

## **An Islamic perspective on different Types of Domestic Violence prevailing in Pakistani Society**

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### **Abstract**

Domestic violence is a social problem and a universal phenomenon. In Pakistan this issue is at an alarmingly high rate. For conceptual understanding of this issue a brief definition of domestic violence has been discussed along with the forms of domestic violence. The overview of causes with multi-dimensional effects of domestic violence shows the sensitivity of the issue. Finally, an Islamic viewpoint has been presented. For the in-depth textual understanding of Quran and Sunnah qualitative method has been used. The possible solutions and the recommendations have also been given to eradicate domestic violence.

**Key words:** Domestic Violence, Women, Pakistan, Islamic perspective, Honor killing, Vani, Acid throwing, Dowry.

<b>Received on</b> August 12 2020	<b>Accepted on</b> November 25 2020	<b>Published on</b> January 26 2021
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## Introduction

Human societies have passed through many ages from ignorant to a developed one. Despite all these advancements some societal and cultural problems remained same through all ages. One among these issues is global phenomenon of domestic violence which is crossing all boundaries of race, color, religion and social distinctions.

World Health Organization (2002) has defined “violence” as, the intentional use of physical force or power, threatened or actual, against oneself, another person, or a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation.” Whereas, domestic violence is defined by World Health Organization (1996) as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

In Pakistan, the same definition of WHO has been adopted by the Ministry of Law, Justice, and Human Rights PDHS(2012-2013). In a broader canvas, domestic violence covers a pattern of psychological, sexual, and physical psychological abuse adopted by a person who have an intimate relationship with the victim. (Oscar et al, 1992) described that domestic violence cover a wide range of forms. It can be physical like

beating, slapping, hitting. It can be sexual like forced sex and psychological like to threat, humiliate or terrorize. Likewise, economical and emotional as well. National DV. (2017)

## Prevalence of Domestic Violence in Pakistan

There is a lack of published data discussing the prevalence of domestic violence in women, its causes, and contributing factors in the Pakistani context. Violence against women is growing day by day and this rate is more intense in homes, both in rural and urban areas of the country. Culturally women are subordinate, and women even do not think to terminate the violent relationship in any case and they remain compel to full fill their duties and remain stick to their family. Jalil, A et al (2013) According to Ali (2014) overall prevalence of domestic violence in Pakistan ranges from 21 to 50 %. In 2014 a study noted a prevalence rate of domestic violence more than 50% in the country, which has covered almost all the corners of our country from rural to urban areas. Jalil (2013) elaborated that 32.5% women experienced physical violence from their intimate partner. Farryal (1991) reported the prevalence of physical violence against wife found to be 34% in Karachi, which is 57% in urban areas.

Similarly Ali, T (2007) conducted a study on health professionals in Karachi and the result has shown 97.5% of women

faced verbal abuse from husbands, whereas 97% from their in-laws; regarding physical abuse 80.0% of women experienced beatings by their husbands, whereas 57.5% from their in-laws. According to Jalil (2013) it was found that 80% women faced physical abuse from husbands (among 151 respondents, 46 experienced beating) in their lifetime, however it decreased over time. In another study verbal abuse perpetrated by men was 95% during their marital life, which shows that male partners view it as a norm. The lifetime prevalence reported among married women include 49.4% physical abuse; 47.6% slapping, punching and hitting. Fikkri, F. (2005)

According to the Survey of Pakistan Demographic and Health conducted in 2010-2013, on married women (between ages 15 to 49), it was found that 39% women faced physical violence and 52% had never sought for help or complained someone about the violence they have to face. UNDESA (2014) In Pakistan, Physical violence was 65% and sexual violence was 30.4% according to the report of HRCP (2004).

### **CAUSES that lead to DOMESTIC VIOLENCE in Pakistan:**

The researchers have identified several factors which are causing domestic violence in Pakistan. Among them are:

#### **1: Economic Factor:**

In Pakistani cultural context women are not involved in economic, social and political activities and responsibilities. Traditionally she is considered an obedient housewife whose domain is the house as a result few of them got formal education proper jobs. PDHS (2013)

#### **2: Cultural Factor:**

Pakistani culture is patriarchal in its essence and it fosters the element to control over the women and specially in tribal cultures informal legal system is controlled by "Jirga" which is mostly bias against women. So there is no representation of women in such type of legal system. Werlhof, V. (2014)

#### **3: Religious Factors:**

Patriarchal society is supported by some religious leaders who use Islam as a tool to control over the women and to make her subservient. They use religious text out of context to validate their arguments.

