

Culture, Religion And Honour Killing In Pakistan

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Abstract

Killing in the name of honour is not a new phenomenon. The practice has been practiced for centuries. It is justified in the name of cultural values and religious teachings. The law seems to be in trouble to cope with the problem of honour killing. The article in hand after shedding light on the historical background and its correlation with the cultural values discusses the concept of honour killings in the light of Islamic teachings. Killing in the name of honour, the article concludes, is not justifiable in the name of religion. This is a cultural practice and the law needs to be updated to cope with the issue effectively.

Key Words: Culture, Religion, Islam, Honour Killing, Society, Law, Right

(i) Introduction

Killing" in the name of "honour" is not a new phenomenon [1]. Honour killings have been pervasive in traditional societies where woman symbolizes the "honour" of the family. Generally, a woman is killed by male relative (usually her father, brother, or husband) for engaging in or being suspected of committing illicit sexual acts [2]. Though family honour rests upon the behaviour of family members, women provide a convenient scapegoat in the face of such subjective qualifications as 'public morality', 'decency' and 'religion'. In Pakistan, religion is broadly used to support and promote social prejudices against women. Socio-economic culture, religion, laws, and societal norms envelope woman in Pakistan as soon as she is born [3] And so when she undergoes any suffering or is killed for 'honour', the rule of law

remains in the books and its application is greatly influenced by non-legislative economic or social norms.

Honour killing aims to cultivate fear in women to ensure that they blindly and obediently observe the miles set by male members of their family do not raise their voice against marital violence and abstain from pursuing their Islamic and legal rights. This chapter shows the cultural notion of honour in the patriarchal society of Pakistan and how its scope has' broadened from controlling women's sexuality up to their subjugation by males. Also discussed are Islamic injunctions, which protect women against false accusation of adultery and condemn honour killing.

(ii) Historical Overview of Honour Killing

Killing in the name of honour is an ancient practice. Many authors find its roots in the tribal days of the Hammurabi and Assyrian tribes of 1200 B. C. This practice predates Islam; a time when women were not considered full members of society. They did not have any social, political, and legal rights. They were treated as a commodity rather than a human being, like the family property: first of her father and brothers and then person she was married or sold to. This practice is claimed to be linked to the emergence of patriarchal social structures across Europe and Asia where women's chastity was considered her family's property. Women's reproductive biology was a fundamental survival instrument of the agrarian and tribal societies along with livestock and occupation of land. It was imperative for them to control the sexuality of women for maintaining an accurate lineage and paternity of children. This practice was strictly observed to keep a precise account of the right of ownership to property. Men were considered as having the right to kill to protect their land and to kill to protect their women. The notion of killing women for honour has not been confined to Arabs only. It has been practiced in many countries all over the world in one way or the other. In English common law women were perceived as chattel and adultery was defined as a crime against property. Furthermore, a 1991 investigation conducted by Human Rights Watch in Brazil shows that in wife murder cases, the accused said that he acted spontaneously in legitimate self-defence against an attack on his honour. This tradition spread from Middle East and made inroads into Pakistan through Baloch and Pashtun tribes. These tribes, settled in Baluchistan and NWFP, and they had their own tribal code called "honour code. Honour Code, an eminent part of the tribal culture, is not a codified law and is created by men who have a higher status in the tribes. There was no representation of women in the formation of these laws. Although honour killings are associated with tribal customs and

laws, they do occur all over Pakistan. However, honour crimes are not wholly dependent on the existence of an 'honour code'. In the province of Punjab, honour killings are carried out under the same 'notion of family honour' lying with women. Historically, this tradition gave right to the community or the male relatives, including husband, father, or brother to kill the woman found in an illicit relationship outside marriage. He may also kill the man she is found with. Over the years this tradition has become even more gruesome and senseless. Now murder of a woman is justified even if it is committed on mere suspicion of illicit relation.

