



HONOR SYSTEM: AN EMPIRICAL ANALYSIS

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ABSTRACT

Honor system is an honest way of running the system according to the rules and regulations in the manner that nobody could break the trust. The offences committed under the honor system include; honor killing, plagiarism, absconding of people from home, telling lie and forced marriage under honor system, man is a head of a family who has to defend his family's honor. Woman is an asset of the family, who decides the fate of his daughter and sister including forced marriage and in case of her refusal; he is at liberty to kill her in the name of family honor. Customary traditions, jirgas are empowered to decide the cases including honor killing. Although so many countries of the World are reportedly involved in so called honor killings, but the Muslim countries are known as main specially, Pakistan is one of the dangerous countries with reference to honor killing. Although, there is no concept of honor killing in Islam. Yet this heinous crime is Islam and Muslims being related to Islam & Muslims by the Western media, Islamic laws strictly prohibit any killing which is unjustifiable. Efforts made by the government failed due to existence of jirgas representing tribal system which needs to be done away with by creating awareness and effective education to the people so as to know their rights, duties and responsibilities. In this regard, Islamic teachings play an important role.

Keywords: Honor, Customer, Plagiarism, Forced marriage, Unjustifiable

INTRODUCTION

Honor means respect or admiration other people feel for some one. The words prestige, reputation, fame or privilege is also used under this meaning. Moreover, Honor System or HonorCode is a set of rules or ethical principles governing a community based on ideas that define what constitutes honorable behaviour within that community. In other words, Honor system is an honest way of running the system as per rules and regulations so that nobody could break or abuse the trust.

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Offences committed under honor system

The following offences are reportedly committed under Honor System:

- i) Honor Killing
- ii) Plagiarism or cheating in the examinations in the educational institutions and punishment to the students and its reaction.
- iii) Absconding of people from home, office or country due to conflicts and other reasons.
- iv) Telling lie, creating problematic situation or getting rid of keeping away from frustration.
- v) Forced marriage

i) Honor killing

Honor killing is an act of killing a female member by his male family member is the name of the respect or honor of the family. However, in some cases men are also killed for dishonoring the family. Mostly, men and women who are found involved in unlawful relations are killed as per practice. The cases of honor killing are reported in media in so many countries of the world; such as; UK, USA, Canada, Pakistan, India, Albania, Uganda, Morocco, Europe and North America. But the cases of honor killing in Pakistan are on rise. In plagiarism, the honor killing cases reported in Sindh, Baluchistan, Khyber Pakhtunkhawa and Southern Punjab are much in number. In Pakistan, where most of the cases of honor killing pertain to illicit relations between men and women, other cases as per details given below are also in practice.

- a) Landlords who force the peasants (Haris) to work on his land without any wages, on refusal by the peasants he kills or get his killed by his men in a false honor killing drama.
- b) Land owners kill women; wives of their deceased brother who ask them to give her share in the Land or other property and level a false allegation of having unlawful relations to someone.
- c) In few instances, men killed their wives for not preparing meals in the time or not washing the clothes

ii) Plagiarism or cheating in examination in the educational institutions.

In the cases of cheating in the examination by the students the institutions prepare plagiarism / copying cases against them and give them different punishments such as; announcing before the whole class that such and such students were caught red-handed, using any method of cheating/copying. Sometimes, the students are declared as failed in that paper and in some cases, they are debarred from appearing in the examination for one year or more or they are rusticated from the Institution forever. As a result, the students feel ashamed and attempt either to suicide or to kill the teacher concerned. For curbing this crime, so many universities and other educational

Institutions in USA, UK and most of the European Countries have constituted committees for hearing the Honor violation cases and advise the concerned authorities to make arrangements to facilitate the complainants or punish or warn them to be careful in future.

iii. Absconding

In some cases people abscond from their home or office or the country due to any problem, say for example; to avoid enmity with some body or fear of life as to someone might kill him / her.

iv. Telling lie or avoiding any frustration

Sometimes people tell lies to avoid any mishap which creates very difficult problems for them, they want to get rid of the problem and save their honor.

v) Forced marriage

In the rural areas of Pakistan, forced marriages are common and in such cases, most of the women decide either to commit suicide or run away from the home to save their honor which called honor suicide. Whereas; for the male members of the family, it is a matter of shame which insists him to kill the girl/woman in the name of family honor whenever caught.