#### **4: Lack of awareness:**

Because of low education rate women are not aware with their rights awarded to them by the constitution. So, they suffer alone and think that there is no option except to bear the violence at silently. Iftikhar, R. (2019). Economically they also depend on male family members which also make them weak in

a sense that they could not even help themselves.

### **5: Institutional Barriers:**

Those women need justice they are unable to get support from state institutions. Because of lack of cooperation between judicial institutions and support mechanism make them vulnerable to domestic violence.

Filomena, M. (2013)

Some other factors that are involved and because domestic violence is violence due to infertility problems, drug addiction of husband, dowry related violence and violence due to gender inequality.

### **Effects of Domestic Violence:**

Domestic Violence have several adverse impacts which effects the physical, emotional, reproductive, sexual and psychological health of the victim. Kanwal, S (2013) Psychological and mental consequences may result in anxiety, depression, post-traumatic stress, drug addiction or suicidal attempts. Jaffe, P (1990)

Researches have indicated that the effects of Domestic violence are multidimensional. They affect not only the mental, physical and psychological health of the patient but have great impact on the life and mental stability of the child who have witnessed domestic abuse. DV causes psychological and mental along with the behavioral issue in

the personality of the child. Lori, L . (1994)

Ultimately, the gender-based violence influence all aspects of human life like family life, family members health, children life, and the whole society in a broader perspective.

### **Islamic Perspective on Types of Domestic Violence prevailing in Pakistani Society:**

#### **1: Honor Killing:**

Pakistani society is a cultural and tradition-based society in which some inherited tradition has a great impact. These traditions are so deep rooted that no one can even think to deny them. Among one of them is control over women, which is thought to be the right of a man and a noble act. Generally Pakistani society is patriarchal, and a male dominated one. The male elderly person is the head of the family and have a control over all domestic issues. Jamali, H (2015) The "House" is the original place of the women which is secondary to man in social status. The "House" is the total domain which she owes. Control over the family member is the main task of the male head and he is considered as "Begairat" if he loses his control. In Pakistani society socially and culturally a man is pressurized and encouraged to respond to a patriarchal custom. Zia, S. (1994)

### Meaning of honor killing:

Karo Kari means killing in the name of honor or Honor Killing. Solangi, M. (2002). In Sindhi customs "Karo Kari" means "a black male and a black female" and by declaring Kare a woman is being snatched even the right to life. And according to the rural tribal code of conduct it is justified to kill a Kari woman. The concept of honor is very power full in tribble society and all the members of tribe strictly abide by the rules settled for them by a "Jirga", which is an informal justice system consists of the elders of village. Zia, S. (1994) If awoman commits any kind of immoral sexual conduct not always the crime related to honor, she is killed and the intention is that the male has erased the shame from the tribe and restored the honor of the tribe. Rabia, A. (2001)

Culturally, the social norm of "Honor or Izzat" is used to control the women which lies in the roots of tribal cultures. So, when if a woman is blamed to commit any immoral social conduct then she is justified to be killed under the crime of Honor. The killing of an adulterous female with her illicit partner is done with the intention to erase the shame from tribe and to restore the lost honour by enforcing the custom control a women's lives is "Honour Killing". Rabia, A. (2001)

There can be many reasons for a woman to be "Kari" one among them

is unacceptable behavior of a woman towards a male family member which is more than enough for a woman to be killed. Another brutal form of "Honor Killing" is the murder of a woman after rape and the reason is that she brought the shame to her family. Chaudhary, M. A. (2014) Sometimes when a tribal chief come in power, he supports customs like karokari just to promote this societal norm. And by doing this it is the dispute that is settled not the chastity of the female. Faqir, F. (2001)

### Islam and Honor Killing:

Some researchers have tried to link the honour killing as an Islamic custom. To justify it they have linked honor killing with the common saying of Prophet Muhammad p.b.u.h

"Who so ever in you see a crime /guilt should stop it with his hands". Naisabori, (2001)

By this Hadith it is assumed that forbidding someone from an evil is the responsibility of every Muslim. So, if someone kills a woman by seeing sexual deviation so he can take her life.

This argument is false in all aspects; First because this Hadith is being presented out of context. This Hadith is not applicable on the sins like killing someone.

Secondly Islam respect the right to life so much that it does not allow anyone to take someone's life in any condition.