(iii) Defining the term of "Honour Killing"

The Criminal Law (Amendment Act, 2004) defines the crime of honour killing in section 299 of Pakistan Penal Code as an "offence committed in name or on the pretext of honour means an offence committed in name or on the pretext of karo kari, siyah kari or similar other customs or practices; This section has been introduced by amending criminal law to legally define the crimes of honour on the pretext of customary practices. Before the Amendment Act, 2004 there was no definition of honour crimes in the criminal law of Pakistan. Broadly speaking for Pakistan, 'honour killing' refers to the murder of women and sometimes men under the pretext of restoring and/or reviving the 'lost honour of a family [4]. UNICEF defines honour killing as an ancient practice in which men kill female relatives in the name of family 'honour' for forced or suspected sexual activity outside marriage, even when they are the victims of rape. According to the dictionary the word "honour", is not gender specific and has a neutral meaning. Every society ascribes its own meaning to the word "honour" according to its socio-economic and cultural practices. Patriarchal societies manipulated and contorted the meaning into making honour the sole responsibility of males. They have reached

such a notion as "men are the sole possessors and defenders of honour. This customary practice is upheld to maintain the social control over women and to keep their status subordinate to men. Other than Pakistan, these killings are reported in Afghanistan, Jordan, Yemen, Lebanon, Egypt, Israel, United Kingdom, Middle Eastern countries, India, Turkey, Brazil, and Canada as well. Men define the parameters of honour according to the moral values of their claims or based upon their perceptions and concepts of honour or a combination of the two. In Pakistan the cultural practices and decisions made upon the society's moral values are highly biased against women⁶⁴ as is evident by many cases of honour killing. In Sindh a woman accused of honour crime is murdered to regain the honour of the family or at times sold but, the man who is an equal partner in the allegation of committing the crime, is often pardoned after paying 'blood money, to the family of woman murdered or by giving a girl of his family to the victim's family in compensation (badl-e-sulh). This practice is colloquially known as 'Swara' in NWFP. Whereas in the case of tribal areas of Pakistan regulated under Frontier Crimes Regulation, 1901 (FCR) "adultery is defined only as a crime committed by women. This practice of honour killing in Pakistan stems from the dual conception of women; women as repositories of honour and women as property. In cases of honour killing, if a woman is accused of having an illicit relationship or if she seeks to choose her own partner, which is considered against her tribe's custom and tradition, she loses her objective value. It is considered that the family has lost its control and possession on the woman and hence has dishonoured her family and tribe. Thus, in many cases the perception of the society also leads to killing. These killings take different forms under the cultural and patriarchal perception of ownership of women and a woman's body being the repository of family honour. It is committed publicly with the sanction

of the jirga or in private and the perpetrator surrenders himself to the police. In certain cases, murder in name of honour is guised as an accident. The weapon generally used to carry out these killings is a gun or an axe. Honour killings can be divided into tribal and urban. Tribal killings are legalized according to the honour code of the tribe and executed on the orders of jirga (quasi-judicial tribunals). Urban killings are dealt with by the police and national courts. Honour killing is given different names depending mainly on the colloquial language of different areas. In Sindh it is known as karo Kari, in Baluchistan as siryah Kari, in Punjab as kala kali and in NWFP as tor tora.⁷⁸ Karo, Saya, Kala and Tora mean the male and Kari, Kali, Tor the female offender in adultery. All these words mean 'black' indicating that it is an offence punishable by death.

(iv) Honour Killing in Pakistan

Honour killing in Pakistan exists in a rather unique combination of conflict-unity. It is an unspeakable tragedy in which fathers, brothers and husbands kill their beloved, daughters, sisters, and wives. What makes the situation even more complicated and worrisome is that the honour crimes are sometimes committed with the connivance of female members of the family. Nevertheless, killing in the name of honour occurs in a family system where members are closely tied to each other in bonds of affection, compassion, and love. This is a strange yet unique combination where affection and brutality coexist in conflict as well as unity. This concept of a combination of affection and brutality in close family members exists as the two opposite models residing in women. Studying the differences between the two models of women in Pakhtoons family (mostly residing in NWFP province of Pakistan), explains the two categories of Tor (literally means black) and Mor (literally means white and pure). Mor is the symbol of respect and chastity residing in a women like as a

