

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

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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'ahis* constructed on assistances and welfare of the general public, also it

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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 neighbourers 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

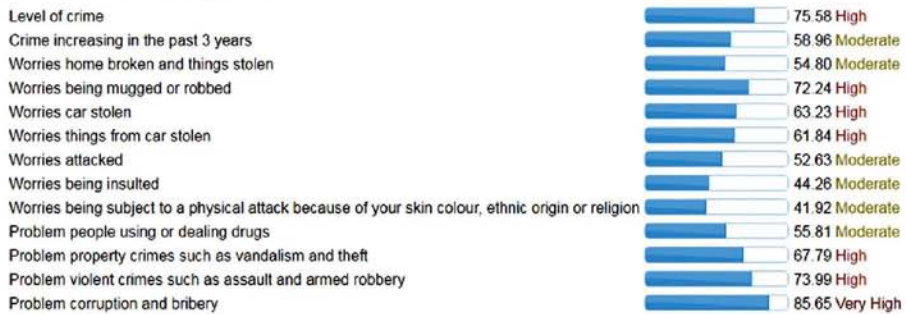


Figure 1: Analysis of Different Crimes in Karachi

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

courts/legal system of a society or government authorities to deal with justice which is a common perception in our society, everyone is responsible for doing justice in his/her domain. To perform our daily routine even we have to do justice with our own and the people around us to improve law abiding culture in society.

Impacts of Justice System on Society

Justice is mandatory for the welfare of a state and his people. A famous legal maxim “Justice delayed Justice denied” explains the timely importance of justice. Man is a social being by nature and cannot live perpetually on his own, completely independent of others for fulfillment of needs. People are interdependent, consequently, friction arise between them when their personal interests come into conflict with each other Or when what they perceive as their individual rights infringe upon those of others then conflicts between them inevitably break out. In some cases, one party to the conflict might be strong and aggressive while the other is weak and condescending, incapable of defending his rights. For the purpose, it becomes necessary there to be a way to prevent people from oppressing one another, to ensure that the weaker members of society receive justice and to determine right from wrong when issues get complicated or uncertain. This can only be realized through a judge that has the power to give legal verdicts in cases of any dispute. In Quran Allah says:

“Oyou who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best (way) and best in result” (4:59)⁹.

Justice is important because keeping justice, the act of upholding good and punishing evil is necessary for having a safe society dedicated to the benefit of all people. When justice is not upheld, those doing wrong will commit offences while those who are doing right will suffer rather than be rewarded. In our society majority of population respect the rules of law and where the law enforcement agencies observe laws that limit their powers. Maintaining law and order implies firm dealing with occurrences of theft, violence and disturbance of peace the rapid enforcement of penalties are necessary under criminal law¹⁰.

Islamic Justice System:We experienced that the existence of a judge is considered necessary by Islamic justice system like all other revealed religions for both religious obligation and other requisites of human life. Allah says in Quran:

“we have sent Messengers with clear proofs and sent down with them the Scripture and the Balance that mankind can establish justice” (57:25)¹¹. The Allah selected Islam the lastly divined religion for mankind from the time He sent Muhammad (PBUH), may the mercy and blessings of Allah be upon him until the Day of Judgment – shows great concern of the judicial system and those appointed to carry out its responsibilities & functions. The Islam prescribes its many legal injunctions. Allah’s

dispersing therein every (kind of) moving creature, and (His) directing of the winds and the clouds controlled between the heaven and the earth are signs for a people who use reason” (2:164)³. To govern the society certain specified rules and regulations according to the requirement of society are mandatory under a fair justice system is always considered necessary and obviously rules & regulations cannot be implemented/enforced without implementing reward and award system. No society can be developed or prospered without having a proper justice system. We can take the example of justice system of Islam “the most powerful and lastly divine religion” that once Holy Prophet (PBUH) while deciding a case of a lady thief named Fatima, said that “I would even cut the hand of Fatima (the beloved daughter of the Prophet) if she committed a theft” (Bukhari)⁴.

Further in the era of caliphate purely fair and unemotional justice system was enforced. The example of justice system in the era of second caliph Hazrat Umar (RA) known as “*Adl-e-Farooqi*” was not only famous at that time even now many developed countries/nations had been adopting/following the important aspects/articles of that very famous justice system.