Holy Quran does not discuss this type of

killing. But it clearly discusses two types of killing:

1: Qati-e-Amd. (To kill someone intentionally)

2: Qatl-e-Khata. (To kill someone mistakenly)

As far as the first one is concerned that is strictly prohibited in Islam. Allah SWT says:

“If a man kills a believer intentionally, his recompense is Hell, to abide therein (Forever): And the wrath and the curse of Allah are upon him, and a dreadful penalty is prepared for him” (Surah An-Nisa, Verse 93).

About Qatl-I Khata Allah SWT says:

“O ye who believe! The law of equality is prescribed to you in cases of murder: the free for the free, the slave for the slave, the woman for the woman. But if any remission is made by the brother of the slain, then grants any reasonable demand, and compensate him with handsome gratitude, this is a concession and a Mercy from your Lord. After this whoever exceeds the limits shall be in grave penalty” (Surah Al -Barqarah, Verse 178).

In another Verse Allah SWT says:

“Nor take life - which Allah has made sacred - except for just cause. And if anyone is slain wrongfully, we have given his heir authority (to demand qisas or to forgive): but neither let him nor exceed bounds in the matter of taking

life; for he is helped (by the Law)” (Surah Bani Israel, Verse 33).

So, Islam does not permit a person to kill someone and considers human life as sacred.

So, if someone has committed a serious sin like adultery then only a competent authority or government has a right to punish and no one can take the law in his hands. That is why Islam deals with serious sins like adultery in a distinguished way.

Islam strictly prohibits sexual relations without marriage contract. And “Zina” (Adultery) is considered not only a sin but a crime if someone brings the issue to the court. Then the court has enough evidences according to Islamic rules then the offenders will be punished. Muhammad, N. et al (2012)

### **Islamic Ideology Council’s rulling on HonourKilling:**

Council of Islamic Ideology has declared if a person kills someone while coming immoral sexual conduct, that will not be allowed and justified in any condition. Getting emotional is natural at that time provoked my emotions and, in this situation, court will decide to kill him or to consider the general exception. CII (1991-2000).

## 2: Vani (Swara):

### **Definition and Historical background:**

Vani which is also known as Swara is an old tradition in Pashtun Tribes areas, through which Tribes disputes are resolved especially of murder and adultery. Its roots are found more than 400 years ago, when two Pashtun tribes fought a war in which 800 people were killed. After a bloody war the dispute was resolved by the “Nawab of Tank”. The Jirga decided to present the girls of the tribe to another tribe as Qisas. This was considered as the only possible solution to stop this bloody dispute and to convert the enmity into family relations. As the time passed this tradition was adopted by many generations and now it became a tradition of Sindhi Tribes society which is also practiced in some localities of Baluchistan and KPK.

Now, with different names this cruel custom is practiced in neighboring areas of Sindh, KPK and Baluchistan. In these areas it is known as “Sawara”. This word is derived from “Persian” language which means “women travelling alone to the enemy camp”. People of these areas use women as a bargain commodity, so they use her as compensation for homicide or capital offences.

### **Definition of Vani and Swara:**

The word “Vani” is derived from a Pashto word “Vanay” which means “Blood”

Munir, A. (2008).

It is a common practice in Pakhtoon families. Like other tradition this custom is also developed as a gesture of good will to end bloody disputes between tribes. Roomana, N. (2006)

In some Pakhtun tribes’ women is considered as a commodity so when a male person from a tribe commit any crime, they are given as Vani to compensate for different crimes like murder, adultery, abduction and kidnapping.

With difference of language this custom is practiced in many areas of Sindh, Punjab and Baluchistan.

When the enmity between two tribes reach its peak and no solution remain possible then the Vani is being practiced. Considering the power of both tribes, number of murders and the duration of the dispute, the offender tribe offers their nearest unmarried girl to the aggrieved family. No ceremony is held considering it a forced marriage. In her new family she is thought to be an enemy’s punishment, so she remains the sufferer in all situations. Munir, A. (2008).

### **Kinds of Vani:**

The cultural custom of Vani is practiced in three ways:

1: The aggressor tribe gives their woman as Sawara to the aggrieved tribe and they take an oath to end the bloodshed for future and sometimes a piece of land or money is also given as a guarantee. This is the most common type of Vani.

2: Second type is when both tribes exchange their women as Sawara to end the enmity forever and the aggrieved group receive money or land.