mother holding honour of the family. On the other hand, when her chastity is compromised and the honour of her close male kin is at stake, she is considered a Tor. The moment a woman is alleged to have dishonoured her family she falls into the opposite category of Tor which allows the closest male kin to retrieve the lost honour of family by killing the woman. Various reasons could explain why a woman is a tor but the mode of retrieving honour is the same almost everywhere. These two models of Pakhtun concept (of honour) are contradictory with the Islamic concepts on the rights of women. According to Hina Jilani, a renowned lawyer and human rights activist in Pakistan, a woman's right to life in Pakistan is conditional to her obeying the social norms and traditions.⁸³ Women are negated their "core rights. For example, a woman has a right to divorce her husband under Islamic law, yet in practice this is a social impossibility among the Pakhtuns. If she gets a divorce legally and marries another man, she would be considered as having become 'tor' and would run the risk of being murdered.⁸⁵ Based on statistical evidence, the number of honour killings has increased manifold in the past few years. Its scope too has broadened in a rise in the number of reasons provided originally. Once women and men who committed adultery were killed for honour, but now women are murdered for many reasons including rape to the rejection of a marriage proposal from the perpetrator. Reasons for Honour Killing All over Pakistan hundreds of women of all ages are killed for a variety of reasons connected to the varying interpretations of honour. The reasons include the customs, religious misinterpretations, tribal laws, taunting by community members (called tan), marriage or divorce against the will of family, settling debts, family enmity, camouflaging murder as honour killings to get lenient punishment under statutory law and failing judicial system. These are not mean the only instances where honour crimes are justified in Pakistan. This uncontrolled increase

in the practice of this tradition is a mockery of law and humanity. The victims of honour killings are 3–90-year-old females, both married and unmarried. An important reason behind the perpetration of an increase in this heinous crime is the impunity a perpetrator enjoys. Even if the crime is reported and the perpetrator appears before a court of law (which is quite rare) Pakistan's male dominated judicial system protects him or her instead of giving exemplary punishment. Rape victims also become victims of honour killings. After the amendments brought in 1979 by General Zia-ul-Haq to the Criminal Law, there is no difference between the cases of rape, adultery, and fornication and so they implicitly recognize woman as equal partner in sex crimes. In the patriarchal culture where women are the embodiment of familial honour, such directives work to encourage rather than deter violence against them. Too often such reporting becomes another form of violation against the victim rather than focusing on the perpetrator. An example is the case of Lal Jamila Mando Khel, a 16-year-old mentally retarded girl, who was killed on the orders of jirga held "guilty" of dishonouring her tribe and family as a rape victim.⁹⁴ Honour killings are also used to camouflage a murder to get away with the come altogether or receive a lighter punishment. The murder could be for personal reasons or to seek revenge as well. Many cases published in newspapers are not formally reported by police or other law enforcing agencies. A newspaper published an unreported case of honour where a girl named Shamshad was stoned to death by her uncle and a mob of villagers in front of her parents in the name of 'honour'. Her crime was to dance at her cousin's marriage; a normal occurrence at Pakistani weddings but not considered moral by her uncle. Some honour killings are committed for monetary gains, property, and inheritance. The lesser the number of inheritors, the smaller the prospects of sharing the ancestral property. Sometimes women are killed as alleged kari with

some rich man of the tribe to receive the monetary compensation for pardoning the alleged Karo. Kari is killed by her family and then karo must pay the fine under the tradition to spare his life, no matter the charge is true or false.

(a) Women as honour and women as property

Two main factors that contribute to violence against women in the name of honour are women's 'commodification, and 'women being repositories of family honour' in a patriarchal society like Pakistan. The possession and control of desirable commodities, especially Zan (woman); Zar (wealth), Zamin (land/estate) is closely linked to the perception of man's honour. These objects are worthy of possession and need to be controlled on account of their inherent value. If a woman is "damaged" in some way, the father or the husband has a right to compensation for the loss of his "commodity. Women's physical chastity is of utmost importance and by the merest hint of illicit sexual interest, a woman loses her inherent value as an object worthy of possession and, therefore, her right to life. Women have always been categorised as a commodity equivalent to other livestock. The only advantage a woman enjoyed over other livestock was her utility of reproduction, i.e., the ability to give birth to a child for (and on the wishes of) her (male) master. And hence, the concept of honour (in addition to commodification). Nevertheless~ women's commodification has resulted in customs like sale of girls in marriage, exchange, or barter of girls to settle disputes. Women as repositories of honour hold value for the standing of male family members in the society. Gharat (honour) is closely linked with Izzat (respect) or standing in the society. Izzat bases itself on the possession of wealth and property. A man's property, wealth and all that is linked with these is the sum of his "honour value". A woman is nothing but an object

