

Hate Crimes and Discrimination against Muslims in America in Post 9/11 Scenario

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ABSTRACT

This article is a detailed description of the hate crimes and discrimination committed against Muslims in America, as a backlash, soon after 9/11. It also highlights the contributing factors to that backlash, American Muslims' response and the American Government's steps which severed the wave of the reactionary hate crimes while its main focus remains on the detailed description, with classification, of those hate crimes and discrimination. It also provides facts and figures along with graphs showing rise in hate crimes against Muslims in America in post 9/11 scenario. This study becomes pertinent in the context of the recently held American presidential elections in which Donald Trump, notorious for anti-Muslim rhetoric and policies, has turned out to be victorious. This article has used detailed interviewing of the victims and witnesses as its main source of getting the first hand information. Besides this, fact and figures and qualitative narratives of relevant incidents from authentic books, newspapers and United States Federal Bureau of Investigations' website have been included.

Keywords: Hate Crimes, Discrimination, American Muslims, 9/11, Backlash

Introduction

Hate crime is a crime especially against people such as members of ethnic minorities and it is motivated by feelings of hatred. It is also described as a crime that is committed against a victim only because the victim belongs to a particular race, religion etc. Soon after 9/11, Muslims in the United States, especially Arabs and the South Asians, realized that there is going to be a backlash of violence, hate crimes and severed discrimination against them. This prior awareness or foresightedness was due to the fact that there were past experiences of anti-Muslim bias in America.¹ For example, soon after 1973 Arab-Israeli war and the oil embargo, anti-Muslim biases were circulating in the American society.² Similar was the position of stereotyping against Muslims in America after 1979 Iranian hostage crisis. In 1985, when some militants hijacked an Airliner (TWA-847) in Lebanon, a wave of anti-Muslim hate crimes was observed in the United States.³ In the same way, when the USA was engaged in bombing Libya in 1986, Muslim students were beaten and harassed and Muslim buildings like mosques, Islamic centers and Muslim homes were damaged. Not only this, when the US troops were being deployed in the Persian Gulf, the political talk shows and debates on international politics increased in the US and it resulted in an increased number of hate crimes against Muslims. The last quarter of 1990

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Date of Receipt: 19-1-2017

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each other and in the members living in society. Therefore, a person must always abstain from defaming others by all means, no matter how justified it seems. Thus, dishonoring others is not permissible under any pretense. And for mankind it is important to realize the graveness of the act of dishonoring and defamation.

Conclusion

Islam is a religion that aims to establish, and strengthen the honor and dignity of mankind. **One of the Maqasid of Shari'ah (Objective/purpose of Islamic Law) is the "Protection of human's personal honor and dignity".** Shari'ah is always established generally on the welfare of the humanity. *Maqasid al-Shari'ah* thus preserves the life, belief, wealth, mind, health, lineage, sex or gender, status, and as well as honor. Our relations with each other must be based on 'responsibility' and 'sincerity'. **'HONOR' is a most reputable word for human dignity and reputation and an aggregation of all optimistic actions and delighted venture of human beings. Humankind is honored by the grace of Allah Almighty; The Supreme Creator. And they admit their Character with moral and highly regarded manner. All Shari'ah objectives and other moral and ethical standards of life can only be achieved through 'honor'.**

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and covers realities and public opinion by their censorship". Thus, in general public discourses, 'the media' propose a dome for contrasting modulations of natural human rights conflicts. At the same time it also appears that media superfluously abuses the integrity and privacy of people for no good purpose, through impulsive recklessness and sensationalism and in that way, they causes extensive harm to others. At this moment in time, the news's are telecast through the power of the rigorous shade, sound and color whole over the world. Certainly this has benefited us and also harmed us in equivalent percentage.

Nowadays, online defamatory statements are treated in more indistinguishable way then customary forms through the derogatory blog posts like Facebook, Flicker, Twitter, Foursquare, Instagram, YouTube, etc. One can easily make public a 'declaration' against anyone instantly. That 'declaration' immediately goes viral and reaches thousands of people. Thus, it has become easier for people to defame someone with the rise up of media.

"Defamation" is the hurtful declaration against someone, which is contrived in spoken or in writing. The published defamation is called "libel" and then spoken defamation is called "slander". It is treated as a "tort" or "civil wrong". Instead, it is not considered a crime and the government did not punish someone for making an abusive or defamatory statement. "Defamation law" functions differently in different societies. "*Law of Defamation*" is the western law and "*Protection of human honor and dignity*" is the law of Islam, indeed Islamic law is much better and superior than the Western Law as the preservation of human honor and dignity is one of objectives in Islamic law. In the western law of defamation if the offender attacked the honor of someone then he may get his punishment only when the victim proved himself innocence, an honorable and a respectful person in front of court. While According to the Islamic Law whether the victim proved himself innocence, an honorable and a respectful person or not, the victim will definitely get his overdue punishment.

In the 'Western Law of Defamation' that the victim, who is disgraced and dishonored by someone, gets more disgrace when he tried to gain help through law and he knocked the door of the court. In case if the victim succeeded in producing witnesses and proved in the court that he is honorable or the culprit made defamatory accusations him, then the accused stands disgraced in the eyes of others. But in Islamic law if the culprit says something bad which, in consistent with realism, impaired the honor and reputation of the applicant. This is fair enough for the culprit to be acknowledged responsible of insult. Therefore both these laws cannot be compared at all with each other because Islamic law is the divine law.

Indisputably, the notion of "honor and dignity" is a noble principle, sternly embedded in our societal relations and cultural tradition. "Honor and dignity" corresponds to the straight and decent behavior that concluded one's ethical and social position in the society. When the honor of a person is assaulted, naturally that person responds negatively to it which results in hatred and disunity among

Today 'the defamation' and 'dishonoring' others is the most commonly and casually performed act in our society.