3: This type is known as three sided Sawara in Which the aggrieved group will receive a woman as Sawara and in addition to that both parties will exchange their Sawaras as well to make this relationship strong. Babakhel, M. (2003)

### **Causes behind Vani:**

Murder is One of the important reasons behind a Vani. If someone kills a person from some other tribe the Jirga resolves the dispute by giving a girl or girls to the aggrieved party. This custom is famous with the name of “Chatti”.

In case of rape and sexual assault both persons are murdered. If the culprit man is saved, he requests the Jirga to resolve this resolve. So, the issue is resolved by practicing Sawara.

In case of robbery or theft which cause a financial loss, great destruction is caused between tribes. So, a piece of land, money or a woman as Sawarais given to the effected family. Mushatq. (2016)

### **3: Dowery related Violence:**

#### **Definition and Historical background:**

Dowery is an old tradition, practiced in many societies. Basic concept behind it is to provide a woman with her marriage

a portion from her family’s wealth. And this practice is known as a good way to protect her from bad treatment of her in-laws and husband to to give her honor by providing all essentials of life.

In beginning, the dowery tradition was adopted by the wealthiest person to her bride’s family but now it has become a commercial transaction and every class is observing it according to their social status and the demands of groom’s family. Now dowery has become a sign of social status and the bride’s family want to earn honor from in-laws for their daughter by giving heavy amount of dowery. By arranging large amount of dowery they want to give her security and high status. So that their daughter should not be insulted or tortured.

One among the most important disadvantage of this custom is that most of the time parents cannot meet the requirements of the in-laws because of which many girls remain unmarried. Sometimes parents must plead to meet the dowery demands and sometimes women are affected mentally and tortured when she could not meet the dowery demands. According to Kishwar (1989) another issue related with dowery system is the accidents of “stove - burning”, especially when the husband is in collaboration with his family and he demands dowery and feels that the demanded items are not forthcoming so the incident of stove burning takes place



which sometimes result in the death of his wife.

Despite a very high frequency of stove death and stove burning cases are reported these cases are not recognized as a form of domestic violence. Menski, (2002)

### **Concept of Dowery and Mehr in Islam:**

Islam is a complete code of life it has its own values and norms bestowed to humanity by the Creator. Some cultural traditions have crept into it and have created some misconceptions, so it is important to know the true Islamic Perspectives of these cultural traditions. The concept of Dowery or Jahez is not an Islamic tradition. It is purely a cultural

tradition which is un-Islamic as well. Islamic Shariah does not make a female liable for marriage expenses. All the marriage expenses are the responsibility of man. And if the female wants to bring something from her parental house, she can bring according to her will and that will have considered her assets. Instead of Dowery Islam presents the concept of "Mehr". Upon conducting a marriage contract Islam both gender some rights and responsibilities. Mahr is solely the right of women and the responsibility of man to give her Mehr at the time of marriage or when the marriage is completed.

Holy Quran states about Mehr:

"And give the women [upon marriage] their [bridal] gifts graciously. But if they give up willingly to you anything of it, then take it in satisfaction and ease" (Surah An-Nisa, Verse 4).

Mehr is a sort of honor and respect for the women. So, it should be a thing, money or anything agreed upon by the married spouses. And the husband will remain indebted to his wife till he pays it. It can be in any form like cash or gold or something nonmaterial. It can be offered immediately after marriage which is known as "Mehr-e- Muajjal" or can be deferred which is known as "Meh-e-Muwajjal".

The following verse describes the way to pay the Mehr to the wife, Allah says:

"And [also prohibited to you are all] married women except those your right hands possess. [This is] the decree of Allah upon you. And lawful to you are [all others] beyond these, [provided] that you seek them [in marriage] with [gifts from] your property, desiring chastity, not unlawful sexual intercourse. So, for whatever you enjoy [of marriage] from them, give them their due compensation as an obligation. And there is no blame upon you for what you mutually agree to beyond the obligation. Indeed, Allah is ever Knowing and Wise" (Surah An-Nisa, Verse 24).

So, from above discussion we can conclude that Islam has nothing to do with the tradition of Dowery, it is cultural phenomenon more than religious. And Islam has ordained the responsibility of Mehr on man and not the woman.

#### **4: Acid Violence:**

Acid attacks is a horrible form of domestic violence and has very dire impact on the life of victim. Women not only Pakistan but many other South Asian and western countries are facing this severe kind of violence. The **Acid Survivors Foundation** recorded 1,090 incidents of acid attacks in Pakistan between 2007 and 2014. HRCP, (2018).