of value in this equation of "honour value" and so, an integral part of the dignity of the man. Therefore, when the rights of a woman are transferred from her father to the man she marries, the guardianship of honour shifts as well. This tribal concept of male ownership produces an atmosphere in which a woman's right to life is conditional upon her obeying social norms and traditions. Ownership rights are at stake when women are to be married (almost always in Pakistan by arrangement of their parents). A major consideration is the young woman's future inheritance rights over family property or assets. The logic of tradition turns concepts of victim and perpetrator on their head. Women who are killed (or flee a killing) are not considered victims but are the guilty party in the tribal setting. The man to whom a woman, whether wife, sister, or daughter, belongs must kill her to restore his honour. He is a victim as he has suffered two losses first to his honour and second, to the woman whom he now must kill. Consequently, he is the aggrieved person with whom sympathies lie, not the possibly innocent woman he kills. In Pakistan, violence is a powerful tool used to control women in society. A man whose honour has been damaged must publicly demonstrate his authority to safeguard it by killing those who did so. Traditionally, honour killing is not a crime but a legitimate action, seen as the appropriate punishment for those who contravene the honour code. A man's ability to protect his honour is judged by his family and neighbours. He may be taunted by society if he fails to kill a woman of his household who has compromised his honour.

(b) Maintaining the Patriarchal system

Violence inflicted upon women is a consequence of buttressing patriarchal structure in Pakistani society. Under customary law women are perpetual legal minors under the guardianship of male relations, making them susceptible to violence by disempowerment in patriarchal family system. This violence goes unrestrained in

the presence of oppressive social, cultural, or religious traditions assigning gender specific roles to women which relegate them subordinate to men. These are the vicissitudes of women's everyday life. Any measure that seems to give women more independence and control over their lives is considered a threat to the family system and to patriarchy. Male chauvinism and patriarchal discourse are present in every sphere of life in Pakistani society. During General Zia's regime violence, purdah (veil) and religion were the coercive strategies to acquire domination and control of women by men. Especially, in the matters of controlling the sexuality of women, the patriarchal institution of family constructs the boundaries for women. If a woman tries to cross these boundaries, she is considered to have brought dishonour to family and must be punished [5]. This gender-based violence helps keep women in subordinate roles. Men feel weak in the face of her right to make decisions for herself. Use of two most common rights punished very often and considered against the moral of the society includes a woman choosing a partner for marriage or seeking divorce. Besides cultural notions, the socio-economic dependence of women on male member of their family also contributes to the violence inflicted on women.

(v) Honour Killings condemned in Islamic Teachings

Islam does not sanction honour killings. These killings are linked with religion on the basis of moral standards upheld by the patriarchal structure in Pakistan. In Quranic interpretation of gender equality, both men and women have to be judged on the same touchstone, as they carry the same moral responsibilities and face similar accountability. Islam holds both men and women equally responsible to guard their chastity and there is no hierarchical difference. Yet in practice, Pakistani men hold themselves as sole guardians of their women to support their brutal actions.

The Quranic verses often quoted to justify male dominance are:

Men are the protectors and maintainers (qawwam) of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Cultural notions of patriarchy influence the interpretations of Quranic text. Azizah al Hibri, a Muslim feminist, has examined the Arabic word 'qawwam' and its different meanings available in historical Arabic dictionary. She says the meanings are not hierarchical as holding one superior to another but are interpreted accordingly to societal interpretations. She says that where societies were authoritarian, they interpreted the meaning with their own authoritarian perspective. So the patriarchal version of history is "responsible for subordinating women and infecting them with the belief that they are to be guided and guarded. Along with these traditions or patriarchal interpretation of Quranic verses, fundamentalists bring in the false dichotomy of public and private sphere, based on the traditional gender specified roles. This has led to women's subordination economically, socially, and politically. Islam has tried to break down this barrier of public and private sphere, maintained in Pakistan by the state and the religious leaders to retain power and control over women's lives. It is believed in Pakistan that "Islam relegates women to an inferior status; it confines them inside the four walls of their homes and restrains them from taking up employment outside their homes ... But Muslim scholars agree that Islam accords women with the equal rights as men, i.e., right to property, right to choose a spouse and right to divorce etc. Interpretation of Islamic teachings has changed historically, during dynamic interaction with different cultures. An interpretation of Islamic law commonly known as Shariah is different in many Islamic countries. The development of Shariah law is greatly influenced by customary law and in the Pakistani

