emancipation is an abuse of a hidden type of her body, a loss of respect and spirit. Say it's hard. From the above verses, it is clear that women are equal, according to Islamic teachings. Both have the right to paradise and salvation if they are sincere, humble, and noble. Therefore, there is no difference between them and there is no priority for each other.<sup>xliii</sup>

#### Epistemological dimensions of Islamic law

#### Is Islam promoting Honour killings of Women/Men?

The word honor killing is justified as it was when the family was killed. At that time, the victims were believed to have cheated on the family's reputation. Victims are usually women, but can also be men. The Quran respects human life very much and accepts to take it only in very limited circumstances.

مِنْ أَجْلِ ذَلِكَ كَتَبْنَا عَلَىٰ بَنِي إِسْرَائِيلَ أَنَّهُ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

**"It is because of this that we have decreed for the Children of Israel: "Anyone who kills a person who has not committed murder, or who has not committed corruption in the land; then it is as if he has killed all of mankind! And whoever spares a life, and then it is as if he has given life to all the people."**

.. [5:32]

وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا (٩٣)

**"And whoever kills a believer intentionally, then his reward shall be Hell, eternally abiding therein, and God will be angry with him, and curse him, and for him is prepared a great retribution."**

[4:93]

Wherever the Quran visits, you will be able to do this, and you will be able to act as a judge, jury, or murderer. "Meeting" here implies a court of law Here "Meeting" implies a court of decision improved, the main invitation to die in the Koran can be murder and corruption of the land (Yes, it is a vast accent). I'm married A murderer may have died due to sexual activity. The murder could see the punishment for seeing the room's honorary family name in danger because it wasn't.<sup>xliiv</sup> Here it should not be overlooked the fact that killing of an individual or group by another individual or group of individuals in a properly established State cannot be justified, whatever the reasons may be. As in the modern state system it is only the State which can award and implement the punishment. So if the individuals or a family do such action, it will certainly be unlawful.<sup>xlv</sup>

As to above discussion on the basis of women's respect and honour it's more strength granted by Quran that as to the right of equality the sanction of women is necessary to choose her husband at the time of marriage ceremony. Her desire and consent are necessary for this event because that person is going to be stayed in her life forever. At current position is that there are certain examples where the women were murdered just because they exercised their right to select their life partner against the will of their parents or the family. But Islamic teaching condemned this evil act.<sup>xlvi</sup> Consent of the bride and/or groom is needed in marriage or as long as the parents of the female agree to the proposal then it is allowed under the Islamic law. Where free consent not obtained from both parties, it will not fall into the definition of Nikkah. It is also made clear that a couple undergoing divorce can only get back together if they both wish to. The forced marriages or divorces are clearly not acceptable according to the Quran. It gives the strength to women under its verses:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا وَلَا تَعْضَلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْنَهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَحْشَةٍ مُبِينَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَمَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا (١٩)

#### Chapter 4 : An-Nisaa, Verse: 19

**O believers! It is not permissible for you to inherit women against their will or mistreat them to make them return some of the dowry as a ransom for divorce—unless they are found guilty of adultery. Treat them fairly. If you happen to dislike them, you may hate something which Allah turns into a great blessing. (19)**



وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَأَبْعَثُوا حَكَمًا مِّنْ أَهْلِهِۦ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا  
(٣٥)

#### Chapter 4 : An-Nisaa, Verse: 35

**If you anticipate a split between them, appoint a mediator from his family and another from hers. If they desire reconciliation, Allah will restore harmony between them. Surely Allah is All-Knowing, All-Aware. (35)**

