

The status of Women in FATA: A Comparison between Islamic Principles and Pashtunwali

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Note: FATA (Federally Administered Tribal Areas)

Islamic principles and Pashtunwali are the two main factors dominating the social behavior in Pashtun society. Regarding the status of women they are similar in some aspects of life while in several others, they are different from each other. They are similar in the practices of polygamy; banquet during marriage; veil (purda) of women; rules for entering the houses of others and up to some extent in the method of divorce. They are different in the practices of women's share in property and inheritance; the seeking of consent of women during marriage; the punishment of adultery and honour killing; the practice of mahr and bride-price. In Pashtun society women are denied the share in property and inheritance; consent in marriage is also not sought; they are killed in cases of adultery or on the basis of mere suspicion and friendly relations with men. The family of the woman takes bride-price on her marriage. The practices of forced marriages also take place like swara, takkan kawal, badal woda etc but these practices are rare. Although divorce takes place according to Islamic principles but women have a little say in seeking divorce. The culture has been

adopted in such a way that it fulfills the economic, social and political interests of men at the cost of women's interests.

Keywords:

Status of Women, Women in FATA, Islamic Principles, Pashtunwali, Pashtun society, practices of polygamy, property and inheritance, adultery and honour killing

Introduction

Cultural values and religious principles are the two factors dominating the Pashtun society. Sometimes, both are similar; while, sometimes both are different from each other. Pashtun Society is mostly run by the customs which are the part of their culture for centuries. Ghani Khan, a renowned Pashtun writer and poet writes in his book the Pathans as, "when a law is bred into the very fibre of a race it becomes a custom and persists long after the need is gone and the occasion forgotten."¹ Pashtuns are very strict and conservative regarding their culture. Once a Mahsud *malik* requested Evelyn Howell in 1920s, who was on his duty in South Waziristan, as "to allow them to remain untouched by civilization and let's be the

¹ Khan Abdul Ghani Khan, *The Pathans* (Peshawar: S.I.E.St.Road, 1990), 29.

men like our fathers before us.”² Pashtun Society is run by a set of laws, principles, rules, customs and social behavior which is known as Pashtunwali – the way of life of Pashtuns. Some of the prominent features of Pashtunwali are *melmastia*, (hospitality), *nang* (honour), *badal* (revenge), *paighor*, *nanawate*, *tizha* etc. These are the general customs of Pashtun culture. There are also some rules, laws, customs and social behavior regarding the status, rights and respect of women in Pashtun society. These are *swara* (a woman who is married, as an alternative to blood-money, to the family of the murdered from the family of the murderer in order to settle a dispute of murder); *zhag* (declaration, when a boy loves a girl and fires in the air to declare that he would marry her. Then he is prepared for feud with those who attempt to marry her), honour killing to name a few.

When religion and culture both dominate the ways of life of a society, then it becomes necessary to analyze them; differentiate between the culture and religion as well as try to demarcate them by research. This was one of the main reasons that

inspired me to conduct a research based on “*comparison between Islamic principles and Pashtunwali*” regarding the status of women in both of them. In Pashtun society, the fate of women is miserable; and they suffer a lot and are used like wood when men have to burn the furnace of honour. The society is highly patriarchal and the political, economic, social well-being and survival of a family is dependent on male individuals. Islam can be credited as the first religion which gave women that status, position and respect which she had never enjoyed before. Regarding women, Pashtunwali absorbed into itself those principles of Islam which were fulfilling the economic, social and political interests of men. Those Islamic principles are denied to women which are against the interests of men in Pashtun society. For example if someone killed a man and could not afford to give blood-money, then *swara* became the custom of the society in order to use women as an alternative for money. Men do not give a share in property and inheritance to women, because it is against his economic interests. The consent of women is not sought during marriage, because if she is consulted, then her role will

² Evelyn Howell, Mizh: A monograph on government relations with the Mahsud tribe (Karachi: Oxford University Press, 1979), viii.

increase and men may not be able to give her to his enemy as a *swara* to settle a case of murder. *Badal woda* i.e. exchange marriage is also used as an economic tool if someone cannot afford to arrange marriage for his/her son. Even the honour of a family, clan, or tribe is attached with women. She can be killed merely on the basis suspicion or friendly relations with a man (even without having sexual intercourse). In such cruel and harsh customs, it becomes interesting to know that what rights and status women have in the religion which is practiced by the people of that society.

1.1: Objectives of Research

The following are some of the objectives of my research.

- (1) To analyze and compare culture and religion and conclude as in what aspects of life they are similar and where they are different.
- (2) Why did the culture absorb some principles of the religion and neglected others.
- (3) How customs are a hurdle in absorbing some principles of religion into the culture.

- (4) How injustice, cruelty and suppression can be eliminated by adopting the principles of Islam.

1.2: Significance of research

This research will be helpful in the following ways.

- (1) We will be able to know that to what extent the customs of the society have similarities or contradictions with religion.
- (2) The problems faced by women will be highlighted and people will be able to solve them by adopting the principles and commandments of religion.
- (3) Those people who confuse culture with religion will be able to differentiate and demarcate them.

1.3: Hypothesis

“Despite several similarities, Pashtunwali is not totally in line with Islamic principles regarding women’s rights and status”

1.4: Chapters

This is divided into four chapters:

(1)Introduction:**(2) Status of women in Islam:**

This chapter deals with the principles and commandments which Islam has enjoined regarding the status, position and rights of women. The ten principles are related to women are discussed as follows:

Polygamy Permitted by Islam: As, Islam has permitted that men can marry up to four wives at a time if he can behave all of them equally and justly. Rules, procedure and punishment in cases of adultery as well as punishment in case of false accusation: Islam has prescribed the punishment in cases of sexual intercourse separately for married and unmarried men and women. There is also punishment if someone falsely accuses others of adultery. **Inheritance in Islam:** Islam has fixed the proportion of inheritance. **Mahr in Islam:** mahr has not been specified in Islam. It may be a ring, gold equal to date stone or even the part of the Holy Quran that one has memorized **Importance of consent in marriage:** Islam has stressed on the seeking of consent of women for marriage. **Banquet during marriage:** Banquet is not fixed in Islam and is different depending on the economic capability of the family concerned. **Hijab or**

Purdah in Islam: Islam has enjoined the parts of body to be covered both for male and female. Rules for entering the houses of others. **Restrictions on Women:** In Islam women cannot have sexual intercourse with her slave while man is allowed in this matter. Women should be accompanied by a mahram while going outside her home. **Divorce in Islam:** Islam has given the right of divorce to both men and women.

Chapter No.3

This chapter (Status of Women in Pashtunwali; and comparison between Islamic principles and Pashtunwali) deals with all the principles we have discussed in chapter no.2 (Status of women in Islam) and these principles are also taken from Pashtunwali. It has been briefly discussed whether the ten principles of Islam are followed or negated in Pashtunwali. We see conformity between Islam and Pashtunwali in some principles like polygamy, *purda*, banquet, entering the houses of others. These principles are also influenced to some extent by Pashtunwali, but they are not against Islamic principles. Some of the principles like Honour killing and killing on suspicion, inheritance, consent in marriage, bride-price,

and forced marriages are against the principles of Islam.

Chapter No. 4

This chapter (conclusion and suggestions) deals with my own analysis based on my experience, knowledge and being a part of Pashtun society. It has been analyzed as why some principles of Islam have been absorbed in the culture, while others are denied. It also consists of suggestions and recommendations- as how reforms and peace can be brought in Pashtun society by truly and sincerely adopting the principles of Islam.

1.5: Method of Research

The method of research in this thesis is historical, analytical and comparative. Most of the thesis is based on secondary data and primary data is also included.

Islam gave women such rights, position and status which they had never enjoyed before. In various civilizations before Islam, women were considered as minors, inferior and were denied most of the basic and fundamental rights. The women in Athens were considered as inferiors and

subordinate to the male members of the society. Her consent in marriage was not considered necessary. In some societies after marriage, her belongings were passed to the husband. She was like purchased property and slave of her husband. She was also deprived of political and social activities of day – to – day life.³ Islam can be credited for giving women a good, just and appreciable status which is an example for other religions and civilizations. There are several injunctions of Islam regarding social and legal status and rights of women in Holy Quran and the Hadis of the Prophet Muhammad (P.B.U.H.).