context, Islam has imbibed many elements of tribal and feudal culture. Historically, derivation of moral law on sex offences, according to Islamic sources, was intended to safeguard women. But contorted interpretations of religious decree introduced a new form of control over women and their sexuality in the form of Zina Laws. Not to forget their position in the current patriarchy, women become the victims of familial violence for 'dishonouring the family honour' as equal partner in sex crime of rape cases. This resulted in inflicting violence on women to control them as being the guardians of family honour. Cultural practices discriminatory to women have been shrouded in religious beliefs whereas religious norms favouring women are all too conveniently ignored [6]. Under Islamic law, every male and female have the right to enter into marriage by exercising full and free consent, but many Muslim families deny their children, particularly female children this right due to constraints of cultural norms. Rafiullah Shahab, a religious scholar, referring to verses of the Holy Quran, has opined that man cannot even divorce his wife on the charge of immorality. He must prove the charge in a court of law. If someone accuses his spouse without having witnesses other than him, the testimony in denial renders the accusation null and void. It would be highly instructive to reproduce verses 4 to 9 of Surah Al-Noor (XXIV) of the Holy Quran: 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 transgressors. 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 bear 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.¹⁶¹ But in an Islamic country like Pakistan, Islamic injunctions about the rights of women are altogether ignored. Many innocent women are killed in the name of 'honour'. Shahab says that "God has eliminated the evil of the Jahilliah period, and thus, no case of so-called 'honour' killing was reported in the early period of Islam" .

Conclusion

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interpreted the meaning with their own authoritarian perspective. So the patriarchal version of history is "responsible for subordinating women and infecting them with the belief that they are to be guided and guarded." Along with these traditions or patriarchal interpretation of Quranic verses, fundamentalists bring in the false dichotomy of public and private sphere, based on the traditional gender specified roles. This has led to women's subordination economically, socially, and politically. Islam has tried to break down this barrier of public and private sphere, maintained in Pakistan by the state and the religious leaders to retain power and control over women's lives. It is believed in Pakistan that "Islam relegates women to an inferior status; it confines them inside the four walls of their homes and restrains them from taking up employment outside their homes ... But Muslim scholars agree that Islam accords women with the equal rights as men, i.e., right to property, right to choose a spouse and right to divorce etc. Interpretation of Islamic teachings has changed historically, during dynamic interaction with different cultures. An interpretation of Islamic law commonly known as Shariah is different in many Islamic countries. The development of Shariah law is greatly influenced by customary law and in the Pakistani context, Islam has imbibed many elements of tribal and feudal culture. Historically, derivation of moral law on sex offences, according to Islamic sources, was intended to safeguard women. But contorted interpretations of religious decree introduced a new form of control over women and their sexuality in the form of Zina Laws. Not to forget their position in the current patriarchy, women become the victims of familial violence for 'dishonouring the family honour' as equal partner in sex crime of rape cases. This resulted in inflicting violence on women to control them as being the guardians of family honour. Cultural practices discriminatory to women have been shrouded in religious beliefs

whereas religious norms favouring women are all too conveniently ignored. Under Islamic law, every male and female have the right to enter into marriage by exercising full and free consent, but many Muslim families deny their children, particularly female children this right due to constraints of cultural norms. Rafiullah Shahab, a religious scholar, referring to verses of the Holy Quran, has opined that man cannot even divorce his wife on the charge of immorality. He must prove the charge in a court of law. If someone accuses his spouse without having witnesses other than him, the testimony in denial renders the accusation null and void. It would be highly instructive to reproduce verses 4 to 9 of Surah AI-Noor (XXIV) of the Holy Quran: 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 transgressors. 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 bear 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. But in an Islamic country like Pakistan, Islamic injunctions about the rights of women are altogether ignored. Many innocent women are killed in the name of 'honour'. Shahab says that "God has eliminated the evil of the Jahilliah period, and thus, no case of so-called 'honour' killing was reported in the early period of Islam". Cultural practices must not be intermixed with

Islamic law. State needs to make effective laws to prevent honour killings in the name of religion.

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