

Honor Killing in Pakistan: An Islamic Perspective

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Abstract

Islamic Republic of Pakistan is considered as one of the most dangerous and unsafe country for women in the world, because of the increasing rate of crimes against women in the shape of honor killing and honor related violence. Which are known as assaults committed against women for what is considered immoral behavior. Some researchers and Islamic scholars links act of honor killing with Islam, they tried to justify this crime with some general sayings of Prophet Peace be upon him. In this paper the issue of honor killing has examined in the light of fundamental resources of Islam i.e Quran (the Saying of Allah) and Hadees (The Saying of Prophet Muhammad SAH) to clarify the true guidance of Islam in such cases. The claim of some researchers that honor killing get encouragement from Islamic Guidance has also been examined through Primary and Secondary Sources of Islam. Effort is made to bring forth the correct Islamic teachings.

Keywords: honor killing, Shariah, Islam, Fatwa, Zina, Qazaf

1. Background

The protection of life and procreation of a person, may be a man or woman, is regarded as a fundamental objective of *Shariah* [Islamic Code of life]. The Islam has introduced a system of chastity in order to spiritual purification in the society. Islam restricts the free and uncontrolled gathering of male & female. The adultery is termed as a very heinous sin, and according to Quranic commandment, it has been directed to avoid the causes and incentive of adultery also (17:32). So, each and every effort is made to close all ways which may lead to loosening the morality's level and obscenity.

In Pakistan, when a man takes the life of a woman or commits any violence against women and claims that he did so because she was guilty of immoral sexual conduct, it is called an honor killing or honor related violence. The killing of the adulterous female - and sometimes but not always, of the man named as her illicit partner - is intended to erase shame, restore honor, and enforce a social code that defines and controls women's lives (Rabia, 2001).

Pakistan, as it is claimed, has one of the highest incidence rates in the world (Greff, 2010) A survey conducted by the Thomson Reuters also includes Pakistan in the top five most dangerous countries for women in the world because of the highest rates of dowry murder and so-called honor killings.(Trust, 2011)

Regarding the silent features of the country, it is a well known historical fact that there were several factors for motivating the movement for the creation of Pakistan such as political, social economical and freedom from colonial powers. However, for the combination of all these factors as well as inciting the people emotionally Islamic ideology and religious foundations played a key role. It is an interesting fact that masses of Pakistan have their emotional attachment with Islam rather than logically and rationally. Keeping in mind this background, we discuss honor killing in the Islamic perspective.

2. Discussion

Sexual relations beyond legal contract of marriage are prohibited in Islam and the term *Zina* is used for adultery. *Zina* or adultery is not considered mere a sin but it is also regarded as an offence in Islam. This ill practice

remains a sin until some one brings this to the *Shariah* court. If the court feels satisfied with the proofs as per Islamic guide lines then the offenders are punished for their offence positively. Describing the punishment for adultery, Quran says (24:2): *The woman and the man guilty of adultery flog each of them with a hundred stripes: let not compassion moves you in their case, in a matter prescribed by Allah, if you believe in Allah and the last day; and let a party of believers witness their punishment.*

However, the Islamic law does not confer on any body the authority except the government to sit in judgment against man or the woman accused of adultery or fornication and none except an Islamic court has the authority to punish them. There is a complete consensus of all the jurists of Islam that in the afore said commandment *flog each of them with a hundred stripes*, is not addressed to the common people but to the officials and judges of and Islamic Government (Maudoodi: 1994, P.331).

It is clear that the cases of honor crimes have been pointed out in the early period of Islam. Therefore, Quranic teachings provide brilliant principles in this regard. Quran introduced the law of *Qazaf* for those who blame a chaste woman committing adultery. According to which the man who blames a woman must present four witnesses otherwise he will be considered as liar and the punishment of 80 stripes will be imposed upon him. Moreover, his witness will be rejected for the whole life in future (24:04). The complainant of *Zina*/ adultery faces the decree of punishment for being failed to support his statement in this court. He is not punished in the sense of telling lie before the court absolutely. Similarly, the Prophet Muhammad (SAW) made it clear that Islamic government shall not take action against anybody for adultery unless it is fully proved. If the guilt is not proved, the authorities cannot pass orders for punishment even if they have knowledge of the crime through many other sources. There was a woman in Madinah who openly practiced prostitution according to tradition cited in Bukhari & Ibne Maja but inspite of this, no punishment was given to her as there was no proof of adultery against her, so much so that the Prophet once uttered the following words about her: *if I were to stone anybody to death without a proof, I would have certainly got this woman stoned* (Bukhari: 4898, Ibne Maja: 2549).