Role of laws, governments and organizations in protecting honor

Under (Article-I) of the Universal Declaration of Human Rights 1948 of the United Nations Organization's Charter, everyone is entitled to all the rights and freedom without any distinction of race, color, sex, language, religion, national or social origin, political affiliation, property, birth or other status. Besides, some conventions and declarations including the following relate to the Honor system:

- i) Racial discrimination
- ii) Discrimination against women
- iii) Rights of the child
- iv) Against torture
- v) Prevention and punishment of genocide.
- vi) Rights of indigenous people.

Role of country laws

The constitution of Pakistan provides few Articles ensuring Rights of the people relating to protection of their life and property (Article 4, 9, and 11 to 28, especially 25) but nothing could be done to safeguard the rights of the people practically. Mostly the cases relating to Honor are dealt with under the traditional Jirga System, over and above the law. Although, amendment has been made in Pakistan Penal Code in 2004 but no fruitful results were achieved. The people are heard

saying that, “tradition is stronger than the law” and that the Justice System is silent. The Courts of law, however, take up the cases which are filed therein by the concerned affectees.

ROLE OF CUSTOMS AND TRADITIONS

In Pakistan, mostly the cases relating to the Honor are decided by the Jirgahs. The Jirga is a forum or council constituted by the tribal chiefs, who are elders of the area, which exercises the powers of executive as well as judiciary. The Jirga settles the disputes of the people relating to the land, property, honor and murders etc. There are the following types of Jirga:

- i) Sarkari or Government Jirga
- ii) Qaumi or Local Jirga
- iii) Shakhsi or Third – Party Jirga
- iv) Loya or Grand Jirga

Working of Jirga

Jirga comprises few white bearded men who act as judges and other participant members as jurists. Both the parties involved in the dispute are heard, they are allowed to freely present their point of view. After hearing the arguments of both sides, the Jirga announces the decision / judgment. There are two types of the decision:

- i) Haq (the right) and
- ii) Waak (authority)

In case of Haq, each party can challenge the judgment announced by the Jirga whereas, in case of Waak, the two parties fully authorize the Jirga to decide the disputed matter. They abide by the Jirga rules and do not challenge it. The Jirga addresses the disputes between the individuals as well as communities. However, it does not necessarily mean that all the cases decided by the Jirga meet the requirements of justice. It has been observed that in so many cases, instead of protecting Honor of the people, they have been dis-honored and disgraced. For example; a Jirga had announced that few men from the aggrieved party may gang rape a woman (Mukhtaran Mai) whose brother had raped a woman of the opponents, which they did, in violation of Islamic Laws and the Laws of the land. Besides, it is a common feature that the Jirgahs decide that the woman / girl belonging to the party whose man has committed a crime or given loss to anybody, may be given to the other party as a penalty for her brother’s wrong doing against her will or consent.

DETAILS OF FEW COUNTRIES WHERE HONOR KILLINGS TAKE PLACE

There are more than fifty countries where honor-related crimes have been reported, but the following four countries are discussed:

The cases of honor killing are reported in Turkey but the killers are now being punished under the State Laws passed in 2004. In Turkey “namus” is the social construct of honor related to women’s sexual activity, virginity and marriage. Honor killing is also common in India. As per the report of the newspaper, ‘The Times of India’, experts say that more than 1000 honor killings take place in India every year. They said that forced killing are due to forced marriages and Inter-cast marriages which are justified in the traditional societies as a sanction of dishonorablebehaviour. Mostly the honor killings happen in Punjab, Haryana and Western Uttar Pardesh Province. Further, honor killing is not only within Muslims but Hindus and Sikhs as well. A Human rights defender was killed for challenging corruption in the court of law. Honor killings also take place in Bangladesh. But there are both types of Honor killings i.e. men kill women and in some cases women also kill men. As per the news reported in media a Muslim man was beaten to death by his four wives, the reason was that he has kept his multiple marriages secret. Honor Killings are common in Pakistan. As per media report ‘675’ honor killings were noticed during the first nine months of the year 2011, except the killings which are not reported in Police which often remain un-accounted for. The Honor killings happen almost all over the country but the areas of Sindh, Balochistan and Southern Punjab take lead in this regard.