JUSTICE SYSTEM IN SOCIETY

Society is a group of people involved in persistent social interactions, or a large social grouping the same geographical or social territory, typically subject to the same political authority and dominant culture expectations. *Another definition of society is “A voluntary association of individuals for common ends; especially an organized group working together or periodically meeting because of common interests, beliefs, or profession”⁵. Societies are distinguished by relationship (social relations) between individuals who have common culture and associations. Allah says in Quran in Surah Rehman that:*

“The most affectionate, Taught the Quran to his beloved, He created Muhammad (SAW) & the soul of humanity & he taught him speech regarding whatever had already happened and whatever will happen” (55:1-4)⁶. Justice is the legal or philosophical theory by which fairness is administered. The concept of justice differs in every culture and society. An early theory of justice was set out by Richard D. Parry in Ancient Greek philosopher Plato⁷. “The Republic Advocates of divine command theory argue that justice issues from God”. In Quraan Allah says: “O you who have believed, be persistently standing firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah: indeed, Allah is acquainted with what you do” (5:8)⁸. Theories of retributive justice are concerned with punishment for wrongdoing. Restorative justice (also sometimes called “reparative justice”) is a trend towards justice that focuses on restoring what is good and necessarily focuses on the needs of victims and offenders. It is not only the

Impacts of Lawlessness on our Society: A Case Study of Karachi City

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ABSTRACT

The first ever form of society began upon start of life from Hazrat Adam (AS) on earth. At the ancient ages men started living near water resources like rivers. Creation of human beings is the "Climax" of creator of this large universe. The society revolves around human being and depends upon their cooperation. In legal terms the society is all about the duties and obligations of its members. To flourish and prosper the healthier society respect and adhering of rights & obligations are very necessary. Another phenomena of any civilized society is a fair justice system. Obedience is the key factor as Allah orders human being and all his creations to obey their creator for peace and harmony.

Indeed Allah is the supreme power to govern all the systems of universe, however He empowered human beings on His behalf. To govern any society a set of rules & regulations are mandatory under an implementing authority whether it is divine or selected. Provision of quality education & fair justice system are the solution of our social problems.

Keywords: Creation of Human, Society, Rules and Regulations, Lawlessness, Social Problems

INTRODUCTION

We can observe that Lawlessness goes all around in our society. The robberies, kidnappings and riots are the extreme fringes of it, but people even do not much obey the very common like traffic, environmental, civic, and tax laws. The mankind is the Climax of Creation of God on this universe. Allah says in Quran:

"O mankind, indeed we have created you from male and female and made you people and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is knowing and acquainted" (49:13)¹. Definitely the

supreme power is Almighty Allah to govern this universe, however he empowered human being to govern the society. As in Quran :

"O Allah, owner of sovereignty, you give sovereignty to whom you will and you take sovereignty away from whom you will. You honour whom you will and you humble whom you will. In your hand is (all) good. Indeed, you are overall things competent" (3:26)². The Allah created all

the creations at this large universe with his special blessings to give their benefits to the mankind. Allah says in Quraan:

"Indeed, in the creation of the heavens and earth and the alternation of the night and the day, and the (great) ships which sail through the sea with that benefits people, and what Allah has sent down from the heavens of rain, giving life thereby to the earth after its lifelessness and

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components. Egalitarianism or equality in power relations, decision-making and in religious practices is an uphill task where most of these aspects are masculine in their formation and application. Male members have relatively more prestige because of access and control over education, politics, economic activities and religious affairs. Male members decide issues in family, neighborhood, mosque, *Hujra* and in formal and informal justice system (*Jirga* and courts) where such tasks are prohibited for females. Further, the study reveals that both the ideal systems; i.e. *Pakhtunwali* and Islam are prevalent since very long and the society seems to be ideally Islamic but in practical utility, the role of *Pakhtunwali* is more dominant, where its principles and codes are practiced and followed with high zeal. In addition, the religion is perceived and interpreted more culturally and traditionally than its real essence, which not only brings disharmony among the roles played by both the sexes but also brings a vast segregation between them. The fact is undeniable that people hold religion in great esteem but it is a miscalculation to place it at the forefront in male domination as the data collected during the study indicates that it is not religion but the centuries old traditions or *Pakhtun* codes, which are hindering the way of women's rights provision.