Two surahs of the Holy Quran i.e. Surah al-Nisa and Surah al-Noor discuss women in particular and there are other verses too related to women only. In most places, both man and women are addressed. Similarly the traditions of the Holy Prophet (P.B.U.H) have also explained all aspects of women. Two of the renowned authentic sources of the traditions or sayings of the Holy Prophet (P.B.U.H) are (a) Sahih Bukhari and (b) Sahih Muslim. We will mainly focus on these three sources (1) The Holy Quran (2) Sahih Bukhari (3) Sahih

³ Khurshid Ahmad, *Islam-its meaning and message* (Lahore: A.H.Publishers, 1997), 132-133.

Muslim. Other authentic sources will also be accessed.

God has created man and women in pairs and they are dependent on each other for various activities of life. Breeding will be impossible in the absence of either of the two. This fact is also stated by God in the Holy Quran, as

*“O men! Behold, we have created you all out of a male and a female.”*⁴

On another occasion God says:

*“O mankind ; Be conscious of your sustainer, who has created you out of one living entity, and out of it created its mate, and out of it spread abroad a multitude of men and women.”*⁵

Similarly God also addresses in the Holy Quran that how peaceful and loving the relation between wife and husband is as,

“And among his wonders is this: He creates for you mates out of your own kind, so that you might incline towards them, and he engenders

*love and tenderness between you: in this, behold, there are messages indeed for people who think.”*⁶

The Holy Quran has described various aspects of life of women- whether it is the way of marriage, divorce, punishment, witness, rights, duties, responsibilities, inheritance and others.

2.1: Polygamy permitted in Islam

Although, the practice of polygamy in Islam is criticized by other religions and some scholars in the West. They consider it against the rights and interests of women. Yet it is no denying the fact that such a practice is rational and serves for the welfare and betterment of a society. If the first wife of a man becomes ill or faces other health issues, then the entire set-up of the family is disturbed. It can be restored if the husband marries another woman. Hence the first wife will get the help and service of the second wife and her burden will be lessened. Similarly, the children of the first wife (if she has any male or female children) will find someone to bring them up. Proper

⁴ Muhammad Asad, *The message of the Quran*, vol.6 (England: The Book Foundation, 2003), 904.

⁵ Muhammad Asad, *The message of the Quran*, vol.1 , 117.

⁶Muhammad Asad, *The message of the Quran*, vol.5, 695.

guidance, education, and care of the children is important in their early age, because in what way they are reared in early age will have long-lasting impacts on their personality when they grow up.

Apart from this when there is the outbreak of war; it is a common experience that the male citizens participate in it. The armies in the world consist of a bulk of men because they are physically and psychologically more fit for waging war. Wars often result in a large number of casualties, so the proportion of male and female will be disturbed, resulting in the increase of female population. Now question arises that if polygamy is not permitted in such situation then what will be the future of women in a society? This problem can be tackled in a better way by allowing polygamy. The husband is supposed to treat all the wives equally and do not discriminate among them. But if the wives are discriminated, then resentment will arise among the wives as well as between the husband and the wives. Islam

⁷ Muhammad Asad, *The message of the Quran*, vol.1(England: The Book Foundation,2003),117-118

⁸ Asad defines and uses zina as “ sexual intercourse between a man and a women who are not married to one another irrespective of whether one or both of them are married to other persons or not. He uses the word adultery for zina throughout his explanation. However adultery(sexual intercourse

forbids us from discrimination, injustice and unfair treatment of the wives. That is the reason that Islam has permitted marrying up to four wives at a time which is evident in these verses:

*“And if you have reason to fear that you might not act equitably towards orphans, then marry from among (other) women such as are lawful to you – (even) two, or three or four; but if you have reason to fear that you might not be able to treat them with equal fairness, then (only) one- or (from among) those whom you rightfully possess.”*⁷

2.2: Adultery and false Accusation in Islam

Regarding the punishment of those men and women who commit zina⁸, each of them is supposed to be flogged with hundred stripes and it should be done in the presence of other people,⁹ so that they will learn a lesson from the punishment of the sin of adultery and hence will try to avoid it in future. This punishment is for those who are

of a married man with a woman other than his wife or that of a married women with a man other than her husband) and fornication(sexual intercourse between two unmarried persons) are used in the West in the context as we have defined them.” (Asad, 2003) ,.594.

⁹ Muhammad Asad, *The message of the Quran*, vol.4, 594.

free, wise, have reached puberty and have not hold *nikah* yet. But if they possess the above mentioned qualities and commit adultery, they are to be stoned to death after producing four witnesses.¹⁰ The sayings and traditions of the Prophet (P.B.U.H.) state that a married man or a married woman should be stoned to death in case of adultery. One of the examples is evident in the case of a man of Bani Aslam who came to the Prophet (P.B.U.H.) and confessed that he had committed adultery and said “O Allah’s Apostle, I have committed illegal sexual intercourse” The Prophet (P.B.U.H.) would turn his face till he said so four times. Then the Prophet (P.B.U.H.) said, “Are you insane?” He said “No”. As he was a married one, hence the Prophet ordered to stone him to death. Then he was stoned to death at the Musalla in Madina.¹¹ Similarly (narrated by Abu Hurraira) the Prophet (P.B.U.H.) said that when an “adulterer commits illegal sexual intercourse, he is not a believing man at the time he is doing it.”¹² The same hadith has also been reported by Ibne Abbas (R.A).¹³ The punishment of adultery is given after

four witnesses prove that they have directly seen the sexual intercourse. It is not enough that they have witnessed a situation that sexual intercourse took place, but they must have witnessed sexual intercourse as such.¹⁴

The producing of four witnesses is very rational, as hypocrites and other people will not be able to abuse it for fulfilling their personal interests and objectives. False accusation may be exploited by some people to take revenge from their enemies and those people whom they want to give harm. But this misuse of false witness is prevented by the condition that four witnesses will be produced if a man or a woman is accused of adultery. This acts like a safety-valve to check the false accusations and misuse of witnesses. It is very difficult for a man or a woman to hire four witnesses who will support him in his/her false accusation because why will someone commit such a big sin just for the benefit and wrong interests of other people. People fear the wrath of God as well as their loss of confidence in the society if they will present false witnesses.

¹⁰ Shabir Ahmad Usmani, *Tafseer-e-Usmani*, (Lahore: Pak Company Lahore), 466.

¹¹ Sahih al-Bukhari, Volume 7, Book 63, Number 196, 1181-1182.

¹² Sahih al-Bukhari, Volume 8, Book 81, Number 763, 1514.

¹³ Sahih al-Bukhari, Volume 8, Book 81, Number 773, p.1116.

¹⁴ Muhammad Asad, *The Message of the Quran*, 595.

Apart from the punishment, false accusation regarding adultery or fornication¹⁵ is forbidden in Islam.

Regarding false accusation, the Quran states:

*“And as for those who accuse chaste women (of adultery), and then are unable to produce you witnesses (in support of their accusation), flog them with eighty stripes; and ever after refuse to accept from them any testimony-since it is they, they that are truly depraved” (from this interdict) only those who afterwards repent and made amends.”*¹⁶

It is another good way adopted by Islam to prevent the people from false accusation. It is very painful if people will know about someone’s adultery because he/she will lose her respect and honour in society. But it is even more painful and troublesome if somebody is accused of adultery in a situation when he/she is innocent and has not committed the sin. Those people know about its pain and misery who have faced such situations in

their life. God forbids us from false accusation and has also enjoined the punishment of false accusation-he/she should be given the punishment of eighty stripes and his/her testimony is not to be accepted in future. The honourable wife of the Prophet, Hazrat Aisha (R.A.), was also falsely accused of adultery when she was accompanied by other Muslims in a battle and this accusation was spread by hypocrites. She had faced a troublesome and miserable situation. Then God Himself proved her innocent and free of adultery of which she was accused.¹⁷ Sometimes the accusation regarding adultery also happens when a husband accuses his wife of adultery. Now if he cannot produce witnesses then he is entitled to follow the following procedure. Similarly if his wife considers it false then she is also entitled to follow the following method.

If someone accuses his wife of adultery and cannot produce witness except himself, he is supposed to “call God four times to witness that he is indeed telling the

¹⁵ According to Oxford Advanced Learner’s Dictionary, “adultery means sex between a married person and somebody who is not their husband or wife, while fornication means to have sex with somebody you are not married to.”