Undoubtedly, the *Maqasid al-Shari'ah* (**Objective/purpose of Islamic Law**) are enclosed in Islamic traditions. They primarily focused at the common way of life and intents. *Maqasid al-Shari'ah* are finally the focal point or necessitate for a contemporary reformulation of the *Shari'ah*. The knowledge of *Maqasid*, thus provides its meaningful doctrine and theoretical structure in order to understand the wider outlines of *Shari'ah* and objectives of life. Generally, *Shari'ah* is the revelation that Prophet Muhammad (ﷺ) had received from Allah (W.S.T) and had practiced it as the mission and message of his natural life i.e., the *Quran* and the Prophetic *Sunnah*. Therefore Islamic Law has always built on the assistances of humankind. And *Shariah's* rules are always aimed to preserve the mutual benefits of objectives of Islamic Law/*Maqasid al-Shari'ah*.

Maqasid al-Shari'ah are generally classified into three categories by Jurists, which are *Daruriyat* (essentials), *Hajiyat* (needs) and *Tahsiniyat* (embellishments). These necessities are most important substances for human life. Behind *deen* Islam and any revealed law, a 'sole purpose' is the conservation of these essential matters of human life. First group '*daruriyat*' is considered very essential for the welfare and comfort of human beings in all worlds. These Essentials are further sub-divided into five or six categories, which aims to protect Religion or faith (*al-din*), soul or life (*al-nafs*), intellect or mind (*al-'aql*), wealth or property (*al-mal*), lineage (*al-'ird*) or dignity and honor (*al-'izzah*). All these essentials mentioned by jurists are not exhaustive. Some '*ulemah* have included protection of lineage/Dignity and honor in the same category and some jurists have included protection of honor in the different category as the sixth essential need. The *Daruriyat* are primary and basic than *Hajiyat* and *Tahsiniyat* because negligence in *daruriyah* brings frailty and deficiency to the *hajiyah* and *tahsiniyah* in an unchallenging manner. Disregard in this facet, will lead toward disturbance and total disorder in human lives. Therefore to sustain the *hajiyah* and *tahsiniyah*, the proper protection or preservation of *daruriyah* is desirable.

ALLAH, The Exalted, in the Holy *Quran*, take account of all the humans to be worthy of respect and honor because human beings alone are trustworthy to prefer the "trust" of liberty of the free will [*Quran* 17: 70 and 33:72]. And human beings are distinguished from other creatures on the earth and they are blessed with the persuasive aptitude by Allah (S.W.T) [*Quran* 2:30–34]. *Quran* declares that human beings are blessed with intellect or mind to meditate, they are blessed with the ability to differentiate between truth and untruth thus Allah had made them "in the best of molds" [*Quran* 95:46].

In the preservation of human personal honor, dignity and other rights, 'the Mass Media' is used as a significant weapon and play an important role. For that reason the "Fourth Estate; The Media is a crucial addition to the influence of supervisory, the administration and the tribunal. It shapes civic attitude of world

the family".⁶⁵ Acid attack and honor killings are often referred to as a "crime of passion" fuelled by jealousy and revenge in order "to permanently brand someone and make them feel ashamed".

Defamation Law and the Society

"Defamation law" functions differently in different societies. Like in respectful and deference society it operates in another way than a market society. In one hand, reputation is purely a private dominion; it is gained through personal attempt and reputation is always important for those who have made efforts to create it.⁶⁶ Reputation always claims for officially authorized security and protection equal to the other public protection private goods of same nature. And on the other hand, the preservation of human honor and dignity demands more in a deference society than the protection of purely individual wellbeing. Though honor would not be created by individual effort or labor, yet instead by sharing a social discernment that goes beyond the conduct of any specific individuals, honor is a public good, not merely a private possession". For example defamation or an insult to the emperor does not associate injury only to the emperor's personal concerns, but also injure the social status and reputation with which the society has devoted the role of supremacy.⁶⁷ Thus, in need of protection, accepting the wisdom of human honor and dignity as for a public good is obligatory for the peace of society because good reputation is always a public interest.

Lastly, it is ratified that "*Human Honor and dignity*" is a part of one's status and reputation in the society which is based upon the social mutual "vision" of human beings. In general honor is considered a suppressed quality. Mostly people notice it when it's not present.⁶⁸ If honor is absent in a person then others gave it much consideration; its absence stands out as a weakness prominently in character. In all its precedent, for any honorable and respectful person to endure dishonor is like to be disgraced.⁶⁹ Dishonored People shamed experience scorned and rejected, embarrassed and humiliated. They may become hopeless; may undergo into isolation in order to stay away from disreputable eyes and thoughts of others about them. Therefore, people always desire to maintain their status and reputations in their society more than anything else in the world.⁷⁰ The "harm or injury to honor" is not escorted only thru disgrace, humiliation or defamation, but also it is accompanied by the loss of reputation and dignity.

ANALYSIS

The subject of 'human dignity and personal honor' raises a batch of queries in the locale of justice and equality. Generally acknowledged principles and societal norms are affected by the subject of 'dignity and honor'. The denotation of 'honor' and 'dignity' according to the *Quranic* and prophetic perspective is emphasized. In its nucleus, Islam endows with 'Human honor and Dignity' to all man and woman and provides direction and guidelines to all mankind so that they protect the rights of each other and admire the respect and honor of humans. It is demonstrated that protection of honor and dignity is a significant objective of life. But sadly its dimensional appearance is very poor in this contemporary era.

committed backbiting against him; whereas if that (fault) is not in him, then you have slandered him".⁵⁵

Mufti Ahmad Yar Khan, the renowned commentator of the *Quran* has stated, "Backbiting is to make disparaging remarks that are true and slander is to lay false allegations and make remarks that are untrue. Backbiting is speaking the truth; however, it is *Haram* (not allowed at all)". The conclusion is that "*backbiting is a sin and slander is two sins*".⁵⁶

