

Honor Killing: Tackling an Abhorrent Crime Against Pakistani Women: Challenges, Hopes and Obstacles

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Abstract

Customs and traditions are a reflection of a society's values. Culture, traditions and social ills are two different things; culture exists in a particular region and has existed for a long time and includes the values, food, pageantry, costumes as well as traditions, which are happy as well as sorrowful. However, with time, when a pure culture is intruded by social evils, ill traditions and harmful rituals, culture declines and degenerates. Several inhumane rituals such as Karo-Kari, Vani, Honor killings, and underage marriage shave, unfortunately, become deep rooted in Pakistani culture. Most of these atrocious and vicious practices especially "honor killing", are seemingly impossible to eradicate in the near future despite serious efforts being made by all organs of the society. Obviously, there is no religious or cultural sanction to this dreadful practice which, by all standards, is a heinous crime. It, however, has become a serious social concern. The western mind has always been fascinated by traditional dominant societies which perceives that such societies think and act within permanent cultural constraints. Even though the world is progressing, society is yet sticking to some of archaic customs and practices. It has stifled logical thoughts while encouraging aggressive behavior, all of which

constitutes a violation of humanity. Women's rights, which are protected by laws, conventions, and treaties, have always been supported by the International for a and protected by Islamic rules; nonetheless, few societies still remain oblivious to women's rights and dignity and keep on transgressing these, most of the time, with impunity. This paper discusses the crime of honor killing in Pakistan and analyzes the same through an Islamic lens as it is incorrectly presumed that honor killings are sanctioned by Islam. This research paper, it is hoped, will help in eradicating honor killings as well as adding to the current knowledge on the subject.

Keywords: Customs and traditions, Society, Honor killing, Pakistani culture, Women, Civilization, Islamic teachings

I. Introduction

Every society considers its cultural and traditional values to be an asset. Human actions and behaviors are governed and regulated by social norms framed and enacted by ancestors as well present generation, both locally as well as on the national levels. These norms are treated with such sanctity that individuals and society obey and follow them, both in letter and spirit. In case of violation of any such norms, law comes in to action and punishment is awarded accordingly.

Some historic rules and rituals are morally and philosophically acceptable, while others are outdated and impractical to follow in today's culture, yet society is unable to do away with them, mostly due to, ignorance and cultural dominance. Because of globalization and the information revolution, it is logical that modern values will prevail over archaic ones; nevertheless, the situation, as it exists, is quite the opposite. Outmoded and dangerous practices are still practiced in few societies, although these constitute a threat to humanity's progress and wellbeing. Karo-Kari is one of these appalling evils whereof the local term is Honor Killings which really is a misnomer for this criminal practice. Honor killing is when a family member or a member of a social group is killed by another family member or a social group member because the victim is thought to have brought dishonor to the family or

community. The death of the victim is viewed as a means of restoring the family's honor and reputation. Despite recent legal developments, honor killing has been prevalent in society for centuries. Today, all right groups and organization are making aggressive efforts for a halt to the practice. But some of them are not hopeful for its total abolition, soon, unless general public will speak up.¹Unfortunately, primeval traditions are still practiced in a few societies, which pose a threat to humanity's progress. In Pakistan, honor killing or honor-related violence occurs when a man kills a woman or commits violence against her on the pretext that he did so because she engaged in immoral sexual behavior. The crime is also justified in the name of culture when a woman has legally married a man of her own free will. The death of the unfaithful, as they claim it to be, woman is meant to remove shame, restore honor, and enforce a social norm that defines and controls the lives of women.²The subservient status of women in a patriarchal society is one of the most troublesome issues that have arisen as a result of the practice of disputed customary rules. For centuries, society's treatment of women, and denying them of their due rights and place in the society, has been a source of controversy. Women have historically been pushed to the background, and their decisions have rarely been seen as controlling/influential. This secondary status of women has resulted in a growing number of victims, who have mostly kept quiet because of fear and societal pressure. Women are sometimes assaulted by strangers, but most of the time they are victimized by those close to them, such as acquaintances, relatives, and family members, who do cause them excruciating physical and emotional agony.³This practice of violence includes the patriarchal and tribal customs, in which society deems the male to be the sole protector of females and entrusts him this responsibility of having entire control over women. In this situation, a woman's alleged immoral behavior breaches the man's protection for her, and as a result of his failure to appropriately safeguard or educate the woman, the man loses social status. As a result, society is seeing an increase in violence against women. This heinous practice is found in both today's Muslim and Western societies. In both Western and Muslim countries, women are

constantly subjected to violent acts.⁴ In this research work, honor killing against women is discussed through the prism of Islamic teachings.