¹⁶ Muhammad Asad, *The message of the Quran*, vol.4, 595.

¹⁷ Shabir Ahmad Usmani, *Tafseer-e-Usmani*, (Lahore: Pak Company Lahore), 466.

truth and the fifth time that God's curse be upon him if he is telling a lie".¹⁸ And the wife can make herself free from accusation by "calling God four times to witness that he is indeed telling a lie and the fifth (time), that God's curse be upon her if he is telling the truth"¹⁹

2.3: Inheritance in Islam

Islam has given its proper proportion of inheritance in property to both man and woman²⁰ depending on what relation he/she makes-whether it is husband, wife, son, daughter, father, mother, grandfather, grandmother etc. Woman enjoys a proper share in the inheritance which is considered sufficient for fulfilling her needs. The share in inheritance of women is considered not sufficient and criticized by other religions as well as the West. It is sufficient when we have a look on the responsibilities and duties of women. As women are not supposed to support the family and this responsibility is on the shoulder of husband who has to buy food material, cloths and other requirements of day-to-day life. Even the breast feeding of her child is not compulsory on her. If she

refuses breast feeding due to health issues or she does not want to suckle her child, then it is the responsibility of man to arrange the breast feeding of the baby by other sources i.e. seeking a foster mother for the child.²¹ Apart from this she gets her share both from her parents and husband. God says in the Holy Quran about the inheritance and its proportion:

“Concerning (the inheritance of) your children, God enjoins (this) upon you. The male shall have the equal of two females, share: But if there are more than two females, they shall have two – thirds of what (their parents) leave behind, and if there is only one, she shall have one – half thereof. And as for the parents of (the deceased) each of them shall have one – sixth of what he leaves behind, in the event of his having (left) a child; but if he has left no child and his parents are his (only) heirs, then his mother shall have one – third; and if he has brothers and sisters, then his

¹⁸ Muhammad Asad, *The message of the Quran*, vol.4 , 595,596.

¹⁹ Muhammad Asad, *The message of the Quran*, vol.4 ,596.

²⁰ Muhammad Asad, *The message of the Quran*, vol.1 119.

²¹ Dr. Muhammad Hamidullah, *Introduction to Islam*, (Lahore: Idara-e-Islamiat, 2004), 188.

*mother shall have one – sixth after (the deduction of) any bequest he may have made, or any debt (he may have incurred)."*²²

Inheritance goes to those who are bound together by blood relations. Adopted sons are not to be considered as real sons and other adopted relation is also not considered like real blood relation.

As God says in the Holy Quran as, *"According to the book of Allah, those who are bound by ties of blood are nearest to one another (in the matter of inheritance)."*²³

2.4: Mahr in Islam

There are no specific rules and conditions of mahr in Islam. On different occasions, different mahrs were presented by the Prophet (P.B.U.H.) and his companions. The Prophet (P.B.U.H.) held manumission (to free from slavery or bondage) as mahr in case of Safiyya.²⁴ On another occasion a woman came to the Prophet (P.B.U.H.) and wished to marry Him. Then a companion of the Prophet

(P.B.U.H.) said that he wanted to marry her. The prophet said that whether he had anything to give as mahr. He said that he had only Izar. The prophet refused to give Izar as mahr because it was for his personal use. "He said, "I could not find anything." The Prophet (P.B.U.H.) said, "Try (to find something), even if it were an iron ring. But he was not able to find (even that) The Prophet (P.B.U.H.) said (to him). "Do you memorize something of the Qur'an?" "Yes. ' he said, "such Sura and such Sura," naming those Suras the Prophet (P.B.U.H.) said, "We have married her to you for what you know of the Quran (by heart)."²⁵

Abdur Rahman bin Auf (R.A.) had married a woman by giving "her gold equal to the weight of a date stone (as mahr)."²⁶ Another hadith of the Holy Prophet (P. B.U.H.) is conveyed on the authority of Sahl bin Sad that the Prophet (P.B.U.H.) said, "Marry, even with (a mahr equal to) an iron ring."²⁷ Mahr is considered necessary for marriage. It is like a gift from husband to wife. The thing that someone gets free and

²² Muhammad Asad, *The message of the Quran*, vol.1 , 120.

²³ S.A bul A'la Maududi , *Purdah and the status of women in Islam* (Lahore: Islamic Publications,2002),139

²⁴ Sahih al-Bukhari.Vol.7, Book 62, number 23, p.1137.

²⁵ Sahih al-Bukhari.Vol.7, Book 62, Number 80, 1151.

²⁶ Ibid ,1151.

²⁷ Ibid , 1151.

without consuming energy has lesser value than the thing that one gets after consuming energy on it. Although, the mahr prescribed by Islam is not too much, yet it reflects the value of woman for man. Mahr depends on the economical condition of man and if he has nothing to give as mahr, he can also offer what he has memorized of the Holy Quran; as it is evident from above mentioned Hadith. Islam has made everything easy for us in day-to-day life. But in some cultures, where people do not truly follow the teachings of Islam, very high mahr is demanded which is difficult for poor people to give. It results in social inequality in the society as poor people will not be able to marry because they cannot afford a high mahr. In order to bring social equality in case of marriage, the teachings of Islam should be followed so that all will have equal access to marriage whether they are rich or poor.

2.5: Importance of Consent in Marriage

Islam has emphasized the importance of consent and consultation with the women who is to be married to a man. It is evident from the examples of the Holy Prophet (P.B.U.H.) and His companions.

Narrated Abu Huraira that the Prophet (P.B.U.H.) said that a matron as well as a virgin should be consulted before marriage²⁸ But women most of the times feel shy, depending on their culture and traditions and cannot express their views regarding their would-be husbands. Hence her “silence is considered her consent.”²⁹ Hazrat Aisha (R.A.), once, asked the Prophet that a virgin feels shy. The Prophet (P.B.U.H.) said that her consent is (expressed) by her silence.³⁰ The Prophet (P.B.U.H.) declared the marriage of a matron invalid when she reported to the Prophet (P.B.U.H.) that she did not like her marriage.³¹ Similarly when the daughter of Al-Jaun was brought to the Prophet (P.B.U.H.) as his bride and she sought His refuge and said that she did not want to marry Him. Then the Prophet allowed her to return to her family.³²

It indicates that consent of and consultation with a would-be bride is very important in Islam. The married couple has to live together for their entire life and it is very important that they like each other so that they will be better adjusted. If they do not like each other, they will be a burden on

²⁸Ibid , 1148.

²⁹Ibid , 1148.

³⁰Ibid , 1148.

³¹Ibid, 1149.

³² Ibid, 1177.

each other and their life will be full of miseries and troubles. When there is lack of love between them, they are more vulnerable to illicit relations with other people because in most cases their faith is not so strong that they will not incline to illegal affairs. This problem is best solved by Islam which ordains the consent of both partners before marriage. It is specifically stressed for women because they naturally feel shy and cannot express their feelings as freely as man can do. So she is to be consulted about her would-be husband. The seeking of consent from women depends upon and differs in various cultures. Some cultures (even in the Muslim world) have snatched this right from women, where her honour becomes in risk when she demands her consent in marriage.

2.6: Banquet (walima) During Marriage

The Holy Prophet (P.B.U.H.) and his companions have given examples of the activities of day-to-day life. Banquet during marriage was offered to the people and different things were offered during banquet. During the marriage of Zainab (R.A.), the Prophet (P.B.U.H.) offered a sheep as banquet which is considered as the

best banquet He ever offered during His marriages with all wives.³³ The Prophet (P.B.U.H.) told Abdur Rahman bin Auf (R.A.) on the occasion of his marriage to give a wedding banquet even if it be with a sheep.³⁴ It is narrated by Safiyya bint Shaiba (R.A.) that the Prophet (P.B.U.H.) also gave a banquet of two Mudds of barley on the occasion of some of His wives (one mudd is equal to quarter to two kilogram i.e. 1 ¾ of a kilogram).³⁵

Once again, we see that how Islam has lessened the burden of banquet for believers. It is not compulsory that one should slaughter animals and prepare expensive meals on banquet, but one should do it according to one's economic background and which can be afforded. If someone is poor and cannot afford arranging expensive and high quality of meal for banquet, he is supposed to arrange such a meal which he can easily afford even if it be with barley. But in most societies even in the Muslim world, it has become the custom to give a high standard and expensive banquet. It is constructed by the people themselves and not enjoined by Islam. In such societies it is the poor who have to bear the

³³Ibid, 1156.