Cyber Bullying

"*Bullying*" is intrusive, superfluous, and aggressive behavior mostly among teenagers. In bullying, actions such as spreading rumors, defame to harm others, attacking someone verbally or physically, or making threats on purpose are included. And "*Cyber bullying*" is the bullying, that account through electronic technology. "Electronic technology" includes social media sites text messages, chat, websites as well as apparatus, devices, or communication tools such as computers, cell phones, and tablets etc. Examples of cyber bullying take in rumors posted on social networking sites, or mingy emails and text messages, and embarrassing websites, pictures, fake profiles and videos.⁵⁷

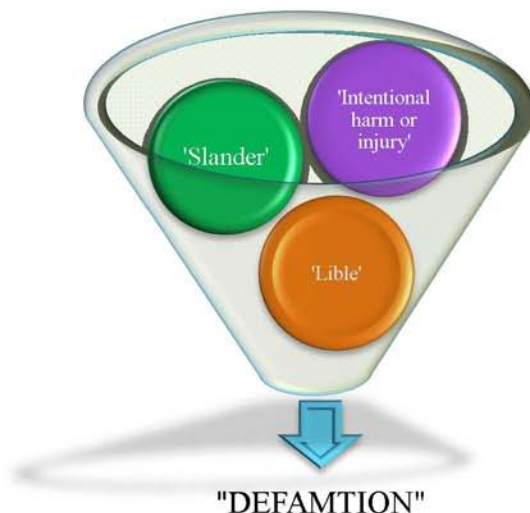
Honor Killings

"*Honor killing*" is a cultural tradition in which a clan or members of family attacked on women by shooting, stabbing, beating or stoning, with the purpose to defame and slay her for leading dishonor⁵⁸ to her family's reputation. This practice is entrenched in male superiority,⁵⁹ dominance and control of 'patriarchal norms'. Such dishonor usually is the end result to offend 'sexual taboos' and a so called honorable man killed the woman in question by virtue of refurbishing that honor of his family.⁶⁰

Probably in Pakistan honor killings report for multitudes of female losses.⁶¹ For instance, in the vast rural areas of Pakistan, Crimes related to honor and reputation in the name of '*gairat*' are rarely fetch in the '*jirgas*' (tribal courts). And "the regime generally does not denounce these activities nor take any action against them".⁶² Sometimes women face humiliating attacks because of the transgressions of some other members of their families. It is common in tribal areas. In 2002 a case of illegal affiliation of a young boy with a woman of another tribe was presented before Pakistani Tribal Council. The council ordered to disgrace a woman from the boy's family. So his sister was gang raped by the members of the rival tribe before the very eyes of a huge crowd and she was sent back home naked.⁶³

Acid Attacks

In addition, "*Acid throwing*" is one of the instances to harm women, to reinstate the integrity and honor or to take revenge from someone.⁶⁴ This method in relation to honor and human dignity is elucidated by purpose to put into practice: "*to change the appearance of a woman by maiming or burning her, or to sexually assault her or kill her, devalues her worth to the family and dishonors*

Fig: 6

Malicious Gossip

Malicious gossip or '*Nameemah*' means "telling one person what another said in order to cause trouble between them". Usually people persuade to seek out and expose the errors and faults of others. And when they are made cautioned, they not take it even they argued repeating the same mistake with claiming that they just tell the truth.⁵² Actually it might only seem an inconsequential and a petty thing, but when it seen on a larger continuum, it harms the honor and causes defame, which in any case, another individual ought to protect.

Backbiting

Backbiting or '*Ghibbah*' means "talking ill of a person in his or her absence.it may be in the form of a verbal or written statement or a disgusted gesture".⁵³ It results from the Unnecessary, empty talk and habit of seeking faults of others. It is well-known that a gossip and backbiter consign two sins: first, violation of Allah's right, as he commits something that Allah, The Exalted forbids human beings to do. "To repent and regret" is the expiation for such sin. Second, violation of man's right, as the honor of the backbitten person is injured.⁵⁴ And the one who backbites against someone then he should ask for forgiveness to him for his act of backbiting.

Difference between Backbiting and Slander

The Noble Prophet Muhammad (ﷺ) once asked to the companions; "*Do you know what backbiting is?*" They answered, "Allah (S.W.T) and His Prophet know the best". Then the Beloved and Blessed Prophet explained, "*Backbiting is that you talk about your brother in a manner which he would dislike*". Someone then asked, "What if that (fault) is present in him?" He (ﷺ) replied; "*If the statement you are making (about his fault) is present in him, you have in fact*

Thus, it is essential to be attentive about these complications in the social pyramid that are pertinent to root opposition and eventually may exaggerate into a major social disturbance by focusing on the foremost issue of human honor and dignity. At this time the standard for evaluating the worth of a religious-human theory³⁹ is its insolence headed for human beings and its understanding throughout the world, namely; human personal honor and dignity.

II- Application of "Protection of Human Honor and Dignity" in Societal Relations

The conception of the protection of human honor and dignity is considered as an icon of society in which societal acts and roles are persistent and well organized, and such acts and roles present the point of allusions not only for the 'acknowledgment of social status'⁴⁰ but also for the 'normative ideals of personal behavior'.⁴¹ There are many aspects⁴² of the conception of human honor and dignity, but for the development of defamation law the most important form of honor that may be illustrate as a form of reputation was mandatory, in which a person individually analyzes with the normative features of a especial social role and in response personally takes regard and estimation from the society.⁴³ A man cannot earn this kind of honor and dignity all the way through labor or effort; "he asserts it his natural right by the morality and virtue of the position or 'status' in society".⁴⁴

Defamation - Honor and the Society

Islam is a religion of love and peace. In Islam malicious gossips, backbiting, vulnerable doubt, slander, and lies, are totally oblivious. Indeed they are 'the most caustic and critical of major sins'. This is so because these sinful evils rupture the honor and reputation of others and propagate hatred, enmity, conflicts and hostilities among each other which lead towards destruction. In Islamic societies the theory of "honor and dignity" is considered a noble principle, fiercely rooted in cultural tradition.⁴⁵ In the society One's honor and dignity represents his or her decent behavior and concluded his ethical and social position.⁴⁶