In this form of violence, the victim is sprayed or poured acid onto her face or body intentionally to harm or disfigure her permanently. It is a very brutal type of violence in which the victim suffers mentally, psychologically and physically as well. This form of violence can result in blindness, severe psychological issues and sometimes loss of facial features and by this the victim is marginalized in the society. Kalantry, S. (2011).

#### **Islamic viewpoint about acid attacks:**

According to estimate, more than 1500 people in 20 countries are victim of acid attacks every year. "Apart from Bangladesh, acid violence has been reported in Afghanistan, Cambodia, China, India, Jamaica, Nepal, Nigeria,

Pakistan, South Africa and Uganda. There have also been a few isolated cases in Europe and North America". Kalantry, S. (2011).

Acid violence is a new form of gender-based violence, it reflects gender discrimination and inequality in society. According to Islamic Jurisprudence it comes under the law of "Hirabah". "Hirabah" means corruption on the Earth, which is strictly forbidden in Islam.

We can say that acid throwing is a globe phenomenon that is not restricted to any race, religion or Geographical limitations.

#### **5: Forced Marriages a cause of Domestic Violence.**

Forced marriages is another global issue that exists in our society as well. It is prevented almost in all societies Muslim and non-Muslim one. Pakeeza, S. (2015)

Mostly females are victim of this cultural tradition in which one or both parties enter in the marriage contract without having their free will. In Pakistani context there are different forms of forced marriage for example watta- satta, badl-u-sulh, marriage with Quran.

WattaSatta is a kind of exchanged marriage, badl-u-sulh is a marriage that takes place in result of solution to some dispute while Marriage with Quran is a Sindh Tradition in which a girl is

married with Quran just to snatch her portion from inheritance.

Forced marriages are different from arranged marriages in which both partners enter in marriage contract with a free will and they accept the choice of their parents according to their own will. It is a cultural value and norm which has nothing to do with religion.

### **Islamic viewpoint about Forced marriage.**

In Islam marriage is a sanctified and sacred contract and institution of marriage occupies a great importance in Islamic legal system. The right to free will while entering a marriage contract is purely an Islamic Value. And Islam regard a person's consent.

The Holy Prophet (P.B.U.H) has emphasized on marriage in many ahadith. Prophet (P.B.U.H) said on one occasion, "Marriage is my Sunnah, whoever turns away from my Sunnah, does not belong to me". Majah, (1992)

According to Islamic point of view the basic purpose of marriage contract is to attain peace and harmony. This Hadith describes the importance of a marriage. Islam recognizes the importance of companionship and promotes and stabilizes the foundation of a family by promoting marriage. Furthermore, marriage helps a human being to lead a life of chastity and develops a smooth relationship. A forced marriage does not

fulfill the requirements of a smooth marriage contract and the required results cannot be gained through it.

The objectives of marriage cannot be achieved when the couple gets married without their consent. Islam endorsed rights of men and women equally and allowed them to choose their life partner with their consent.

As far as exchange marriages are concerned, Islamic viewpoint is obvious as described in a Hadith, "The Prophet (peace be upon him) said: There is no *Shighār* in Islam". Naisabori, (2001)

Similarly, the Messenger of Allah forbade *Shighār*. Ibn Numair added: "*Shighār* is when a man says to another: Give me your daughter in marriage and I will give you my daughter in marriage, or give me your sister in marriage and I will give you my sister in marriage."

### **Conclusion:**

This study shed extensive light on the issue of domestic violence in Pakistani context. Prevalence, and different types of domestic violence likewise the effects and the causes which contribute a lot to prone to domestic violence. This study also presents the wide canvas of tribal culture and practices they are prevalent in Pakistani society another related factors that cause violence against women. This study also analyzes different types of domestic violence which would be supportive in combating this problem

from our society. For this purpose, individual and collective efforts needed in a systematic, cooperated, and sustained manner. And in last Islamic viewpoint has been discussed on different types of domestic violence which shows the universality of this religion and cultural basis of these practices.

### Recommendations:

1. Effective measures should be taken by Government to eliminate the inhuman custom of Violence against women. Government should seek help from NGO, s and other law-making institutes to make effective laws to eradicate this custom from Pakistan.
2. Religious scholars and Ulmas should play their role in creating awareness among common people about the rights and status of Women in Islam and the Sunnah of Holy Prophet p.b.u.h in this regard.
3. Law enforcement agencies should make proper and effective legislation to prevent and control the severe forms of domestic violence.
4. Electronic media should create awareness among the masses about the severity of this issue and should conduct discussions about religious perspective of this issue.

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