³⁴Ibid, 1152.

³⁵Ibid, 1156.

consequences of the custom, because they do not want to be considered as inferior by the people. Hence they will take loans from other people to arrange banquet in order to save themselves from the taunts of the people. But these loans become a burden on them later on and they will not be able to give back easily. Or they will have to marry late in their life because they are not able to arrange a high standard banquet which is expected by the society. Islam recommends us to marry soon after getting puberty. But if the poor people cannot afford the expenses of marriage, how will they be able to arrange marriage?

2.7: Hijab or Purdah (veil) In Islam

The word “Hijab” is from Arabic word “*Hajaba*” which means to hide from view or conceal.³⁶ Islam has prohibited from showing the shameful parts both by male and female. But female are enjoined to have more covering of her body than the male. Islam forbids believers from nakedness and garments are to be worn to hide them. These garments also add to their beauty, honour,

respect and protect them from evils which result due to showing shameful parts.

God says in the Holy Quran as,
*“O Children of Adam! Indeed we have bestowed upon you from on high (the knowledge of making) garments to cover your nakedness, and as a thing of beauty.”*³⁷

Islam has explained those specific parts which are must for male and female to cover and hide from people. Such parts of man and women which are obligatory to be covered are known “*satar*” in Shari’ah. But *satar* differs for males and females. “The male should cover that part of the body which is between the navel and the knee.” Hazrat Ali bin Abi Talib (R.A.) has reported that the Holy Prophet (P.B.U.H) said: “Do not uncover your thigh before another person, nor look at the thigh of a living or a dead person.” But this command is not to be followed when one has to interact with wife and slave-girls.³⁸

The boundary of *satar* for female is more than that for male. When a woman

³⁶

www.Islamswomen.com/hijab/hijab_suppression_or_liberation.php accessed on July 3, 2014.

³⁷ Muhammad Asad, *The message of the Quran*, vol.2, (England: The Book Foundation, 2003), 234.

³⁸ S. Abul A’la Maududi, *Purdah and the status of women in Islam*, 173.

becomes mature she must cover all parts of her body except her face and the hands up to the wrist joint. The Holy Prophet (P.B.U.H.) said that those women are cursed who are naked in spite of wearing clothes. Hazrat Umar (R.A.) says that women should forbid from wearing such clothes that are tight-fitting. Similarly Hazrat Aisha(R.A.) tore up to pieces the wrapper of Hafsa (R.A.) (the daughter of Abdur Rahman(R.A.) which she was wearing over her head and shoulders because it was thin and put a thick one over her.³⁹ God says in the Holy Quran that the

“Believing men and women should lower their gaze and be mindful of their chastity.” And the believing women should “draw their head-coverings over their bosoms and let them not display (more of) their charms to any but their husbands , or their heir fathers , or their husbands’ fathers, or their sons , or their husbands’ sons or their brothers , or their brothers’ sons , or their sisters’ sons , or their womenfolk , or those whom they rightfully possess, or such male

attendants as are beyond all sexual desire, or children that are as yet unaware of women’s nakedness.”⁴⁰

2.8: Rules for Entering the Houses of Others

If someone has to meet somebody by going his house, then some specific rules should be kept in mind so that it will not result in annoyance on the part of the guest and the host. One should be careful in entering the house of one’s friends, relatives and other common people, because it will create doubtful and tense situation if there are no male adults in the house. Similarly one should seek permission before entering the houses of others. Islam also enjoins us to follow specific rules when you enter the houses of other people. If these rules are followed, then man will be protected from unpleasant results and untoward situations.

God says in the Holy Quran as,

“O Believers do not enter houses other than your own, until you have taken permission; and when you enter a house, greet the people therein with salutation....”⁴¹

Hence it is necessary to get the permission of those whose houses we have

³⁹ Ibid,174

⁴⁰ Muhammad Asad, *The message of the Quran*, vol.4 ,600-601.

⁴¹ S. Abul A’la Maududi, *Purdah and the status of women in Islam*, 175.

to enter. These commands were not properly followed by the Arabs before Islam. With the advent of Islam, the people were able to follow these rules which play a vital in a peaceful and honourable life. The Prophet (P.B.U.H.) said if someone peeps into others houses without the permission of the latter; the people of the house are justified if they injure his eye. Similarly if someone asks for something from the houses of other people, they should ask behind the curtains.

2.9: Restrictions on Women

Adult women have more restrictions as compared to a man regarding certain affairs. As man is free to travel at his own will without having any guardian with him. But a woman (whether she is married, unmarried or a widow) is forbidden to travel if she is not accompanied by a mahram, even if she has to go to perform hajj. Narrated Abu Huraira (R.A.), that the Prophet (P.B.U.H.) said, “it is not lawful for any woman that she travels for a night, unless accompanied by a male mahram.” If woman is allowed to travel freely on their will and without accompanying a mahram, it will result in evil in the society. Man is allowed

to have sexual relations with his slave-girl while woman is not allowed to have sexual relations with her slave.⁴²

As man is more aggressive and confident than woman, so the latter can become the victim of sexual intercourse, harassment and suppression of the former. The societies where women move about freely at their own will and without being accompanied by a male mahram, they face various problems like rape, sexual harassment, kidnapping and teasing by the people⁴³, especially the youth. Women are badly raped and tortured- when found in isolation- by wicked people. It not only results in misery for the effected family but also brings unrest, chaos and badly affects peace in the society. Several countries are facing these problems. India has been facing such a situation for the last few years where rape, harassment and torture are done frequently. If the principles and commandments of Islam are properly followed, then we can get rid of such barbarous and heinous situations. But we face such social unrest because we do not follow the teachings of Islam properly, let alone the non-Muslims who even do not

⁴²Ibid, 147-148

⁴³ “Celebrating Women,” The Dawn, March 12, 2013, 6.

believe in them. This problem can be best tackled by following the teachings and commandments of Islam. A woman should not go out without accompanied by a mahram, so that she will not face such heinous and barbarous situations.

2.10: Divorce in Islam

Suppose that the relation between the husband and the wife is tense, troublesome and they cannot tolerate to live together due to some reasons, then what should they do? Islam has also prescribed remedy for such a situation and problem. Both the husband and the wife have the right to put an end to their marital life and marry other woman and man respectively. Although divorce is legal and it is allowed for both man and women, yet it is considered as “the most detestable of the permitted things in the eyes of God.”⁴⁴ Divorce is allowed by Islam so that the burden, hatred and misery of bad relations between the husband and the wife can be ended. It is not encouraged so that it will not be misused for fulfilling the wishes of luxurious life. People may use it for changing their wives so that they can enjoy the taste of new wives by divorcing their former wives. A divorce is

considered active when it is uttered three times by mouth.

But what is the principle if a woman divorces husband “A” and marries husband “B” and then also divorces husband “B” without consummating him? If a man divorces his wife, and the latter marries another man. She cannot remarry the former husband unless she has consummated with the second husband. Once she consummates with the second husband and wants to divorce him as well as remarrying her first husband, and then she can do it.⁴⁵ Sometimes the relations between a husband and a wife become tense when the former accuses her of illegal sexual intercourse whether it is true or false, then they are supposed to take the oath of Lian and separate from each other by divorce. Abdullah (R.A.) has narrated that such a situation occurred with an Ansari who accused his wife of illegal sexual intercourse and the Prophet (P.B.U.H.) separated them by divorce after taking the oath of Lian.⁴⁶ Evil thoughts come to one’s mind and if somebody divorces his wife in mind, she is not considered divorced unless it is put to action and uttered by mouth.

⁴⁴ Muhammad Hamidullah, *Introduction to Islam*, 192.

⁴⁵ Sahih al-Bukhari, Vol.7, Book 63, Number 187, p.1179.

⁴⁶ Ibid, 1189.