Slander and Libel

It is stated earlier that the term "*defamation*" is an all-inclusive expression that covers any declaration or statement that injures individual's reputation. If the hurtful declaration is contrived in published and writing, the defamation is called "*libel*" and if the statement is contrived in then spoken defamation is called "*slander*".⁴⁷ Libel generally is considered to include any form of communication, together with television and radio that has the probably destructive traits normal of words in written.⁴⁸ The universal law of 'libel' and 'slander' is intended to achieve society's "strong and prevalent concern in redressing and avoiding attacks upon personal status and reputation".⁴⁹ However, Reputation is obscure and an unexplained thing. As a rule, the common law has "not visibly attempted to describe reputation".⁵⁰ Hence, the ingredients of defamation "u/s 499 PPC" are as following,⁵¹

1. Through language, signs or evident representation
2. Publish or script any imputation
3. Intentional harm or injury to the personal honor and reputation of any person

The other responsibility of the rights to protect human honor and dignity is "to guarantee equality among the members of a community" by making certain that everyone has possessed an equal and identical right of respect. In relation to the AB's construal, it also persuaded by the nature of 'birth right' that honor and dignity of any person is: "asuch subsidiary right that both *Hungarian Constitutional Court* and other courts may entreat it, as self-sufficiency (autonomy) for the protection of beings if none of the concrete, specific fundamental rights can be applied to the specific facts of the given case".³³

Codes of Ethics, Proficient Strategy and Guidelines

One of the ethics of broadcasting is to "protect human personal honor and dignity". At present the views, reports and opinions are telecast all the way through the world with power, sound and color. No doubt this has been abused and used in equivalent appraise as it has benefited and harmed us in equal percentage.³⁴ The Media shapes civic attitudes of world and covers realities and public opinion by their censorship. Thus, today the mass media are used as a significant weapon.

A professional self-regulation is the 'proficient strategy' implemented by the media unions as an issue of perspective guiding principle. Possibly the paramount example of this is an assortment of procedure adopted by the BBC which are intended to preside over its output. The over shadowing agenda of the BBC guidelines is a proclamation of morals and values:³⁵

"We must therefore balance our presumption of freedom of expression with our responsibilities, for example to respect privacy, to be fair, to avoid unjustifiable offence and to provide appropriate protection for our audiences from harm".

Here, it can perceive a conscious sense of balance and stability between responsibility and freedom, in order to operate independently of supervision and to organize a perception that the freedom of the media has to meet in conjunction with some responsibilities in the implementation of that freedom. There is 'proficient strategy' and comprehensive guidelines that cover up controversy affairs such as privacy, accuracy, justice, neutrality, the harm, conflicts of interest, the incumbency of media during elections, and the exposure of sensitive issues such as religion, conflict, crime, young people and sexuality.³⁶

The Islamic thinkers and Philosophers underscore the point that human beings are equally symbiotic and interdependent for their carnal needs such as nutrition, accommodation, and defense or protection from peripheral dangers. The *Quranic* vision of social relations and anarcho-syndicalism has fortified various Islamic thinkers to offer them philosophically discuss human society or collectivism; it becomes unavoidable upon them to reside the impression of reciprocal interdependence, as the foundation of collective institute.³⁷ Therefore mutual collaboration is essential for the survival of humans. Even though the very thought of social relations and anarcho-syndicalism, prop up the society at different stages specially specific and combined configurationally models.³⁸

press and the protection of human dignity and honor, in terms of legislation and the application of the law are in conflict then it becomes complicated to formulate decisions. All communities try to protect human dignity and honor in media regulations through the prevention of repugnance words against others, good reputation and the general right to protection of honor. Yet, it's not the single probable mode to go.²⁴ Here a question arises, a meaning to the right "*to protect human personal honor and dignity*" is whether different from the provisions guaranteeing the general protection of privacy or not. Because mostly a piece of media legislation explicitly names 'dignity' and we assume that its implication is diverse from that of the substance of the right to protect honor and good reputation, which both in most cases also are named.²⁵

Freedom of Expression and Human Right of Honor

Freedom of expression is considered as an essential and important right, which helps to protect other freedoms and rights. It has required an effective means of contact or communication. At the same time Freedom of expression is not a fixed right. It can be constrained to protect the rights of others for example by prohibiting loathing speech that incites hatred or violence against someone; or to protect the honor and reputation of persons from false accusations. The customary practice for such limitations is to be scarcely defined and only functional by the courts where there is an apparent public concern in doing so.²⁶

In the broader sense the "*freedom of expression*" does not support the innovation of reality. It grants every person a right, to speak what they wish for, how and when they desire, within barely definite authorized limits. They have the right to be decent or indecent, honest or dishonest, fair or biased.²⁷ It is the right to be "self-regarding", in the words of philosopher Onora O'Neill.²⁸

The Officially Authorized Conception of Human Honor and Dignity

In many countries, the protection of human personal honor and dignity is a fraction of media conventions/regulations. It is trait of these conventions that they contain the security of human dignity as the substitute to the desecration of status, honor and reputation. They choose dissimilar methodologies which regulate the issues of character transgressions stanch in the print and electronic media as branch of the common individuality protection imperative (criminal and civil code), and it doesn't slot in the protection of individual's personal rights in the media convention.²⁹ The right to human personal honor and dignity' is the "mother right" of all human rights, together with the right to life. As this is mentioned in the decision No. 8/1990 (IV. 23) AB – Hungarian Constitutional Court,³⁰

*"Human dignity is the principal constitutional guiding principle for the creation and application of all laws and the actual foundation of the system of constitutional fundamental rights, values and obligations."*³¹