2. Research Methodology

This research is based on qualitative information. The libraries visited for data collecting included SBBWU, Peshawar library, Archive library Peshawar, and University of Peshawar library. We obtained data from a number of sources, including books, journals, dissertations, websites, newspapers, and magazines. According to the research purpose, primary and secondary sources were utilized in this study.

3. Honor Killing Against Women in Pagan Arabs

In pre-Islamic Arabia woman was treated as a slave or a piece of property, and her existence was viewed as shameful. In those days, there was no concept of obtaining women's approval for anything, including their marriage. Her status was that of an object that was utilized and then discarded. She was deprived of her rights, including independence, property ownership, and inheritance, and she was considered as the instigator of immoral behavior. Simply put: her existence was considered a bane. By evaluating the literature, we summarize 'the situation of women during the age of ignorance' as follows that the Arabs had a habit of murdering newly born girls. On the occasion of the birth of a baby girl, such murder was considered a sign of honor. Such heinous acts reflect those people's deplorable attitudes toward women. For them, she was a creature, no different from an animal.⁵ She was thought to be a pointless and useless being, only used for bearing children, serving men, and providing comfort, therefore forcing her into prostitution and beating her to satisfy their lust was commonplace. As a result, this vulnerable and delicate creature is driven not only to satisfy the husband's libido, but also to make money for him through immoral means. The birth of a newborn girl was considered humiliating, and the Arabs considered it to be a tragedy. She was buried alive shortly after birth, without any feelings of tenderness or the affection of a parent.⁶ In the Holy Quran, Allah (SWT) describes this heinous activity as follows: "When news is brought to one of them, of the birth of a female (child) his face becomes dark, and he is full of wrath. He hides himself from

the folk because of the evil of that which is announced to him. (Asking himself) will he keep it in disgrace, or bury it (alive) beneath the dust? Now surely evil is their judgment".⁷ The Arabs were despised for several reasons, multiple of which were linked to this heinous event. However, if she was allowed to live, she became a financial burden to her parents. Another concern was the possibility of embarrassment if a hostile tribe kidnapped females of an opposing tribe rather than their male members. There are multiple examples of the aforementioned including that of "Qais Bin Asim" the leader of the "Tamim" clan. He'd buried his eight alive daughters. Another example is given here in the words of a man who told the Prophet Muhammad (PBUH) about his terrible behavior with his daughter when she was a child. She came racing joyfully towards me whenever I called her. When I called her one day, she came running and followed me, like she usually did. I pushed her into a nearby well. "She yelled out, "Father, father!" Hearing this, the Prophet of Islam (PBUH) was taken aback and his eyes welled up with tears.⁸ On another occasion, it is stated in the Holy Quran that "When the female (infant), buried alive, is questioned for what sin she was slain".⁹ Allah (SWT) will question that girl on the Day of Judgment as to why or for what offense, she was sent to slaughter by being buried alive. What transgression did she make that resulted in her mistreatment? In the days of ignorance, this represents the Arabs' moral deterioration and ethical debasement. The pre-Islamic Arabs also feared that if they kept their daughter alive, she would have to marry someone and who would become their son-in-law. After becoming a son-in-law, he can threaten them. Therefore, the girls alive were buried with the fear of disgrace. The practice of burying girls alive was not common in all Arab tribes, and it varied depending on the tribe's customs. However, history has demonstrated that honor killings, in which females were buried alive, existed even in pagan Arabia in different forms.

4. Women and Islamic Teachings

Islam is a noble religion that recognizes a woman as a mother, sister, wife, and daughter, and accords her respect, dignity, and high rank. Examples include:

I. Respect of a Mother in Islam

In this world, Allah (SWT) has created numerous relationships, one of which is the relationship of mother child. The term "mother" is a magnificent word in this world, and its standing is so high that its significance cannot be completely grasped. Mother is a revered individual, beneath whose feet, heaven lies. According to "Ahmed" and "Ibn-e-Majah", heaven is under the mother's feet.¹⁰ Allah's (SWT) joy is in the mother's happiness, and Allah's (SWT) anger is in the mother's unhappiness. The warmth and joy that a mother's lap provides for her children is something that is not accessible anywhere else, and it protects a person from sadness and suffering. If we say that a mother's lap is like a shelter protecting her children from major storms, we are correct. Thanks to Allah (SWT) for bestowing the best gift in the universe on human beings in the form of a mother's face. A mother's importance, respect, and honor are indescribable. "Respect the Womb that bores you", Allah (SWT) states in the Quran.¹¹ If a mother is obeyed with love and honor and is well-cared, you will undoubtedly be admitted to Paradise as a result of this act. The Holy Prophet (PBUH) was once asked who among all the people deserved his esteem and compassion, according to "Abu Huraira". When the man inquired about the next person, Hadrat Muhammad (PBUH) replied that it would be your mother. The man inquired, "Who's next?" "Your mother," the Prophet (PBUH) said for the third time, prompting the man to wonder, "Who next?" Your father was told by the Prophet (PBUH).¹² "O Messenger of Allah (PBUH), who has the greatest claim to women?" "Hadrat Ayesha (RAA)" enquired at a different instance. Her spouse the Prophet Muhammad (PBUH) gave the response. She then inquired as to who had the most power over man. The Holy Prophet (PBUH) responded, that his "mother".¹³ "Hadrat Ayesha (RAA)" also claims that "Hadrat Harsa bin Noman (RA)" was respectful, nice, and courteous to his mother. In a dream, I saw heaven and heard someone reciting the Quran, Muhammad (PBUH) once stated. I inquired about the speaker's identity. "Hadrat Harsa bin Noman", I was told, was speaking. The Prophet (PBUH) went to say that this is the recompense for treating a mother

fairly.¹⁴As a guardian, the mother plays a critical role in the lives of her children and raises them to the best of her abilities. She maybe burning by the sweltering sun of life, but provides a cool shade for her children, shielding them from the fickleness of the world. A mother deserves to be treated with respect and reverence.

II. Respect of Sister and Daughter in Islam

A woman is the world's most revered, honorable, and valued creature. She is neither useless nor insignificant, as the ancient world used to perceive her, and Islam has accorded her importance and respect. Because it is their right, parents have a duty and a responsibility to lavish full love and care on their daughters, just as they do with their sons. Parents should also provide their daughters with education and appropriate training and enable them to have a bright future, as well as liberty for choosing a nice life partner for them. "Hadrat Abu Sayeed Khudri (RA)" reports that Hadrat Muhammad (PBUH) stated that "Whoever nourishes his (03) three daughters, trains and educates them, marries them (and then treats them with gentleness), for him there is paradise.¹⁵ "Hadrat Ayesha (RAA)" recalls Hadrat Muhammad (PBUH) saying that "Whoever is in charge of (put to the test by) three daughters and treats them graciously, they would act as a shield for him from the flames of Hell".¹⁶Another hadith, as reported by "Hadrat Itba Bin Aamir (RA)", relates that the messenger of Allah (SWT) Hadrat Muhammad (PBUH) said that "Whoever has (03) three daughters and bears the difficulties of their connection while feeding and clothing them with his labor gains will have them become a barrier between him and the flames of hell.¹⁷"Hadrat Abu Sayeed (AR)" adds another hadith from Hadrat Muhammad (PBUH) that "He has (a place in) heaven if he has three daughters or three sisters or two daughters or two sisters and keeps good company with them and fears Allah (SWT) over them.¹⁸In Islam, women are highly respected and women's legitimate needs have received special attention. A woman lives a life of complete respect in an Islamic society under the shadow of Islamic teachings. And she has earned this privilege by enduring all of life's challenges since her arrival in this world.

III. Respect of Wife in Islam

Islam has also declared that a woman's right as a wife are extensive, and her husband is to treat her with love and respect. This spouse relationship is lovely, and it is built on love, respect, good care, and understanding. To strengthen this relationship, Allah (SWT) has created love and attraction between men and women.¹⁹ According to Islam, one of His signs is that He created for you mates from among yourselves so that you may live in peace with them, and He has implanted love and mercy between your (hearts), which are undoubtedly signs for those who ponder.²⁰ Every Muslim has been commanded to feed his wife, whatever he eats himself, to give her whatever he drinks himself, to not physically or psychologically abuse her, and to avoid discussing her in derogatory terms. A woman's husband is responsible for her survival, no matter how wealthy she is.²¹ Women have received the greatest favor from Islam by having their standing restored, which had been degraded under the influence of the Romans, Greeks, Babylonians, and Ancient Christians. First and foremost, Islam explained a woman's human status, stating that she is not inferior in her humanity and that she is a flawless human in Allah's (SWT) eyes.²² The only religion in which the mother's service takes precedence over jihad is Islam. Wives are regarded to be the foundation of the family population and provision because of the excellent capabilities which they have been endowed with by Allah SWT. It is as though Islam has imbued all of a man's connections, with a woman's magnificence and love. In other words, by bestowing the prestigious titles of mother, sister, wife, and daughter on them, also not only restored their holiness but are also declared to be society's most honorable creature.²³ When Islam spread throughout the world, it brought changes in social and economic equality rights for women, and granted women's rights that were unheard of in other nations. Women are seen as the cornerstone of moral society in Islam as she can use her social, cultural, educational, and economic rights, as well as her freedom of action, but only if her acts are within Sharia's confines, not outside of it. She possesses the ability to transform darkness into brightness.²⁴