Nature of cases of honor killings

According to the reporting sources including the Provincial Police and Human Rights Commission of Pakistan, majority of women was killed in Pakistan, on the accusation of illicit / unlawful relations (about 450 women), 129 for marrying without permission of the family. Some cases are however dismissed due to settlement between the victim’s heirs and the offenders after paying “diyat”. According to a survey conducted by Trust Law, a legal news service in 2011, 03 of the 05 most dangerous countries for women are Muslim majorities and on cultural, tribal and religious grounds (4) of (5) most dangerous countries are Muslims majorities. Dr. MeherZaidi, a Prominent Scholar writes that, as per the report of the former UN Special Reporter, on violence against women; “Honor Killing is generally seen as residing in the bodies of women. Frameworks of honor and its corollary shame operate to control direct and regulate women sexuality and freedom of movement by male members of the family. Woman who fall in love, engage in extramarital relationships, seek divorce, choose their husband without the consent of the parents are treated as transgressing the boundaries of appropriate sexual behaviour. Regulations of such behaviour of the women is considered unjust and against the honor of the family and therefore, they are subjected to honor killing (Zaidi-2010). Honor is a form of violence against women, hence the terms

honorkilling and honor based violence need to be dropped. The man is a head of the family who has to defend his own and family's honor. In some honor based cultures, the women's hymen is considered to be a symbol of the family's honor.

Man is the controller of his family and also is at liberty to decide the fate of his daughter and sister including their forced marriages. In case of refusal by the woman / girl, he kill her in the name of honor as it has been observed that in most cases women are killed by their fathers, brothers or sons and in some cases by other relatives. It is a sad fact that women are considered puppets in the hands of men in our society, particularly in rural and tribal areas. Since justice system has lapses towards abuse of honor killing, jirgahs are functioning through unlawfully, to decide the fate of women.

Table 1: cases of honor killing and other related crimes in Pakistan

S#	Nature of Crime	Year 2009	Year 2010	Year 2011	Grant Total
1.	Honor Killing	604	557	705	1866
2.	Miscellaneous (Murders, Rape, Suicide, Domestic violence, Acid Through etc.	6511	5726	6421	18658

Table 2: Province-wise details of honor crimes in the year- 2011

S#	Nature of Crime	Province				
		Punjab	Sindh	KPK	Baluchistan	Islamabad
1.	Honor Killing	322	266	30	86	01
2.	Misc. Crimes, (Murders, Rape, Suicides, Acid Through, Domestic Violence)	1816	624	535	78	79
TOTAL		2138	890	565	164	80

HONOR KILLINGS

Psychological effects

The physiological effects of the occurrence of human killings are very determined. The presence of this violent practice includes a great deal of fear and burden on women, as they are most often victims. It threatens the safety, physical and mental health of women, as a mode of social control but a fear tactic, creating an environment of anxiety and risk. The children who witness their mothers, sisters or other relatives being victims of honor are often incredibility traumatized and face an increased risk for behavioural issues.

Cultural religious and criminal effects

Honor killings involve the murder or attempted murder, often of a woman, on the grounds of preserving family or communal honor. Multiple forms of culturally justified violence against women exist not only in one country but some other countries. These crimes occur in a variety of cultural and religious countries i.e. Italy and Latin America.

Honorsystem and islam

There is no concept of so-called Honor crimes in Islam, instead: Islamic laws i.e. Qur'an and Traditions of our Holy Prophet (peace be upon him) has clearly declared that the human beings are respectable and can exercise freedom of will to do good and to avoid the evil. Islam ensures justice (Adl and Ihsan) for everyone, MaulanaAbulKalam Azad, a well-known religious scholar states, "What is justice but the avoiding of excess. There should be neither too much nor too little. Qur'an points out that no one will carry another's burden. Although Islamic teachings clearly state that man and woman are created equal by Allah the Almighty, but the present day Muslim societies have made them unequal. According to Holy Quran, killing of any person is not allowed instead; Islam emphasis on protecting his/her life. As revealed in the following verse:

"Whoso slayeth a believer of set purpose, his reward is Hell forever". Allah is worth against him and He hath cursed him and prepared for him an Awful doom (Surah Al-Nisa 4-93). For example, In case, a man finds his wife committing adultery with a man, he considered it proper to kill both, the woman (his wife) and the man involved in the act. But Islam teaches us that in such a case when a husband accuses his wife of adultery, he must produce four witnesses, but if he cannot produce four witnesses, he should go to the authorities and swear by God four times that what he is saying is truth and swear a fifth oath involving the curse of God if he is telling lie. The punishment can be removed from the wife if she swears an oath four times by God that the husband is lying and a fifth oath that the curse of God should be upon her if he (the husband) is telling the truth (Sura Al-Noor 24 "6-9") if she confesses or remains silent, she will be given the punishment fixed for adultery.