This is why that Quran deals with the offences relating to adultery in a quite distinguishable manner than it deals with other offences (Wasti, 2010). Islam does not allow spying the privacy of a person (Quran, 49:12), rather it supports to veil the personal and sexual relations of man and woman (Abu Daud: 4377). However, if some one insists to bring the culprits to book, then he is made responsible to fulfill the requirement of Islamic witness law. Under the Quranic injunctions, the requirement regarding the obligatory number of witnesses to prove the case of adultery is four Muslims (4:15). It seems pertinent here to explain the criteria of witnesses required for establishing the blame of adultery: (Maudoodi, 1994, P. 333).

- (a) There should at least four eye witnesses to prove the guilt.
- (b) The witness should be reliable according to the Islamic law of evidence, which requires that they should not have been proved to be false witnesses on any previous occasion. They should not be dishonest, they should not be previous convicts and there should be no proof of their having any personal grudge against the accused. In short, no one can be punished on the basis of unreliable evidence.
- (c) The witnesses should give evidence to the effect that they saw the man and woman in the actual state of intercourse i.e. the union was complete such a piston in cylinder and a rope in a well.
- (d) The witnesses should be unanimous in regard to the time, the place and the persons committing the crime. Any difference in these basis things will nullify their testimony.

Conception of an unmarried girl is not considered as perfect evidence in Islam in order to punish someone for committing adultery because one of the basic principles of Islamic law is that the benefit of doubt should go to the accused. This is supported by a tradition of the holy prophet *avoid punishment where ever you find scope for it* (Ibne Maja: 2535). In another tradition he said: *Try to avoid punishing the Muslims wherever possible and if there is a way for an accused to escape punishment, let him off. An error of judgment in letting of an accused is better than in punishing him.* (Al-Musannaf: 12971). According to this principle, the existence of pregnancy is not a definite proof of adultery, however strong it may be for doubt. For there is a possibility that in one out of a million cases the semen of a man may enter the womb of a woman somehow or other without any sexual intercourse and make her pregnant. Even such a slight possibility of a doubt should be enough to spare the accused of the horrible punishment of adultery (Maudoodi, 1994, P. 334).

In continuation to our discussion on *Qazaf* or blaming someone with adultery, we say that the issue of *Qazaf* was meant for other women normally. Suddenly the question arose in front of the Holy Prophet (PBUH) that if a husband sees his wife with a stranger, what should he do than? Because a man can be passionate to see stranger

man and woman committing adultery, can keep silence if there are no sufficient witnesses and ignore this activity. On the other hand, he finds his wife doing this, what should he act? If he kills her then he will be brought to justice, if he searches for witnesses the culprit will run away. How long can he be passionate? If he divorces her, she will get freedom of him without getting any moral or materialistic punishment. If she gets pregnant, the stranger's son will be brought up by him. Initially, this question was arose by the companion Saad bin Obada supposedly (Siddiqui, 1999).

The tradition describes: Saad asked the Prophet: *O prophet of God: can I not rebuke the stranger man committing adultery with my wife before arranging four witnesses?* The prophet responded *"Sure, Not at all"*. Then Saad said, *first of all I will kill him with my sword.*" The prophet said; *Listen to what your chief says. He is jealous of his honor. I am more jealous than he is and God is more jealous then I* (Muslim: 2754).

It is clear from the commandments of the prophet (SAWS) that there is no room for honor killing in Islam. However, the arrangement of witnesses is underlined definitely.

After sometime, some cases were reported in which the husbands saw their wives with others committing adultery with someone stranger such as Hilal bin Ummaya presented his case before the prophet. Similarly, another companion Owaimar Ajlani also reported about his wife. There upon prophet said, *verses have been revealed concerning you and your wife; so go and bring her.* The narrator of tradition says, they both invoked curses and Owaimar divorces her in presence of prophet (Bukhari: 4376). The related verses- 24:6,7,8 & 9- are called verses of *lian* [literally cursing one another]. It narrates that if a man finds his wife engaged with some one else in the process of adultery but he cannot support this practice with proofs in *Shariah* court; he will not be liable for the punishment of *Qazf*. Although, he will have to reinforce his statement with specific oaths enabling the *Shariah* court for issuing the decision of separation between the couple. This is called *Lian* in the term of *Shariah*.