Human honor and dignity, as one of the responsibilities of the rights to protect them is basically "to guarantee self-sufficiency". This ensures that a man exist as a unique and matchless creation that does not turn out to be as an object or instrument.³²

but it also has been functional cultural traditions and in sub-cultures devotional beliefs and religious attitude, to natural world applied for foodstuff or to investigate. "Dignity" also contains expressive meanings referring toward human merit. In broader sense, depending on the context, the term has a range of functions and interpretations.¹⁶

Every being has a native right to be respected, valued and to receive fair behavior. The Media era of satellite, television, computer and cinema has made information more accessible and this world becomes much handy. Till the social media has ascended it's became easier for people to defame someone because through social media services like Twitter, Facebook, Flicker, Instagram, you tube, Foursquare etc., anyone can 'easily publish' a declaration against someone instantly that reaches thousands of people immediately. At present, anyone can say online defamatory statements at any time through derogatory blog posts, are treated in more identical way then traditional forms.¹⁷

The Media and Defamation

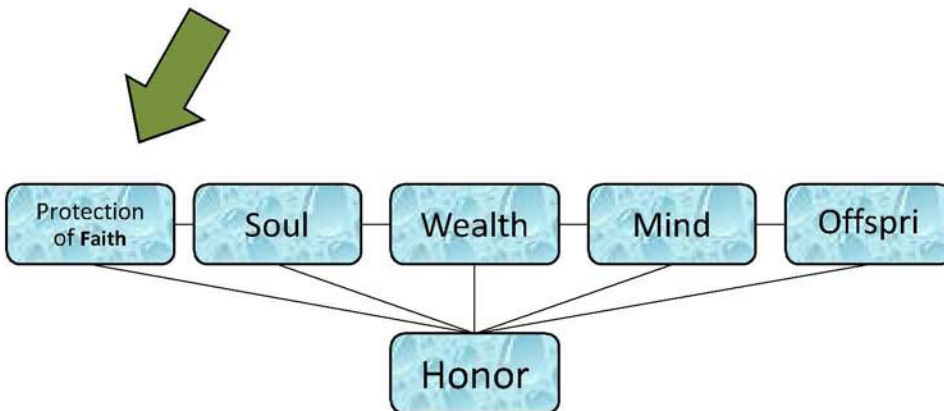
The term "*defamation*" is an all-inclusive expression that covers any declaration or statement that injures individual's reputation.¹⁸ Defamation is not considered a crime and the government did not punish someone for making an abusive or defamatory statement. Rather, it is treated as a tort or a civil wrong. "Truth" is the sole military protection to defamation. There must be a subtle symmetry between one being's right to freedom of speech and another's right to guard their reputation. It is complex to recognize which personal statements are appropriate and which run a filthy of defamation law (see defamation¹⁹ law: the Basics on Find Law-Free Legal Website).²⁰ Under defamation law, the victim or a person who undergoes through a defamatory statement can claim against the person who made the statement because it inclusively injures the honor and reputation of victim.

Defamation law has far long been existed in the United States in order to protect public rights and to avoid defamation. On one hand, if someone say something mean, but true, about others then under the laws freedom of expression, freedom of privacy and freedom of speech and such other laws, people are free to talk about their understandings in an honest and truthful manner without any fear of prosecution. And on the other hand, people have a right to not to say something false that damages their reputation. Honest and open Discourse is essential for a better and free society.²¹

Freedom of Media and Human Right of Honor

The protection of human dignity and honor is one of the bases of media regulation and also a foundation of common European legal order.²² According to McCrudden (2008), the conception of honor and dignity has a particular importance in verdict on cases regarding human rights. It varies in different legal systems. Occasionally in similar legal systems the results are unusual.²³

Pakistan is one of the countries that faced issues associated to the protection of human honor and dignity. When the freedom of expression, sovereignty of the



Further, "*Necessities*" are restricted into the preservation of one's belief, life, wealth, intellect and dignity whereas, a few jurists of Islamic Law joined "preservation of honor" into these five extensively popular necessities. All these necessities or objectives of *Shari'ah* are essential substances of human life that can be enumerated at six, namely; Faith, Soul, Mind, Property, Lineage and Honor. Thus whatever that improves the conservation of these six basic essentials, is deliberated as "beneficial", and that fails to preserve these objectives, is deliberated as "corruption".¹²

For the purpose of this research the prime concentration is on "*Protection of human honor and dignity*" the fifth or sixth Objective (near some '*ulema*') of the *Shari'ah*. It must be noted here that the list of Maqasid al-Shari'ah is not encyclopedic or all-inclusive because several jurists have incorporated "Honor" as the sixth crucial necessity of life.

I- Protection of Human Honor& Dignity and Print and Electronic Media

This part draws concentration to 'honor' and 'dignity' as ultimate values, both resolutely entrenched at the core of collective remits and lawful structures in the contemporary Islamic and western world all the way through media.

"The media" plays an extremely significant role for the preservation of human rights. They depict natural human rights contraventions and propose a dome for contrasting modulations to be noted in general civic dissertation.¹³ That's why the media is usually termed as the "Fourth Estate" - a crucial addition to the influence of the supervisory, the administration and the tribunal.¹⁴ It appears that media unjustly and unnecessarily abuses the integrity and privacy of individuals through sensationalism and impulsive recklessness and in that way, for no good purpose they causes extensive harm to them.