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ethnographic structure reflects the importance of *Zar* (gold), *Zan* (women) and *Zamin* (land) as the core values of *Pakhtunwali*, which further shape the local ideology where the inheritance and property rights go in favor of males.

Similarly, the collected information expound that there are no such defined traditions for re-marriages of widows in the area and are treated differently; however, traditionally she is sympathized by the co-members. Ideally, a marriage is a divine institution and the most traditional social norm with the ideal type construct that views marriage as a sacred phenomenon, that is to say, the family and marriage are divine and holy institutions, created and maintained by God^[87]. While,^[88] comments that marriage has always a dual aspect that has puzzled students of marriage as well as ordinary folk: Marriage is a relationship between two people, but more than a relationship — it is an institution. Marriage is an intensely private affair but it is public as well. "Marriage" seems to lead its own separate existence, quite apart from particular married couples. Indeed, many people today experience "marriage" as a lien presence, an unwelcome third party, intruding itself into what may be an otherwise delightful relationship. The research reflects that tradition of re-marriage of widows in the area remains a controversial issue that is mostly discouraged by *Pakhtun* code of life. A widow among local people is considered as an ominous (*Badnaseeba*) and the title, i.e. *Speera* (ill-starred) becomes part of her life. Those who approve widow's remarriage in the area do not allow it outside their kin and close relatives. Their first choice is brother of the deceased husband (*lyver*) and then another member of the same family. However, female's consent in re-marriage is only important during the *Nikah* and it is believed that she would not reject the proposal in this regard.

Besides, the inheritance and remarriage of the widow; the most common and controversial practice among *Pakhtun* is 'polygyny'. Instead of the Islamic conception (discussed earlier), in *Pakhtunwali*; the practice of *polygamy* (particularly *polygyny*) is used for taking revenge and such revenge may arise because of conflict with family of the bride or any member thereof. After second marriage, it is a common practice that the first wife becomes socially isolated and no justice is done to her. The trend of *polygyny* is an outcome of cultural traditions in the area where they follow traditions of *polygamy* as a part of *Pakhtunwali* because it has been done by their ancestors. In religious context, the local people exploit the exercise of *polygyny* because it is religion, which gives men the right of more than one wife at a time.

CONCLUSION

The secondary sources utilized in the form of Qur'an, *Hadeeth*, anthropological literature, Weberian model in the form of Ideal Type, the theoretical framework and ethnographic details along-with discussion conclude and reflects a transparent gap between the religious ideals and cultural practices of the local people in shape of their relative gender roles. The study elucidates that social, cultural and religious atmosphere of *Pakhtun* society is male dominated and patriarchic in most of its

like the case of *Al-Khansa bint Khadam*, who had been previously married (and was now divorced or widowed), came complaining to the Messenger of Allah that her father had forced her to marry a person she despised. He disapproved and invalidated it (*Bukhari #6546*).

Relationally to the right of widows' remarriage in Islam, the debatable and controversial issue of polygyny has also been addressed under Islamic *Sharia'h* and codes. Marriage to more than one wife at the same time – polygyny- is a practice as old as the history of man, and is allowed in Islamic law where many of the prophets of Allah (before Muhammad-SAWS) remained in plural marriages. In this regard, Allah, the Most Beneficent, said: “And if you fear that you shall not be able to deal justly with the orphan-girls, then marry (other) women of your choice, two or three, or four but if you fear that you shall not be able to deal justly (with them), then only one or (the captives and the slaves) that your right hands possess. That is nearer to prevent you from doing injustice (Qur'an, 4:3). Further, The Messenger of Allah warned against favoritism saying: “He who has two wives and is not just between them, he will come on the Day of Resurrection with one of his sides fallen”^{84][85]}.