The prophet opted the same procedure of *Lian* about the wife of Hilal bin Ummaya. In case of pregnancy, during separation, the child is ascribed to her mother after birth. In the case of Hilal Bin Ummaya the child was resembled to the accused man so the prophet said, if there were no curses (or the book of God not decided) I would have treated this woman rigorously (Siddiqui, 1999).

The discussion can be sum up in the lines that during the period of Prophet Muhammad (SAW), he did not allow the observers or figures leveling the charge of adultery to punish the persons practicing adultery nor the companions of Prophet allowed any one. Islam has introduced law of *Qazaf* for those who level blame of adultery against a woman other than his wife. In case of his wife, the Quran described the law of *Lian*. The Prophet (SAW) issued judgments in the cases of honor crimes in the light of these two principles.

2.1 Analytical Review of the Stance of Pakistani Ulama

While discussing the issue of honor killing in Pakistan, in Islamic perspective, it seems suitable to quote the opinion of Council of Islamic Ideology of Pakistan [which is a constitutional body comprising of prominent Islamic scholars that suggests Islamization of country's laws to the government]. The council decided in its 139th meeting held from Dec 06 to Dec 07 (CII, 2000, P. 54) that Islam does not permit anyone to punish his relative while doing an immoral activity himself taking the law in his hands. In such situation getting emotional and displaying jealousy for honor is natural. But Islam does not permit a man to punish a culprit of immoral act himself ultra judicially, besides forbidding all obscene and heinous sins. The council further added, if a man kills accused provoked by emotions then the court will decide whether this crime can be seen or not in the light of general exceptions described in criminal code, on case to case basis.

The prominent religion scholar, ex-member of Council of Islamic Ideology and Vice President of Wifaq ul Madaris Pakistan [The federation of religious seminaries of the country] , Hasan Jan (late) is of the view (Hasan Jan, 2000) that this kind of killing is not allowed logically, morally and according to the teachings of *Shariah*. Therefore, ruling for justification of such killing should not be issued. According to his statement, adultery is the heinous crime after the polytheism and killing of a true believer. Adultery hurts both the honor and pedigree table of a man. The amiss which could be noticed all around the world is due to obscenity and pornography. So to block obscenity is one of the most urgent tasks not only under the Islamic teachings but according to the reasoning and moral theories. Allowing a man to kill some one in the name of honor will boost amiss and anarchy in the society which will be dangerous for Islamic Society. Moreover, he stated that permitting the honor killing includes following Islamic and logical demerits (CII, 2000, pp. 212-213):

- 1) The claimant acts as murderer himself emotionally and making decisions in such condition is not allowed in *Shariah*. According to the teachings of *Shariah* the judge or Administrator cannot pass

orders of judgment while he is pressurized by the factors effecting mental puzzleness. While a judge or administrator is not permitted to issue judgment how can a lay man do this?

- 2) The murderer also acts as a claimant and plaintiff simultaneously at a same time which is not allowed.
- 3) Lay men do not aware of rules and laws of *Shariah*, so permitting them to do so is absolutely against the rationale as well as teachings of Islam.
- 4) Sometimes, a man gets emotional by merely seeing his wife or daughter laughing or kissing with a stranger and commits the heinous crime of murder which cannot be tolerated in the light of Islamic teachings and reason.
- 5) Sometimes he commits the murder just on suspicions which is prohibited for one strictly.
- 6) Sometimes he invites one to his house as guest and then kills him for any previous enmity, after leveling blame of honors.
- 7) In some cases, the husband gets rid of his wife in this way instead of divorce in order to save himself from the revenge of in laws.
- 8) In many cases, the accused are unmarried and he kills both of them. Their punishment is flogging 100 lashes instead of killing.
- 9) It is possible that inherits of murder take revenge of them by killing one of murderer's family which will lead to worsen the situation more.

One of the most prominent Islamic school of Pakistan, Jamia Uloom Islamia, Binori Town Karachi also issued Fatwa (Islamic Declaration) in this regard, in which they declared all practices of honor killings against Islamic Rules and it is affirmed that this is responsibility of the state not an individual to take law in his hands and kill some one in the name of honor (Banuri).