The Honor and the Social Media

In a contemporary situation, concept of dignity and honor can build up as a porch of enlightenment-era concepts of inherent, in alienable rights.¹⁵ Western-speakers frequently employ the word "*dignity*" in a parochial ways. In political affairs it can be used to assess critically the cure of subjugated and exposed individuals,

aimed at protecting these social reliefs of mankind.⁶ Thus, whichever rulings that alternate common good with mischief, fairness with unfairness, wisdom with nonsense, or mercy with brutality, are the rulings which do not fits appropriately in to *Shari'ah*.⁷ *Maqasid al-Shari'ah* aims at looking the need for a contemporary reformulation of the *Shari'ah*.⁸ Objectives of Islamic Law, mainly refer to the "general aims" related to the human life that Islamic Law endeavors to achieve as well as the "specific aims" to utilize particular legal injunctions to attain *maqasid al-Shari'ah*, which are evidently imperative but slightly neglected subject of the *Shari'ah*.⁹

Therefore, *Maqasid al-Shari'ah* are confidentially classified into two broader types: (i) General Objectives and (ii) Specific Objectives. "General Objectives" aims at recognizing the general wellbeing and prosperity, in this world and the hereafter attained through the implementation of legal injunctions given by *Shari'ah* While, the "Specific Objectives" search for a slighter dominion of human commotions such as political, economic or family life attained through specific legislation that seeks to aim at directing particular issues.¹⁰ The *Shariah's* teachings and rulings regarding those five objectives are categorized into three levels:

- Necessities (*dharuriyyat*)
- Needs/convenience (*hajiyyat*) and
- Refinements (*tahsiniyyat* or *kamaliyyat*).¹¹

Fig: 1



Application of “Protection of Honor” in Societal Relations and Media from Islamic Perspective

Nimra Ijaz*
Shahzadi Pakeeza**

ABSTRACT

No society allows an individual to dishonor a fellow human being, thus it is important in itself to think rightly about the "concept of honor" that what actually HONOR is. 'Islam' has prearranged the particular guiding principles and valuable strategies about this genuine and earnest matter that ought to concern every individual prudently. The research focuses on the correct understanding of Islamic teachings in the process of preserving/protecting human personal honor and dignity. Islam teaches us that if people are being dishonored we should defend their honor. Human honor and dignity is reexamined in this research from two major perspectives. Human honor and dignity in media and in societal relations. Both aspects are elaborated extensively and the conclusions are drawn to show that honor and dignity is for all humans whether big or small, good or bad, rich or poor, literate or illiterate, our dear ones or strangers. Islam does not permit one's honor to be abused. Everyone is equally honorable and above from all other creations on earth.

Keywords: Protection, Honor, Media, Relations.

Introduction

The English word, “*dignity*” is originated from “*dingus*”, a 'Latin word' which denotes; “due a certain admiration, with substantial reputation, praiseworthy of respectand *honor*”.¹Literally, “*dignity*” refers to, “veneration; high self-respect, *honor* and high position, title, befitting, merit, to receive rank and proper pride.” (*Webster New World Dictionary*).Technically it is, “a mark or quality of being praiseworthiness - of esteem or honor that insures lofty position of stateliness, manner and appearance.” According to Christopher McCrudden different denotations are used for “*dignity*”, such as: (i) self-esteem, and (ii) decency, non-degradation.² In altogether, dignity is the 'autonomy' in addition to having the right to make a decision for an individual.³“*Honor*” is the estimation and value of one's own worth, the acknowledgment of the right to claim pride and his distinction supposed in his own eyes and by the society as well. It is about “not only being respected, but also about being worthy of respect”. Thus, Honor is a “*reputation worthy of respect and admiration*”.⁴ “*Dignity*” and “*Honor*” is the words, only used for human beings, and not used for demons or angels.⁵

“*Maqasid*” means purposes/objectives and “*Shariah*” means Islamic law. The *Shari'ah* is set up on sagacity and it ensures people's welfare in this world and the world hereafter. It deals with justice, leniency, good and acumen. Generally the *Shari'ah*is constructed on assistances and welfare of the general public, also it

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Date of Receipt: 26-12-2013

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different sectors but non implementation is the main reason. Traffic laws are one of them which not only belong to policing system but also to humanity. Several incidents are occurred as result of violation of traffic rules & regulations and lead to the death of people. As per *WHO report* “in Pakistan there are about 14.2% in road fatalities per 100,000 habitants per year”²¹. We may observe on many occasions that drivers consider as a symbol of pride to violate the traffic rules like driving above speed limits, breaking traffic signals and under age driving is very common in our society. We encourage the underage to drive. Over loading and driving without licence is not in count. Parking places and park the vehicle in a proper place is not including in our life style. The same applies everywhere in society in regard to obey other very common nature laws.

CONCLUSION & RECOMMENDATIONS

The basic flaw of lawlessness in Pakistan (an Islamic state) is not abiding the Islamic laws in their true spirits and Lawlessness stabling its roots day by day in the society and resultantly destroying the peace & harmony among our countrymen. Being an Islamic State we must adopt the law of Quran and Sunnah. To strengthening this quote in constitution of Pakistan, 1973, it is guaranteed that not any law is repugnant with the injunctions of Islam is made/implemented as laid down in Holy Quran and Sunnah. In addition following recommendations/measures are suggested to eliminate lawlessness in our society:-

- Adopting and subsequently following justice system of Islam
- Reducing poverty ratio
- Providing opportunities of employment by the government
- Avoiding short cut solutions in life
- Adopting traffic and other rules of society
- Adopting Uniform education system in whole country
- Cooperation between police and general public
- Taking action against criminals on time at priority
- Eliminating street crimes through job opportunities
- Discouraging extremism, terrorism and funding of terrorists
- Reducing corruption through motivation/teaching from childhood in educational institutions
- Improving behavior with servants
- Provisioning of fundamental rights to the citizens on equality basis
- Taking care of Rights of each others, particularly rights of neighbours and women
- Positive role of electronic/print media and educational institutions in awareness regarding law abiding & Ethics towards concept of real life
- To avoid double standards as Allah says in Quraan,

“Great is hatred in the sight of Allah that you say what you do not do”
(61:2)²²

and

“O you who have believed, why do you say what you do not do?”(61:12)²³

- *Freedom to speech.*
- *Freedom to Profess Religion.*
- *Safeguard against Religious Taxes.*
- *Right to Freedom of Religious Institution.*
- *Freedom to Acquire Property.*
- *Protection of Proprietary Rights.*
- *Equality of Citizen.*
- *Non Discrimination in respect of Access to Public Places.*
- *Non Discrimination in Service.*
- *Preservation of Language, Script and Culture.*

Obligation:

- He/She must has Loyalty to the State
- He/She must obey the Constitution and Laws executed time to time by the Govt.
- He/She must care the rights of other citizens.