5. Honor Killing Against Women and Present Scenario in Pakistan

In Islam, sexual encounters outside of a legitimate marriage contract are forbidden, and adultery is referred to as “Zina”. Adultery, commonly known as “Zina”, is not only a sin, but also a crime in Islam. This heinous activity will remain a sin until it is brought before a Shariah court. If the court is satisfied with the proofs following Islamic guidelines, the offenders will receive punishment for their crime. When it comes to the punishment for adultery, Islam says in the words to human beings, “Let not sympathy move you in their behalf, in a matter decreed by Allah (SWT) if you believe in Allah (SWT) and the last day; and let a party of believers see their punishment”.²⁵ The Islamic law, on the other hand, grants no jurisdiction to anyone other than the government to sit in judgment against a man or a woman accused of adultery or fornication, and no one other than an Islamic court has the power to punish them. The aforesaid instruction, flog each of them with a hundred lashes, is intended to be decreed by the officials and judges of an Islamic government, according to all Islamic jurists.²⁶ Honor crimes were documented in Islam's early years and as a result, the teachings of the Holy Quran provide excellent guidelines in this area. For people who accuse a chaste woman of adultery, the Holy Quran established the law of “Qazaf”. According to the law, if a male accuses a woman without presenting four witnesses, he would be considered a liar and will be punished with eighty lashes. Furthermore, his testimony will be rejected for the rest of his life.²⁷ Because he failed to prove his statement in this court, the complainant of “Zina” or adultery risks a punishment decree. He is not penalized in the sense that he is not penalized for lying before the court. Similarly, the Holy Prophet Muhammad (PBUH) stated that the Islamic administration will not prosecute someone for adultery unless it can be proven beyond a reasonable doubt. Since the burden of proof is on the state, even if the authorities have knowledge of the crime from a variety of sources, they cannot issue penalty orders unless the guilt is proven in a court of law. According to tradition cited by “Bukhari” and “Ibne Maja”, a woman in Madinah openly practiced prostitution, but received no punishment because there was no proof of

adultery against her. Hadrat Muhammad (PBUH) once said of her, "If I were to stone anyone to death without proof, I would have certainly stoned this woman."²⁸ As a result, adultery is treated differently in Islam than in other offenses.²⁹ "Islam forbids spying on a person's privacy,³⁰ and instead advocates for the veiling of a woman and puts limit on woman's intimate relation with *namahram* males and completely prohibits sexual relations outside of marriage".³¹ If someone insists on bringing the perpetrators to justice, he will be held accountable for fulfilling the requirements of Islamic witness law (Qanoon-e-Shahadat). The criteria for the mandatory number of witnesses to substantiate the case of adultery is four Muslims, according to the Holy Quranic injunctions.³² In Pakistan, on the other hand, according to laws enacted by a legislature, despite the lack of evidence and only on basis of suspicion, a woman can be accused of adultery and subsequently punished. It's one of several forms of gender-based violence prevalent in Pakistan's rural communities. In Pakistan, men and women have, on paper, equality under the law, yet the man continues to have the dominant role. Approximately a thousand women are slain each year in this male-dominated society accused of honor killings.