It is also worth mentioning that Darul Uloom Deoband which is the famous Religious Centre and main fatwa issuing body of Indo-Pak also issued the same fatwa regarding honor killing with addition that it is responsibility of the state to investigate the case on the merit and insure rule of law.(Deoband)

2.2 Arguments on Justification of Honor Killing by Some Scholars

Besides these facts and realities, some Islamic scholars of Pakistan tried to justify the crime of honor killing in the light of a general saying of Prophet Muhammad (SAW) which is not related to honor killing directly. For example, Jalandhri argues about the famous saying of prophet *who so ever in you, see a crime/guilt, should stop it with his hand* (Muslim: 70), that action against the culprit seems legal according to this tradition of the prophet. Moreover, the killing of a man belongs to the family of *forbidding the evil* and each Muslim is made responsible for this task. If a man sees committing a heinous sin of adultery and he does not rebuke it, it is against the norms of Islamic beliefs. So taking action against a stranger woman is as allowed as against one's own wife or relative (Jalandhri: 2005, p; 06).

Such kind of views is also demonstrated by the Pakistani organ of Wahabi School of thought "Muhaddith". In a paper of this organ, it is claimed that killing of accused seems justified during the process of adultery. This organ also quoted the views of other jurists to support their claim (Madani, 2004). The basis for all these quotes is the self explanation of the prophet's tradition.

It is matter of interest that the views of religious scholar Ibn-e- Taymiyyah have been described in the organ of *Wahabi* School of thought i.e. Muhaddith points not only at taking the law in hands by the laymen just like the tribal system but also it hints at the Quranic Commandment of *Lian* as imperfect solution saving the woman from punishment and spoiling the esteem of the man (Madani: 2004).

Maulana Hasan Jan is of the opinion that bringing the crime of honor killing under the umbrella of *forbidding the evil* is against the teaching of Islam. How an ordinary man can be permitted to do so, while it is the duty of courts and governments. Even a judge is not allowed to issue judgment of killing about the apostate before giving him 03 days time period. Although he can imprisoned him for the life. Allowing a lay man to kill an apostate or committer of a crime will open the door for most of the people to kill others just after leveling the blame of apostasy of disbelief. This situation will create a great panic in society. The person who issued ruling of permitting punishment either issued it as an unavoidable condition or as a normal initial action. One can raise objection in the case of latter for the revelation of commandment of *Lian* and its benefits (Hasan Jan, 2000).

We find the evidences of rational practices about the culprits of adultery in the Islamic history as compared to the thoughts of Ibn-e-Taimiyya and self made irrational explanation of others. The caliphs of Muslims, after the

demise of Prophet Muhammad (SAW) used to punish the culprits of adultery positively and after words, they force them to marry each other. The eminent scholar Qadi Abu Bakr Ibn Al-Arabi (d. 543H) had mentioned some of such incidents in his book *Ahkam ul Quran* (volume 3, pp, 339-340).

3. Summary

Islam supports to veil the sexual relations of man and woman rather to make them public. However, if some one pursues it, then Quran suggests the laws of *Qazaf* and *Lian* for leveling charge of adultery against a woman. The Prophet (SAW) made decisions in the light of these two laws. Quran and the sayings of Holy Prophet do not permit to kill some one in the name of honor nor encourages for doing so. Rather these two basic sources of Islam i.e. Quran and Sunnah demand from their followers to maintain discipline in their lives and do not to act as judges themselves. Similarly, Islam directs them to bring such cases for justification to the courts and government authorities.

4. Suggestions and Recommendations

People of Pakistan have emotional attachments with their religion Islam. Therefore, to hinder honor killing and to bringing down its rating, the religion can play an important role. In this connection, the following suggestions are made:

- 1) Factual and real Islamic teachings according to Quran and sayings of the Prophet Muhammad (SAW) should be publicized.
- 2) The Islamic Right of marrying for adult couples should be acknowledged and publicized to minimize the chances of hidden/secret relations.
- 3) The accused couple should be married to one another after administration of proper punishment such as the practices of Caliph Abu Bakr (R.A) and Caliph Umer (R.A).
- 4) Print and Electronic media should contribute in arranging debates for spreading true teachings of Islam.
- 5) The platform of mosques should be encouraged to educate people about the crime of honor killing in order to nip this evil and to abstain from committing such crimes.
- 6) Organization striving for Human Rights and feminist activities should engage religious scholars and prayer leaders to reform public opinion.
- 7) Proper legislation on the part of government should be done in the light of recommendations of the constituted Islamic Ideology Council Pakistan.

We as a part of this society feels that with these kind of steps even though do not stop honor killing, but at least it would be the initial steps towards achievement of a great success which is to stop honor killing in the Islamic Republic of Pakistan.

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