3.1 A Brief Introduction to Pashtunwali

Scottish philosopher David Hume has rightly said as, “Custom, then, is the great guide of human life.”⁴⁷ ‘Pashtunwali is the unwritten law or code of life of Pashtun which is practiced in all the Pashtun-dominated areas like Afghanistan, some parts in Baluchistan, Khyber Pakhtunkhwa, FATA (Federally Administered Tribal Areas) and even in Pashtun-dominated areas in Karachi. This law is considered as honourable, sacred and as giving respect. It is equally practiced by all Pashtun irrespective of their economic capability, social status and power.’⁴⁸ It emphasizes that a Pashtun should be patient and tolerant towards the people who have different “faith, colour, language or race”.⁴⁹ Miangul Abdul Wadud Badshah, has written in his autobiography about Pashtunwali that it is “the name given to the valour, sense of honour, hospitality, bravery, patronage of the weak, giving of shelter to all including enemies, moral courage in claiming one’s

rights, sacrificing one’s life for personal as well as national honour, dying in the name of religion, and a number of other traditions.”⁵⁰ There are some prominent principles in Pashtunwali which will be discussed briefly.

3.1.1: *Badal* or Revenge

Badal literally means to give someone something in exchange for what you have got from that person.⁵¹ *Badal* may be positive as well as negative. The former states that a person will not forget the help he receives from someone in time of need. He will not give harm to a man who has helped him in crisis. Similarly the latter states that a man will not forget the injury he gets from someone whether it is in the form of murder or injured person in case of any conflict; or the harm and damage to someone’s property, land or crops etc. In some cases if the murderer is not traceable or dies his own death, then one of his other male relatives is killed. It may give rise to counter-killing and the feud lasts long and brings several casualties unless they settle the dispute by a *jirga*.⁵²

⁴⁷ <http://www.tribalanalysiscenter.com/PDF-TAC/Jirga%20System%20in%20Tribal%20Life.pdf>, 4. Accessed on July 1, 2014.

⁴⁸ Babri Gul, *Faqir of Ipi* (Peshawar: The Aays Publishers, year not mentioned), 7.

⁴⁹ Ibid, 8.

⁵⁰ James W. Spain, *Pathans of the latter day* (Karachi: Oxford University Press), 40- 41.

⁵¹ Defined by Researcher.

⁵² Babri Gul, *Faqir of Ipi*, 10.

3.1.2: *Nanawate*

It literally means coming in or enter someone's house for seeking forgiveness and pardon⁵³ and it is translated as sanctuary. It is said in Pashtu to the men whose forgiveness is sought as, "*Mizh pa nanawata derta roghali yi.*" Pashtun is bound by custom to offer sanctuary to anyone who requests for it even if it be his bitter and worst enemy.⁵⁴ The men who bring *nanawati* come to the home of the men whose mercy and forgiveness is sought. Most of the times the men of *nanawate* refuse to eat the meal unless the men (whose forgiveness is sought) agree for the settlement of the case. But if he does not agree because he considers the case very serious, he offers a *counter-nanawate*.⁵⁵ The man to whom *nanawate* comes can reject it and say sorry for its acceptance. I have heard a case in which A slaughtered a sheep in front of B's home to seek the latter's forgiveness. B went with a sheep and slaughtered in front of A's home as *counter-nanawate* that A cannot forgive B. Its

⁵³ Babri Gul, *Faqir of Ipi*, 10

⁵⁴ Mukulika Benerjee, *The Pathan unarmed* (Karachi: Oxford University Press, 2004), 29.

⁵⁵ Akbar Ahmed has illustrated a case in which Wazir sought forgiveness from Mahsud Tribe in the

acceptance and rejection depends on the nature of case as well the relation between the two who are in conflict with one another. *Nanawate* is not only practiced during a dispute between families, but it is also practiced in case of dispute between clans and tribes.

3.1.3: *Nang or Ghairat*

Nang (honour) is probably the most strictly followed principle in Pashtunwali. Pashtun cannot tolerate anyone who attacks his *nang* even if it be a woman. As Pashtun don't kill women in case of any dispute between families, clans or tribes but they kill women in case of adultery to save their honour.⁵⁶ I have further explained it in this chapter.

3.1.4: *Tizha or konrhay (Truce)*

Tizha or *konrhay* literally means a stone. In case of serious and active hostilities, the jirga fixes a time up to which hostilities are suspended for the sake of further negotiation through a procedure called *tizha* or *konrhay*. The *jirga* collects money, weapons or any other thing from

form of *nanawati*, but the latter rejected it by a *counter-nanawati*. For detail see {Akbar S. Ahmed, *Religion and Politics in Muslim Society* (Karachi: Royal Book Company, 1987), 75.}

⁵⁶ Babri Gul, *Faqir of Ipi*, 14-15.

both of the feuding parties as *tizha*. If anyone of the parties violates the *tizha*, it not only loses the money, weapons or other things of *tizha* but the other party gains, as a concession, comparatively greater support of *jirga*. If *jirga* cannot decide a case in one day due its severity and seriousness, then *jirga* gives a time of one more day or many days or even several months.⁵⁷ The two parties are supposed to avoid any conflict or attack on each other during the period of *tizha*. In Waziristan *tizha* or *konrhay* (the money, weapons or any other thing which is used as *tizha*) is known as *shwinai* which literally means “putting down something valuable.” In case of violation, the “*jirga* confiscates and sells the *shwinai*” in welfare works like building something like dams⁵⁸ etc which can be collectively useful for the clan or tribe concerned. When the time of *tizha* expires, then the *jirga* reassembles to discuss and try to negotiate the conflict between the two parties.⁵⁹ If the *jirga* is not able to come to a settlement, then more time is sought through *tizha*.

3.1.5: Naugha

⁵⁷ Dr. Babri Gul, *Faqir of Ipi*, 15-16.

⁵⁸ Ibid, 16.

⁵⁹ Ibid, 15-16.

Naugha literally means a fine or a restriction. It is practiced in case of protection of forest or pasture,⁶⁰ land or any other property or belongings which collectively belong to a particular clan or tribe. The *jirga* fixes the amount of *naugha* which is taken from violator/s, even through the use of arms. People avoid the violation of *naugha* due the severity of punishment and its compulsory implementation. For example if *jirga* fixes *naugha* worth Rs.10,000/- on the violator/s in a particular situation, then the violator/s has/have to give the mentioned amount to *jirga*.

3.1.6: Paighor

Paighor literally means reproach or using scornful words to someone with whom one faces a conflict. It is one of the major causes of disputes and feuds in Pashtun society.⁶¹ Suppose if *A* has injured or killed a relative of *B* and *B* has not taken the revenge yet. Now when *B* faces harsh words or conflict with *C*. Now *C* will use such words to annoy and harm the honour of

B like “how do you show me your bravery? If you are so brave, you would have taken the revenge of your relative.” These are such words which are known as

⁶⁰ Ibid, 16.

⁶¹ Ibid, 17.

paighor in Pashtu language and Pashtun cannot tolerate such remarks. Now *B* will either go to his enemy to take revenge at the risk of his life in order to avoid such scornful remarks in future or he will fiercely react to or fight with *C*.

3.1.7: *Matiza*

The woman who elopes with her lover is called *matiza*. Both the woman and the man are killed by hook or by crook by their relatives.⁶² They are not allowed to live freely without any risk to their lives. The responsibility of their killing is mostly on the shoulders of the woman's relatives because, due to custom, the woman's family faces more shame and a black spot on its honour and respect. They will leave no stone unturned for killing them in order to avoid *paighor* (*paighor* has been defined above) of the society.

3.2 Status of Women in Pashtun Society

Although women have great respect and honour in Pashtun society, yet she is denied some of the basic rights and legal

status which Islam has given to her. Men are the noblest and the cruelest regarding the status, rights and respect of women. Even men confess in their private life as "*khazay ajaiz qam day, be wasa de*" i.e. "the lot of women is miserable, they are helpless."⁶³ She has been deprived of several activities in day-to-day life which are also allowed by Islam i.e. their consent is not sought for marriage; they cannot claim divorce compensation; inheritance in land and other is denied to them; they cannot divorce their husbands. There is a proverb in Pashtu about women as, "*khazza ya de kor da, ya de gor da*" – which literally means that for a "woman either the house (*kor*) or the grave (*gor*)"⁶⁴ It states that women face great restrictions and hardships in her life. She is considered as weak, inferior and a threat to the honour of society if not properly looked after. Islam has given woman a proper status and legal rights but some of such rights are denied in Pashtunwali. The principles will be discussed which are given as well as denied to women in Pashtunwali as compared to Islam.