³³Honor killing is known as "Karo Kari" in Pakistan. Adultery is replaced by this compound word. Anyone found guilty is named "Karo" or "Kari" and is killed by family members to restore their honor.³⁴ Honor killings are a tribal custom. A large number of these incidents take place in Pakistan's rural areas and this traditional behavior is especially prevalent in rural areas of Sindh, Punjab, Khyber Pakhtunkhwa (KPK), and Balochistan.³⁵ Khalil mentioned the incidents of a few Pakistani women who were buried alive in the name of honor killings, claiming that societal rules regulate women's lives and liberties in Pakistan. The deaths of several women were caused by cultural obstacles and political manipulation of the situation.³⁶ Despite a few legislative changes and numerous judicial inquiries into honor-related issues in Pakistan, the reality shows women as victims of violence due to the powerful control of the Jirga system and the privileged class which holds the reins of power. Law enforcement officials in Pakistan are mute and impotent when it comes to

women's rights due to a lack of vision and mission.³⁷ According to Maulana Hasan Jan, putting the crime of honor killing under the umbrella of banning evil goes against Islam's teachings. How can an ordinary person be allowed to do so when the courts and governments are responsible? Even a judge is not allowed to condemn an apostate to death without first giving him three days' notice. Although he can imprison him indefinitely.³⁸ Traditional rules are not the main cause of honor killing in Pakistan, according to the study's findings. The culture of feudal lords, a male-dominated society, and illiteracy all contribute to the establishment of a limited mindset.³⁹ Education is regarded to have a considerable impact on people's attitudes. On a global scale, a variety of research was conducted to establish people's sentiments toward honor killing. In Pakistan, the gender inequity and higher education have minimal impact on people's views, resulting in an honor killing,⁴⁰ and the majority of men and women support honor killing when a woman is found guilty.⁴¹ This study demonstrates that despite education, Pakistani culture and traditional mindset continue to dominate gender dynamics.

6. Criminal Law of Pakistan and Honor Killing

One of the many cases of female exploitation in Pakistan is "honor killings". In the days to come in the country, such incidents keep coming to the fore in which the oppressed women are sacrificed to uphold outdated traditions and customs. These traditions are somehow prevalent in every part of the country and despite all the efforts made at the government level to eradicate them, murders of women in the name of Wani, Karo Kari, and honor continue to happen. Pakistan's criminal law criminalizes honor killings or forced marriages, etc., and the penalties for these crimes are set out in the criminal law. Since criminal law is based on the principles laid down in the Shari'a, these laws also include the concepts of "peace" and "pardon" under which there is scope for reconciliation between the perpetrator of the crime and the relatives of the victim or the injured persons. Often this legal right is used by the guardian of the "honor killing" victim to protect the killer from the law. Pakistan's high courts have repeatedly pointed out that a woman's murder goes unjustified after her guardian pardons. According to the Constitution of

Pakistan, the state is the protector of the lives and property of all citizens. Therefore, depriving a person of his/her life means committing a crime directly against the state. Therefore, the government of Pakistan has adopted the term "corruption on earth" in order to curb the growing number of honor killings and the abuse of the right to peace by the guardian in these cases, and pardons in exchange for the bloodshed could be controlled.⁴² The Pakistani government passed the Criminal Laws (Amendment) Act, amending the Pakistan Penal Code 1860 and the Criminal Code 1898, thereby prohibiting honor killings. The essential adjustments to Chapter 32 of the Pakistan Penal Code, which deals with offences damaging the human body and life, have been made under Majria 2016. The term "corruption on earth" has been added to the amendment according to which the previous conduct of a crime that he has already been convicted of, or he has committed a crime in such a brutal and violent manner, that is as a whole potentially dangerous to the public, the crime would fall into the category of "corruption on earth".⁴³ Penalties under Section 302 of the Pakistan Penal Code for intentional homicide is punishable by death or life imprisonment. If the punishment of Qisas is not applied to the crime according to Islamic teachings, the punishment for the crime is 25 years' imprisonment. Section 345 of the Criminal Procedure Code, 1898, has been amended to give the heirs of the slain a power of conciliation under section 311 of the Penal Code for intentional homicide. Section 311 of the Pakistan Penal Code, which deals with the imposition of punishment after the pardon of the offender in exchange for conciliation by the guardian in the crime of murder, has been amended. The offender is punishable by death or life imprisonment, which carries a maximum sentence of 14 years, or life imprisonment if the murder was committed in the name of honor.⁴⁴

7. Conclusion

The cultural, traditional attitude towards women continues to violate their human rights because in order to maintain patriarchal power, men commit crimes against women in the name of honor. It is impossible to bring about change in society until women are not aware of their rights. The government

must establish an action plan and make constructive changes in society by enacting strict restrictions on the practice of honor killing. We live in an Islamic society, where women are regarded as mothers, wives, sisters, and daughters, Islam has accorded them great esteem. If society's attitudes about women change, the environment will improve, and unethical beliefs will fade away.

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