Tradition of the Holy Prophet (P.B.U.H.) Saad(may Allah be pleased with him) 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 (P.B.U.H.) said "Sure, Not at all". Then Saad said, first of all I will kill him with my sword. The Prophet (P.B.U.H.) 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 than I (Muslim: 2754). Another tradition of the Holy Prophet (P.B.U.H) reported by Abdullah ibnMas'aud, may Allah be pleased with him, "The blood of a Muslim may not be legally spilt other than in one of three (instances): the married person who commits adultery; a life for life; and one who forsakes his religion and abandons the community" (Al-Bukhari& Muslim).

Fatwa announced by ShaikhAtiyyahSaqr, former head of Al-Azhar Fatwa Committee states as follows:

“Like all other religions, Islam strictly prohibits murder and killing without legal justification”. There is no concept of “honor killing” in Islam. It is based on ignorance and disregard of Morals and laws which cannot be abolished except by disciplinary punishments. Sexual relations beyond legal contract of marriage are prohibited in Islam and the term Zina is used for adultery, which is a sin or offence in Islam which is punishable under Shariah Laws. No person has any authority to kill any person (without any legal reason) for the sake of so-called honor(Niaz, 2012).The practice of honor killing is a form of murder without any trial, which is against the laws. Since Islam upholds the sanctity of human life and there is no justification for killing anybody on the pretext of so called ‘honor killing’, in Shariah. Islam is clear on its prohibition of sexual relationship outside the marriages, but unfortunately the legal safeguards to protect women and men from indiscriminate and unlawful enforcement of presumed Islamic injunctions have been forgotten and innocent people are killed which is a crime.

In view of the above quoted references from Qur’an and Sunnah, there is no room for honor killing in Islam. In this connection, fatwa (Islamic Declaration) has also been issued by one of the most prominent Islamic Schools of Pakistan, ‘JamiaUloomIslamia, Binori Town’, Karachi that all the practices of honor killings are against Islamic Rules and it is the responsibility of the State, not an individual to take law in his hands and kill someone in the name of honor (Banuri).

SUGGESTIONS

Awareness about teachings of Islam needs to be created through media and religious Scholars so that people may come to know the facts about. Legislations should be made by the Government in consultation with the Ulema belonging to different sects and Islamic Ideological council of Pakistan. Laws may be enforced strictly in letter and spirit so that the violators be punished and others may learn lessons and avoid killing in the name of honor. The Religion Leaders (Ulema) should continue to preach to the people regarding Islamic teachings and keeping them away from century’s old un-Islamic customs. The Tribal/Jirga System may be banned.

CONCLUSION

Honor system is a philosophical way operating freely under trust or honesty. It is a system granting freedom from customary surveillance but within the trust. It is also called the honor code based on ethical principles governing a community with honorablebehaviour. This system exists in most of the American and European universities and military academies to control honor offences. The honor system includes honor killing, plagiarism / cheating in the examinations absconding of

people from home or the country, telling lie and forced marriage. Honor killing including violence against women is on the rise in most of the countries of the World in general and in Pakistan as a particular. Mostly, the women (and men as well) are killed by their male family member i.e. brother, father or any other relatives on the pretext of having illicit relations with someone or escaping forced marriage, for serving family honor. Since man is the head of family, he is to decide the fate of his daughter or sister, and in case of refusal to accept forced marriage, the woman is killed. Pakistan ranks one of the few most dangerous countries for honor killing. The case of honor killing and sexual assault / crimes are most decided by the customary / tribal jirgas and out of courts, the crimes are not coming to halt, rather or on the rise.

Islam does not permit for killing of any person without justification and directs its followers to bring such cases to the courts and the government authorities for decision, as Islam emphasis on protecting the life of people. There is no concept of honor killing in Islam. It is based on ignorance and disregard of morals and laws, as sexual relations beyond legal contract of marriage are prohibited in Islam. It is the responsibility of the state to decide such matters and no individuals is allowed to take the law in his hands and kill any person in the name of honor or any other reason.

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