⁶² <http://www.tribalanalysiscenter.com/PDF-TAC/Jirga%20System%20in%20Tribal%20Life.pdf>, 4. Accessed on July 1, 2014.

⁶³ Akbar S. Ahmed, *Pakistan Society* (Karachi: Oxford University Press, 1989), 30.

⁶⁴ Akbar S. Ahmed, *Discovering Islam*, (Lahore: Vanguard Books, 1988), 188.

It will suit well to quote some lines of a poem “The Plight of Afghan Women” by Dr. Zieba Shorish-Shamley.⁶⁵

I Remember You.....

I remember you...

when you have no choice, no voice, no rights, no existence

when you have no laughs, no joy, no freedom, no resistance

your pain, your agony, your silence, your loneliness

your anger, your frustration, your cries, your unhappiness

I remember you...

when you are abused, attacked, beaten and veiled

when you are tortured, strangled, choked and almost killed

you feel numbness, nothingness, lifelessness and tears

you are a shadow, a ghost, a creature with many fears

I remember you...

when you in the darkness, stillness of a starless night

lift your arms to the sky, with sadness and

fright

and ask the universe with eyes full of tears

and pain

why all these crimes? for what reason? can

anyone explain?⁶⁶

3.2.1 Polygamy

Polygamy is also practiced in Pashtun Society and men marry no more than four wives as permitted by Islam. Mostly men marry two wives in case of polygamy; the practice of three and four wives seldom occurs.⁶⁷ There are several reasons for marrying more than one wife. Firstly, if a man belongs to affluent and well-to-do families, who can afford the bearing of more wives and children— man, marry more than one woman. Secondly, if the man can't produce children from first wife and he is medically fit for producing children, then he marries another wife. Thirdly, if the male number of the family is much lesser than cousin family, then man marry more than one wife in order to increase the number of male in his family to

⁶⁵ Zieba Shorish-Shamley is an Afghan woman and headed “Women’s Alliance for peace and human rights in Afghanistan (WAPHA), a non-government organization which aims at the protection and promotion of peace as well as human rights in

Afghanistan and is mainly focused on the rights of Afghan women.

⁶⁶ www.afghan-web.com/women/ziebapoems.html accessed on July 3, 2014.

⁶⁷ Interviews with people from FATA.

balance that of the cousin family or to any other would – be enemies’ family. In Pashtun society, *Turburwali* (jealousy with one’s cousin, even this jealousy also prevails with cousin clan or tribe) is one of the dominant principles. *Turbur* means cousin and ironically refers to enemy.⁶⁸ Cousin is considered as the foremost would - be enemy of a man, because man is mostly concerned with cousin who has joint land and property. So in case of any conflict over land or property, he needs more male members than his cousin. Such situation also arises with cousin clan as well as cousin tribes. It is a well-known proverb in Pashtu as, “*I against my brothers; my brothers and me against my cousins; my brothers, my cousins and me against the world.*” It means that Pashtun unite against enemy which starts in home and end with the outside world. They will have enmity with each other as among families, clans or tribes but they stand united against an outside enemy. That is why; they have been able to create a strong resistance against colonizers and

invaders whether they were the British, the Russians or others.⁶⁹

3.2.2 Adultery, Illicit Relations, Suspicion and Honour Killing

Honour (*nang or gherat* in Pashtu language) is the most strictly observed and followed principle of Pashtunwali. It is a source of great pleasure and pride for a Pashtun if he sacrifices his life for his land or for protecting his honour. Adeel Khan in his book ‘Politics of Identity’ draws a brilliant picture of Pashtunwali; and its code of honour and bravery.

*“The ideology of Pashtun society, Pashtunwali, exaggerates the notions of honour, freedom and bravery but not those of inequality, hierarchy and authority. In fact Pashtunwali abhors any authority other than that collectively imposed by the community.”*⁷⁰

It is also reflected in the poem of Hamza Khan Shanwari (Hamza Baba), a well-known poet of Pashtu language as,

⁶⁸ Malala Yousafzai with Christina Lamb, *I am Malala* (London: Weidenfeld and Nicolson, 2013),
⁶⁹

<http://home.honolulu.hawaii.edu/~pine/Phil100/pashtun.htm>, accessed on July 3, 2014.

⁷⁰ Adeel Khan, *Politics of Identity* (New Delhi: Sage Publications, 2006), 91

*Ma tit warta lema karra zama sarr
na titay du;*

*Shayad chay pa olfat kay ham
Afghan Patay kedam!*⁷¹

*I lowered my gaze but could not bow
my head;*

*Perhaps I was to remain a (true)
Pashtun in love too!*⁷²

Khushal Khan Khattak, a renowned Pashtun poet, also focuses honour in his poetry as he says in one of his poems as,

*“ Da Afghan pa nang me wataralla
tora;*

*Nangyalai da zamane Khushal
Khattak yam!*

*I girded my sword for the honour
of Afghans;*

*Honour-bound of the time I am
Khushal Khattak”!*⁷³

A Pashtun woman also praises and feels proud of the bravery of their man. She wants to see him riddled with bullets rather than showing cowardice and running away from the battlefield. Another *tapa* in which a Pashtun woman addresses the fighting man in the battlefield as,

*“ Ka da watan pa nang shaheed
shwe;*

*Pa taar da zulfo ba kafan darla
gandamma!”*⁷⁴

*If you sacrificed for the honour of
the land;*

*I will sew your shroud with the
threads of my hair!*⁷⁵

Honour is strictly observed in Pashtun society even if it be at the cost of killing the people. Honour killing is one of the most notorious and heinous practice in Pakistan society and is also brutally practiced in various other ethnic groups like Baluch, Punjabi, Pashtun and Sindhi to name a few.⁷⁶ Women are killed due to adultery, illicit relations and even on the basis of mere suspicion without following the procedure, investigation and witnesses enjoined by Islam; as Islam has illustrated the procedure of investigation and punishment in case of adultery and other illegal relations. A Pashtun will kill the seducer of his relatives even his sister and will proud of it.⁷⁷ They are mostly killed to protect the honour of the family, clan, tribe

⁷¹ Sahargul Sahar Katozai, *Pashtu Adab Pohanna* (Peshawar: University Publishers), 160.

⁷² Translated by researcher.

⁷³ Babri Gul, *The Fakir of Ipi*, 7.

⁷⁴ Sahargul Sahar Katozai, 242.

⁷⁵ Translated by researcher.

⁷⁶ [Inb.com.pk/allaqai-saqafatain-aur-auratun-ka-qatal-by-orya-maqbool-jan/](http://inb.com.pk/allaqai-saqafatain-aur-auratun-ka-qatal-by-orya-maqbool-jan/), accessed on July 3, 2014.

⁷⁷ Abdul Ghani Khan, *The Pathans*, 30.

or caste depending on the nature of the case concerned.

Even the women are also killed only on the basis suspicion in Pashtun society, as a woman had gone for collecting grass and she lay on the grass wrapped in *chadar* in order to have a rest after being tired of working. When her husband saw straws of grass stuck to her clothes, he killed her doubting that she might have committed adultery.⁷⁸ But killing on suspicion are rare. The culture is so harsh that people cannot tolerate illicit relations of women with other people and if a woman is found having friendly relations with a man even without any sexual intercourse, she faces the fate of honour killing. The wounds and black spots of honour are washed away with the blood of the woman who is accused of adultery or only friendly relations. Wusatullah Khan of BBC Urdu says in his article titled as “*Ye auratay nhi lakriyah hay*” i.e. *these are not women, these are wood (to be burnt)* that the bodies of these women are thrown in the

furnace of honour and this furnace is kept burning only with the help of their dead bodies⁷⁹ Women in Pashtun are strictly secluded from man and they cannot meet openly even if they are in intense love with each other. A Pashtu landi (a kind of traditional Pashto poetry) reflects this expression.

*Pa akherat ba
melawego;*

*Pa da donya day zaliman na ra
kawina!*⁸⁰

***“My love will gather us both
together on the day of
resurrection;***

***Brutes have placed stones
between us in this world!*”⁸¹**

3.2.3 Inheritance

Inheritance in property and money in completely denied to women in Pashtunwali.⁸² She is denied inheritance in land and other property⁸³ before marriage and after marriage i.e. both by the father and husband. As FATA is semi-autonomous

⁷⁸ <http://inb.com.pk/allaqai-saqafatain-aur-auratun-ka-qatal-by-orya-maqbool-jan/>, accessed on July 3, 2014.