RESULTS AND DISCUSSION

The obvious reason of lawlessness in Pakistan (an Islamic state) is not abiding the Islamic laws in their true spirits and Lawlessness stabling its roots day by day in the society and ultimately destroying the peace of our country. Corruption made the situation even worse and needs to be curbed from everywhere at the earliest. Although, it is very difficult to eliminate the corruption from society but not impossible. Poverty is another severe problem of our society as 60% of population is below the poverty range in Pakistan and 21% households are extremely poor which live with the income less than 125 rupees per day. The terrorism among all is another prominent factor, at present Pakistan is facing in the shape of bomb blasts, suicidal attacks, target killings and sectarian violence. Our traffic system is among world's best traffic systems, but unfortunately we are facing many traffic problems due to unawareness of traffic rules in general populous and less interest of Government institutions. Another alarming situation in Pakistan is street crimes and violence against human rights. An example of importance of justice and equality in Islam can derived from the sayings of Holy Prophet (PBUH) on occasion of HajjatulWidah on 10thHijrah,

*“All mankind is from Adam and Eva, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over a black nor a black has any superiority over a white – except by piety and good action. Learn that every Muslim is a brother to every Muslim and that the Muslims constitute one brotherhood. Nothing shall be legitimate to a Muslim which belongs to a fellow Muslims unless it was given freely and willingly. Do not therefore do injustice to yourselves”*²⁰

Pakistan is one of those countries who have strong rules and written constitution. Although Pakistan has very effective institutions and subsequently laws for

very famous Caliph Hazrat Umar (R.A) said that always keep your cities small as it will give you easy implementation of laws and administration of population, their activities and judicious use of resources/facilities. The lawlessness has very adverse and negative impacts on the society. Firstly, it spoils social values of members and creates grouping in different organs on basis of language, region, racial, and religion sect of society, which leads to the loss of ethics values as well. Secondly, it damages the spiritual values of Islam as many laws made on basis of teachings of Islam in Pakistan. In addition, unemployment, poverty and inflation are also contributing factors of lawlessness on Pakistani society. Consequently due to lawlessness in Karachi an industrial hub of Pakistan, economic growth is consistently on low average, owing to extortion by criminal elements the shutting of industrial states were on rise and subsequently capitalists are not investing their money. Further, using of criminals for political gains by the politicians and the feudalism has also negative impacts which stop prospering our economy. Violation of rules and regulations always harms the prosperity and development of any country. Negative impacts of Lawlessness can be converted towards positive by adhering following basic features of the society.

Rights and Obligations

Fundamental rights are generally regarded as set of legal protections in any legal system, where such system itself based upon the same set of basic fundamental or inalienable rights. The fundamental rights are guaranteed in Constitution of Pakistan, 1973 like other countries. *The concept of "human rights has been promoted as a legal concept in a large part of owing to the idea that human beings have such "fundamental" rights, such that transcend all jurisdiction but are typically reinforced in different ways and with different emphasis within different legal systems"*. These are the social claims or privileges provided by the state to its citizens. They are inviolable and remain attached against their breaching. These rights are applicable to all irrespective of their backgrounds¹⁹. Lawlessness in our society is at extreme and destroying the whole ethical and moral values of our society. The situation of lawlessness can be improved by adhering following rights and obligation of every citizen guaranteed under constitution of Pakistan, 1973.

- *Right to Life or Liberty.*
- *Safeguard as to arrest and detention.*
- *Safeguard against slavery and forced labours.*
- *Protection against retrospective punishment.*
- *Protection against double punishment and self incrimination.*
- *Inviolability of dignity of man etc.*
- *Freedom of movement.*
- *Rights to assembly.*
- *Freedom of association.*
- *Political Freedom.*
- *Freedom to trade, Business or Profession.*

enduring laws, customs, and institutions including a system of moral education for the citizens which might be easily adoptable.

Street Crimes and Violence: Street Crimes are increasing day by day in Pakistan, almost every individual is the victim of street crimes today directly Or indirectly. Some people think that it is caused by poverty while the other opine that it is due to adolescent offender. Motorbike, wallet and mobile snatching is among the most common street crime in our society, which shows the clear picture of lawlessness. This situation is not only in Pakistan, every country around the world has been affecting by street crimes less or more in big cities. The main alarming reason of lawlessness is street crimes & violence in every big city.

Responsibility/Role of Society

No one is criminal by virtue of birth, however this is the creation by the society & atmosphere. It is proven fact that every child receives effects and adopts habits from society, basically habits of any individual reflects the society he belongs. To curb this terrible menace attitude of complete society needs to be reviewed. In order to streamline/provide psychoanalysis treatments to the criminals, society may adopt them instead of neglecting or rejecting due to their crimes. Education is the mainly weapon which can be used to reduce crime rate in any society. The actual wealth of any nation is its Human Resource. If society provides good and purposeful education to its younger then society will prosper and success will be its ultimate destination. A famous philosopher Aristotle said "Those who educate children well are more to be honored than they who produce them; for these only gave them life, those the art of living well" ¹⁸. The purpose of education should not only to enlighten the students but also to rise their mental horizon to prepare a nation that can meet the challenges of upcoming times in future. Education is defined as "the process of receiving or giving systematic lessons, particularly at a school or university". Education is the only way to survive and to develop a prosper and visionistic society. The prime responsibility of any state is to provide education alongwith other basic needs of its citizens, educating every citizen means developing a good society. The education is not only information but a complete formation. Hence, education system can make/break the future of any nation. Education system should espouse such a mechanism, which builds complete character of society through formal teachings; tolerance, patience and respect of others. Positive role of education system can change the complete cycle of a nation from negative to positive directions. Educational institutions can pay a vital role by teaching Common laws to the students as part of their syllabus start from beginners to middle level.