Besides, Allah, the Most Beneficent, said: “You will never be able to do perfect justice between wives even if it is your ardent desire (i.e. emotions of the heart), so do not incline too much to one of them (by giving her more of your time and provision) so as to leave the other hanging (i.e. neither divorced nor married). And if you do justice, and do all that is right and fear Allah by keeping away from all that is wrong, then Allah is Ever Oft Forgiving, Most Merciful (Qur'an, 4:129). In addition, Hazrat Aishah, the mother of the believers and the wife of the Prophet narrated: “The Prophet of Allah would distribute everything justly amongst his wives, then say: O Allah! This is my division for what I possess, O Allah! Do not blame me for what You alone possess while I do not (i.e. emotions of the heart) (*Abu Da'wood, Tirmidhi*).

Islam has always been found in connection with *Pakhtunwali* as the history is witness that *Pakhtuns* in the every age had been the strong followers of Islam^{86]}. Due to such strict adherence to Islam, there has been the conception of conflict between Islam and *Pakhtunwali*. There are some aspects in one's social life where the individual face contradiction in both the Islamic values and *Pakhtunwali*. In relation to the mentioned aspects such as rights to inheritance, widows' remarriage and Polygyny, the ethnographic details of the area and empirical information reveals that provision of inheritance and property rights is relative among *Pakhtuns* and to, religious injunctions often had little influence on specific customs such as inheritance exclusively by male heirs where in most of the cultures the property is usually owned by males. Application of the Nichols perspective can be rightly employed on *Pakhtuns* because the concept of property, family and private ownership, which provide superiority to male in terms of inheritance that gives birth to patriarchy is not the outcome of religion rather the cultural setup. The

shares of all the relatives in respect to their relationship to the deceased. As He the Most Wise said: There is a share for men and a share for women from what is left by parents and those nearest related, whether the property is small or large, an obligatory share (Qur'an, 4:7).

Furthermore, Allah has stated three types of shares for a woman's inheritance as 'a woman's equal share as to man', 'a woman's equal share as to man, or a little or less', and 'a woman's half share as to man'. In the famous tradition; the companion Sa'ad ibn Abi Waqqas was ill and requested to bequest the majority of his wealth as charity, or a half of it since he was wealthy and only had one daughter. The Messenger of Allah forbade him and only allowed him to give a third and expressed that it was better to leave your heirs wealthy rather than needy and begging^{[81][82]}. Besides,^[83] in his book "*Arab Civilization*", mentions the principles of inheritance that are determined in Qur'an have a great deal of justice and fairness in terms of inheritance. Gustave has presented a comparison of British, French and Islamic Laws of inheritance and found that Islam grants the wives the right of inheritance, which the other systems lack while Westerners consider them to be ill-treated by the Muslim men."

Similarly, as discussed earlier, that Islam is a complete code of life that covers each and every aspect of social and communal life. The vulnerable and victimized masses have been specifically focused such as widows. In most of the cultures, the pattern of marriage and the choice depends upon the nature, environment and prevailing customs and traditions. Some cultures give such right to males to decide fate of female and vice versa. In contrast, Islam privileges women to select their spouses. Marriage is based on mutual agreement to promote peace, love, and compassion as stated in The Holy Qur'an "and among His signs is that He created for you mates from among yourselves that you may well in tranquility with them and He has put love and mercy between your (hearts); verily in that are signs for those who reflect (Qur'an, 30:21)". Marriage is the foundation of family system; the major source of human generation as stated in the Holy Qur'an "(He is) the Creator of the heavens and the earth: He has made for you pairs from among yourselves and pairs among cattle: by this means does He multiply you: there is nothing whatever like unto Him and He is the One that hears and sees (all things) (Qur'an, 42:11). Islam imposes no restriction on re-marriage with a widow, which is quite evident from life of the Holy Prophet (P.B.U.H) because his first marriage was with a Widow Hazrat Khadija.

Islamic teachings and literature have embellished and enriched directives regarding the issues mentioned above. Continuing with the Islamic perspective on remarriages of widows the Prophet of Allah said "An 'ayyim' (a divorcee or a widow) must not be wedded unless she is asked, and gives her approval. And a virgin must not be wedded unless she is consulted." It was asked: "O messenger of Allah, How is her permission?" He said: "If she remains silent." (*Bukhari #4843 & Muslim #1419*). Different events exemplify the issues of remarriages