⁷⁹ www.bbc.co.uk/urdu/pakistan/2014/06/140601_baat_say_baat_wusat_nj.shtml, accessed on July 3, 2014.

⁸⁰ The *tapu* (a kind of traditional Pashtu poetry) is written by researcher in Pashtu.

⁸¹ <http://pulitzercenter.org/projects/afghanistan-landai-pashtu-poems-women-expression-society-war>, accessed on July 3, 2014.

⁸² <http://prezi.com/ts-jtqnIrxjex/afghanistan-culture-of-the-pashtuns/> accessed on July 3, 2014.

⁸³ Akbar S. Ahmed, Pakistan Society, 31.

region based on tribalism – where everyone is free to carry, keep and use weapons freely and they are not legally banned. As male members are the ones who are confident and fit for using weapons and women can't use weapons to protect the family from opponents and enemies. It results in the greater role of male to safeguard the family from enemies; hence male has a vital role in the protection and even the survival of the family. Males are the bread-winners of the family and women do house-hold works so she plays a little role in earning money.

3.2.4: Walwar (Sar Paisey) or Bride-price in Pashtun Society

The money which is taken by the family of a marrying girl from that of her husband's family is known as *walwar or sar paisey* in Pashto and bride-price in English. This custom is criticized by both men and women and is slowly losing hold with the passage of time. The value of walwar depends on various factors like whether the man is already married or not (if married then walwar will be higher i.e. twice or thrice more)⁸⁴; the status of the woman's

family; her lineage; her beauty; her age and whether the woman is a widow or a virgin. The father can invest the money of walwar in business but it rarely happens. He has to buy furniture, jewellery, clothes and other essential materials of day-to-day for the bride. Why is walwar demanded from the husband's family? Pashtun elders justify it with and relate it to this anecdote. Once, a girl was given in hand to a boy without taking walwar. During her marriage, the wedding party had to cross a stream. The husband compelled her to wade across the river which made her furious and rebuked her husband that he had no respect for her. The husband proudly replied that of course, he had no respect for her because she was given free to him. As a protest she returned to her father's home and her father then took walwar (bride-price) from her husband. Now her husband arranged for her a litter (*dolai* in Pashtu) to be carried over the stream.⁸⁵

Similarly *swara* is also a kind of walwar in which a dispute of murder is resolved by giving a girl of the murderer's family in marriage to a man of the family of the murdered. A dispute of murder is

⁸⁴ <http://sesapzai.wordpress.com/2012/08/13/on-the-issue-of-walwar-bride-price-and-marriage-among-pashtuns/>, accessed on July 3, 2014.

⁸⁵ Akbar S. Ahmed, *Discovering Islam*, 189.

sometimes resolved by paying blood-money to the family of the murdered.⁸⁶ Hence instead of paying blood-money, a girl is given in marriage to a man of the family of murdered. Such a marriage can lead to a miserable situation for the married girl because she is on the mercy of the people who were once the enemies of her father's family. But it can also wash away the previous enmity because a new blood relation is established between the two families who were once enemies.

In Pashtun society, women are not consented and consulted about her would-be husband. Her future husband is decided by her father, mother, uncles or other near relatives. The seeking of consent of women is considered as lack of manliness; against the honour and respect of the family due to the custom of the society. The woman accepts or is compelled by customs to accept her husband decided by her family. Even if she does not like her husband, she does not have any say in this matter. If she refuses her husband before or after marriage, it is considered as a black spot on the honour and self-respect of her father's family. It does mean that all the girls don't like their

husbands decided by their family. The problem arises by the time when the girl does not like her husband decided by her family and she has to accept it by hook or by crook. In some cases, the booking of girl also takes place when the mother or any other relative of the boy considers and declares a girl to be engaged to the former's son. If the girl's family violates this "verbal and formal agreement" it is considered as violation of contract as if the girl was actually married.⁸⁷ This custom has almost diminished now and is practiced very rarely.

Another practice, which is least practiced in the recent times, is *Takaan kawal* which literally means firing in the air. It is also known *zhagh* meaning declaration or announcement. According to this custom, if a boy loves a girl, he fires in the air and declares that she is his future wife. If someone marries the girl, he is prepared for the feud and enmity with that person. People are cautious and feel risky to marry that girl who has faced the custom of *takaan kawal*. Most of the times, such marriage takes place but is denied when the family of the girl is

⁸⁶<http://www.afghanwomenvp.com/index.php/2013-01-28-03-21-27/social/198-forms-of-forced->

[marriage-in-the-pashtun-society](#) ,accessed on July 3,2014.

⁸⁷ Akbar S. Ahmed, *Discovering Islam*, 188.

more powerful than that of the boy.⁸⁸ Another practice is that of *Pa badoo ki wor kawal* or *Swara* which means that to give away a girl in order to settle a dispute.⁸⁹ It is not practiced during the dispute over land, property or any other clash between the families concerned. It is applied only during murder cases, in which a girl of the murderer's family is married off to a man family of the family of murdered.⁹⁰ *De Badal Woda* or exchange marriage is also practiced in Pashtun society. In this kind of marriage, an agreement is made by two families in which daughters or other female members of the families concerned are exchanged.⁹¹ It happens in a way that "you give me your daughter or other female member of your family to a male in my family and I will give you my daughter or other female member of my family to a male in your family"

The Pashtun women in settled areas have access to the court and sometimes they

get rid of *swara* tradition when they are supposed to marry a man of the family of the murdered' family. They file the case in the court against the barbaric tradition⁹² but all women in the settled areas neither have the authority nor allowed by the family to seek justice in court against this heinous tradition. In Afghanistan, half of the women jails are imprisoned due to domestic violence and other moral crimes like forced marriages.⁹³ Such women seldom have the support of law-enforcement and judges.⁹⁴ In case of FATA, there are no courts and even men do not have access to courts let alone women. So they have to blindly and unwillingly accept the *swara* tradition. Apart from this murder rate in FATA is greater than settled areas of Pashtun, because in FATA people keep weapons without any restriction by the state. "Mubarak Ali, a renowned Pakistani historian, has argued that tribal and feudal societies seldom recognize women rights"⁹⁵

3.2.6: Banquet

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<http://www.afghanwomenvp.com/index.php/2013-01-28-03-21-27/social/198-forms-of-forced-marriage-in-the-pashtun-society> , accessed on July 3, 2014.

⁸⁹ Ibid

⁹⁰ Ibid

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http://www.landinfo.no/asset/1852/1/1852_1.pdf , accessed on July 3, 2014.

⁹² "Peshawar High Court Lets *Swara* Victim Marry Man of Choice," The Dawn, January 31, 2013, 5.

⁹³ "Recipe for Empowerment," The Dawn, March 6, 2013, p.7.

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http://www.nytimes.com/2012/08/16/opinion/the-women-of-afghanistan.html/?_r=0 , , accessed on July 3, 2014.

⁹⁵ <http://www.dawn.com/news/1088086>, accessed on July 3, 2014.

Banquet is offered to the people during the ceremony of marriage. Animals like cows, sheep, goats and hens/ cocks are slaughtered. *Afghani pilao*, *wara marai*⁹⁶ and *kharra ghosha*⁹⁷ are popular dishes during banquet.⁹⁸ Apart from this other dishes are also served as banquet during marriage ceremony. As a common Pashtu proverb is “*merra pa waas graam dai*”⁹⁹; the standard of meal depends on the economic background of the family concerned. But even poor can’t escape a good meal even if it be by offering a sheep or a goat as well as *Afghani pilao* or *wara marai*. So everyone offers a banquet even if he is very poor, as another Pashtu proverb states as, *Ka ghaar na shy wokhastai, gola kho wokhastai shy* (which literally means that if you cannot lift a mountain, at least you can lift a stone)

3.2.7: Purdah in Pashtun Society

⁹⁶ it is a kind of dish common in Pashtun society in which loaves/bread are broken into small pieces and then curry is poured on it to make it completely wet. Then it is served in a large and broad vessel so that three to five individuals can eat from a single vessel by surrounding it.

⁹⁷ A kind of well-known and favourite dish in Pashtun in which meat is boiled in water; only salt and ghee are added and is prepared without adding *misala* or other things. It is served by placing pieces of *kharra ghosha* (the boiled middle-sized pieces of meat) on *Pilao* or served separately after eating the rest of meal.