IMPACTS ON SOCIETY

The Pakistan is in top most countries where lawlessness is on rise. In early 80s our society was one of the law abiding societies in the world but after globalization and unregulated, uncontrolled & unmonitored expansion of our cities and the rise in population at the same ratio became the cause of lawlessness in our society. The

whole system is running under the umbrella of corruption. Pakistan's ranking is consistently going poor in Transparency International corruption perception, Pakistan is the 116 least corrupt nations out of 176 countries. According to the statement of Transparency International, Pakistan has lost 94 billion dollars because of corruption. It is a great amount which is highly unbelievable to accept that Pakistan has lost it which could be expend for the welfare of society¹⁴.

Poverty:According to the latest World Bank report, *“the headcount poverty rate has declined from 64.3 percent in FY01/02 to 29.5 percent in FY13/14”* and 21% households are extremely poor which live with the income less than 125 rupees per day. According to the report of Multidimensional Poverty Index (MPI) Pakistan of June 2016, multidimensional poverty rate are highest in FATA and Baluchistan¹⁵. Pakistan's MPI showed a strong decline with national poverty rates falling from 55% to 39% from 2004-2015 however, progress across different regions of Pakistan is uneven. Poverty in urban areas is 9.3% as compared to 54.6% in rural areas and the disparities also exist between provinces. The poverty becomes the cause of crimes as it attracts poor populous towards crimes to fulfil their needs. The criminal elements grab/motivate poor people and ultimately compel them towards crimes by showing lavish & charming life etc. The result of declining of needy and poor populous towards crimes births extremism & terrorism.

Terrorism:Although, it is very difficult to define terrorism in the present circumstances of nations as every nation has its own interests. However, it can be defined as the use of violence and intimidation to achieve political aim or the premeditated use of violence or threat of violence against civilians in order to achieve goals that are political or religious or ideological in nature, this is done through intimidation or coercion or inciting fear. At present terrorism is not only the hottest issue of Pakistan but also for the rest of world as well. Now it even became a headache for the government and frightening dream for the public of Pakistan as Pakistan was forced to be a part of it, in spite the fact that it was a global issue. Engagement of Pakistan in war on terror was like fuelled to the fire. The terrorist activities were started in Pakistan after 09/11 incident. The annual death rate in Pakistan was 189 in 2003 and increased rapidly to 11704 in 2009 but with the efforts and measures of Government & Law Enforcement Agencies it has been reduced sufficiently till 2016 as 1803, it is the situation of war affecting us by terrorist attacks frequently¹⁶. Terrorism gave birth to many issues like social injustice, political instability, religious intolerance, economics disparity and also international conspiracies. In addition terrorism is also existed in our society at small level like extorting of money, kidnapping for ransom and small dacoities are the examples, we observe in our daily life.

Inadequate Laws:It is observed that many of laws and rules are inadequate in nature. The implementation of certain laws become very difficult sometimes due to many social reasons. The most important task for the politician is, in the role of lawgiver to frame the appropriate constitution for the city-state¹⁷. This involves

Messenger was the greatest of judges and he used to act in capacity of judge in the city of Medina the first Islamic state. When Islam is the religion of mercy, equality and justice? It is the religion that came to free people from worshipping of creation and brought them to only worship of Allah, to remove people from oppression, inequity and bring them to the highest degree of justice and freedom. Umar Bin Khattab (RA), the second caliph was the first person who introduced a complete justice system and the judge as an independent entity, distinct from the caliph and governors.

LAWLESSNESS IN SOCIETY

Ignorance and subsequently upto some extent avoiding of laws are very common in our society and unfortunately people feel pride to break laws. A famous *Latin* slogan "*ignorance of the law excuses not*" and "*ignorance of law excuses no one*"¹² is to be kept in mind by all. Although majority of citizens everywhere are law abiding as the laws are made on nature and it is inbuilt in the human mind to abide law, people do care of their duties and obligations to become a good member of society but there are certain number of people who avoid abiding of laws due to obvious reasons. We may observe frequently in our daily life that if a common member of society commits a minor crime or ignores law, he will be panelized whereas contrary to this if a sourceful or influenced person avoids same law he will not be panelized and even set free and this becomes the major de-motivation factor of lawlessness in our society. Following is the crime ratio in Karachi¹³:

Crime rates in Karachi, Pakistan

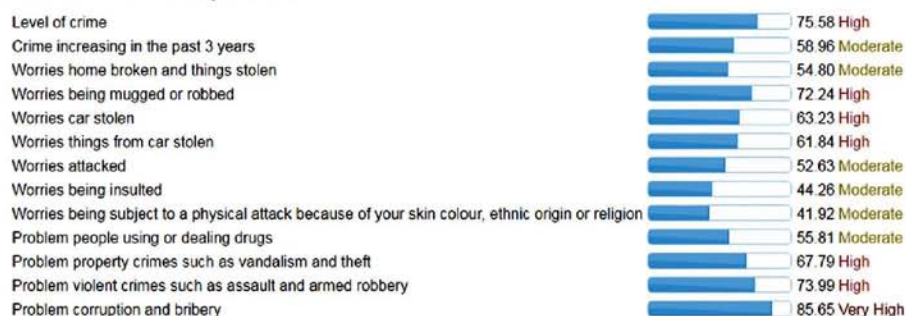


Figure 1: Analysis of Different Crimes in Karachi

Reasons of Lawlessness

There are many reasons of lawlessness in Pakistan, but the followings play crucial role in downfall and causing lawlessness in our society:-

Corruption: Corruption is basically backbone of lawlessness in Pakistan. No other opinion exists that Corruption has very deep roots in every system of Pakistan. Major fields where corruption took its place is government institutions such as police, public administrations, land services and also private business sectors. From lower to upper level Pakistan is in the hands of corrupt people and regime. The