Under the elucidation of above mention verses of Holy Quran the word ‘beat’ is not equal to killing or murder of women as permitted in Islam as a matter of right of man. Even beating violently is not permitted. Islam prohibits it. The Arabic word “*idriboo*” which is commonly known or translated in the manner of hit or strike or beat only not for killing or murder. As the positive interpretation of Islamic law we can reach on the positive grounds and results our Almighty Allah is so merciful and benevolent. How He can permit that to kill the women on her faulty or void conduct. The word “*idriboo*” represent the essence of reformative manners rather than killing or murder. Due to non-clear occurrence of the word “*idriboo*” in its meaning beat its sense is debating for others but who believe in Allah’s blessing he can understand it properly with good faith.<sup>li</sup>

#### **Does Islam approve Honour killing as Islamic Custom:**

There are two concepts one is religion and other is custom. Religion is that which revealed by the Allah Almighty for his subjects. They are bound to do an act under the ambit and directions of that specific religion. None is authorized to do an act beyond the religion’s teachings and injunctions. On the other hand custom means that an “activity” more specifically we can say that social practice. There is hell of difference between religion and custom. Religion not falls into custom and custom nor falls into the religion these are separated from one another. Western approach propagates that honour killing is an Islamic custom and this criminal activity and conduct approved and appreciated by Islam. Due to high rate of this criminal incident or conduct in Muslim societies this evil merged with Islam and socialized it as Islamic custom.<sup>liii</sup>

Ottawa Mosque condemned this so-called concept of honour killing. Sense of honour is alien to Islam due to this alliance honour killing intimate as Islamic custom but it has no place in the society. On the other hand Samy Metwally said it that; none of the religions grants approval to killing the people of State to preserve the family honour. The detailed discussion makes this fact crystal clear that the phenomenon of honor killing has no place in Islam. The Role model of Muslims Prophet Muhammad (PBUH) sayings or deeds neither grant nor Quranic teaching and Islamic injunctions regulate any behavior that justify honor killing as an acceptable Islamic custom & law. “Islam encourages veiling of man's and women's sexual interactions rather than publicizing them. But if someone follows, Quran proposes *Qazaf and Lian* laws for the standardization of adultery against a woman. In the light of these two laws, the Prophet (SAW) took decisions. The Quran and the Holy Prophet's statements neither allow anyone to kill or encourage anyone to do that in the name of honor. Rather these two fundamental Islam sources i.e. The Quran and the *Sunnah* demands their followers not to be judging themselves but to maintain discipline in their lives” Likewise, Islam directs the courts and the government authorities to bring such cases to bear. Allegiance to the State government, faith in the laws, institutions is always emphasized in Islam. As a result one cannot be allowed to charge against someone and punish arbitrarily by himself. Definitely this way leads to anarchy and lawlessness, which no religion or the state system can permit.

To summarize the discussion it can be said that the women and men’s rights and privileges are well defined in Islam. There is no ambiguity that killing or even beating the women is not permissible in Islam. Men are completely guided that how they should treat their women. Overriding the rights and privileges of the women in a society is never allowed in Quran or Sunnah. However certain local customs or traditions flourished under the cultural influence are mistakenly taken as the religious bindings. However, these practices are never supported by the State laws or even by the administrative set up. At the same time it cannot be denied the violators of the law and regulations mostly escaped, or covered up by the elders of the community. These violations can hardly be attributed to the state set up or the Faith. There is no question of superiority of one over the other.

The family unit is certainly strengthened by making the man as the head of the family, but it cannot be named as patriarchy. If man is made the head of the family, its superiority is not up to the level of his monopoly or dictatorship. Rather it is significant only for the division of responsibilities.

Rights of celebration or dissolution of marriage are always irrevocable rights in Islam like any other religion. If someone is alleged for extra-marital relationship, he or she can never be executed by an individual. Its procedure is prescribed in Islam as well as in the law of the Islamic Republic of Pakistan.

In the previous discussion, the Islamic laws, customs have been discussed. However, the implementation of Islamic injunctions regarding the eradication of honour killing mainly depends upon the existing State laws and administrative infrastructure in this regard. In the following Chapter the laws of Pakistan are discussed.

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