Women strictly observe *purda* when they go out of their homes. They are not resentful of veiling and feel proud of being secluded from men. Purdah is considered as a badge of for the status of women.¹⁰⁰ They wear burqa when go out of home. While in home, they are completely dressed according to the way Islam has enjoined. They use *shalwar qamis* as well as chadar (which cover all her body except the hand and face). Burqa is not mostly used when they go for bringing water and other materials of day-to-day from nearby wells and lands. They don’t mostly wear *burqa* while going to the homes of their relatives if they are nearby.¹⁰¹

3.2.8: Entering the Houses of Other People

If guests (including relative as well as strangers) come to their home, they are served in guest rooms which may be inside the house or outside it. Near relative can

⁹⁸ Interviews from people from Pashtun dominated areas, particularly from FATA.

⁹⁹ According to my understanding, it literally means that a wife should not demand more than her husband can afford and should not complain of what she gets according to the economic capability of her husband.

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<http://home.honolulu.hawaii.edu/~pine/phil100/pashtun.htm>, accessed on July 3,2014.

¹⁰¹ Interviews from people from Pashtun dominated areas, particularly from FATA.

enter the houses if they have good and friendly relations with each other. But women observe *purda* as they do normally in their houses.¹⁰²

3.2.9 Restrictions on Women

As slavery is not practiced in Pashtun society, so they are exempted from the practice of whether a man or a woman should have sexual intercourse with slave. When women go out of home she is accompanied by a member of her family. She does not go outside alone except when going for water and other material from a nearby place. *Godar* is the place from where women fetch water¹⁰³ which may be a well, a tube-well, a pond or a *karez*. But nowadays, people have mostly made their own sources for drinking water.¹⁰⁴

A Pashtun girl will express the term *godar* in such a *tapa*:

Godar ta zamm rapassay rasha;

*Mangi may dwa di narai malla may matawina!*¹⁰⁵

Come after me to godar (O! my beloved);

¹⁰² Interviews with people from Pashtun dominated areas.

¹⁰³ <http://www.tribalanalysiscenter.com/PDF-TAC/Jirga%20System%20in%20Tribal%20Life.pdf>, p.4.

*For carrying two pots will break my backbone!*¹⁰⁶

3.2.10: Divorce

Divorce also takes place but not too much. Men have more power in case of divorce. Women can also seek divorce but they often refrain from it because they consider it a spot on the honour of the family of their fathers. If the woman is beaten, or faces other domestic violence, she seeks refuge in her father's home. Then divorce is sought and decided with the help of *jirgah*. But men mostly avoid the beating and torture of their wives due to the tribalism in Pashtun society, where everyone considers himself as a *khan*.

3.3: Comparison between Islamic principles and Pashtunwali

By Pashtunwali we mean the way of life of Pashtuns regardless of whether it is taken from religion or other cultures. The culture of the people may be similar to or different from the principles of the religion which the people of that culture practice and

¹⁰⁴ Interviews from people from Pashtun dominated areas, particularly from FATA.

¹⁰⁵ Sahargul Sahar Katozai, 246.

¹⁰⁶ Translated by Researcher.

believe. Similar is the case when comparing Islam and Pashtunwali. As Pashtuns are Muslims; but their way of life is influenced both by Islam and Pashtunwali. Sometimes, it becomes very difficult to demarcate between religion and culture. As far as Pashtunwali is concerned regarding the rights, status and respect of women; we see both similarities and differences between Islam and Pashtunwali. By analyzing the principles which we have chosen for research, both have almost similarities regarding polygamy, banquet during marriage, hijab or purda etc and differences regarding adultery, consent in marriage, inheritance, divorce, and up to some extent restrictions on women. The principles which we have taken for research will be discussed briefly because they are already explained in chapter no.2 and 3.

3.3.1: Polygamy

Islam has permitted polygamy and men can marry up to four wives at a time. There are some rules and conditions for polygamy. Anyhow, it is allowed in Islam.¹⁰⁷ Similarly, polygamy is also practiced in Pashtun society and men marry up to four wives depending on the status and economic

conditions of the men.¹⁰⁸ So Islam and Pashtunwali have similarities regarding the practice of polygamy.

3.3.2: Adultery and Honour Killing

Adultery and honour killing Islam has prescribed a proper procedure, investigation and witnesses regarding adultery. Men and women are not supposed to be killed on mere suspicion, illicit friendship. If a man and a woman commit adultery, the accusers are supposed to produce witness.¹⁰⁹

However, in Pashtun Society, men and women are also killed on mere suspicion, illicit relations (without having intercourse) and without producing witnesses or presenting to the court etc. So, in the cases, in which men and women are killed due to above reasons; it is contradictory to the commandments given by Islam. Although, adultery is a great sin and is Punishable, yet there is a proper procedure for producing witnesses etc.

3.3.2.1: False Accusation

As Islam has prescribed the Punishment of those who accuse others of adultery falsely and without producing any witness. In case of Pashtunwali, such false

¹⁰⁷ For details see chapter No.2, 2.1.

¹⁰⁸ For details see 3.2.1.

¹⁰⁹For detail see Chapter No.2, .2.2.

accusation may result in banal conflict between the families concerned. There is no specific Punishment for false accuser.

3.3.3: Inheritance

Islam has given women a specific and proper share in inheritance which is explained in chapter no.2; section no.2.3. On the other hand, inheritance is completely denied to women in Pashtun society. Due to the extreme patriarchal nature and dominant role of male in all affairs of day-to-day life, women don't get any share in property and inheritance. So regarding inheritance, Pashtunwali is contradictory to Islamic principles.

3.3.4: Mahr and Walwar (Bride-Price)

Although Islam has permitted mahr to be given to the bride by the bridegroom, yet its amount is not fixed. It may be manumission of slave, and iron ring, gold equal to the weight of a date stone or even the part of the holy Quran which someone has memorized can be given as mahr.¹¹⁰ On the other hand, in Pashtun Society, *walwar* or *sar paisay* is fixed amount of money taken from the bridegroom by the family of the bride. It may be consumed by the bride's family to fulfill its own requirements or used for

buying Jewellery, furniture etc for the bride. It is mostly so high that poor people cannot afford it. So its fixed value and its high price are contradictory to the Islamic Principles. Apart from this, *swara*, the women which is given in marriage to the relative of the murdered by the family of murderer is also not practiced in Islamic Principles.¹¹¹

3.3.5: Consent in Marriage

Islam has stressed the seeking of consent of the would-be bride. The consent of both virgin and widow is necessary before their engagement. Mostly virgin feel shame and cannot express their consent, so her silence is considered as positive answer to her consent.

On the other hand, in Pashtun society, the consent of women is not sought for marriage. Her husband is decided by her family and near relatives. Similarly "*Pabado ki Wor Kawal* or *Swara*" is also a kind of forced marriage in which the women has to accept marrying a man of the family who were once the enemies of her father's family. *Takan kawal* or *Zagh* is also a kind of forced marriage in which a boy fires in the air for a particulate girl whom he loves and she is forced to marry him. So these mentioned practices in Pashtun society are

¹¹⁰ For details see Chapter No.2, 2.4.

¹¹¹ For details see 3.3.4.

all forced marriages in which the consent of the girl is not sought. Although, these are rare cases, but as a whole consent is not sought. So it is contradictory to Islamic principles.

3.3.6: Banquet

As for as, Islam is concerned regarding banquet, it is not fixed and depends on the economic capability of the bridegroom. In Pashtunwali, it is also offered according to the economic capability of the bridegroom. But there is also some burden of culture, where one has to do more than his capabilities. So we can say that the principle of banquet is similar in Islam and Pashtunwal.

3.3.7: Hijab or Purdah

Islam has enjoined the parts of the body to be covered both for male and female. Apart from this there are other conditions necessary for purda.¹¹² On the other hand, Pashtuns are strict in observing purda whatever the reasons are-culture or religion-purda is strictly observed in Pashtun society. So, regarding purda Islam and Pashtunwali are similar.

3.3.8: Rules for entering the houses of others

Islam has enjoined to seek the permission of those whose house you have to enter. In Pashtun society, such rules are also followed. So regarding the rules for entering the houses of others, Islam and Pashtunwali are similar.¹¹³

3.3.9: Restriction on women

In Islam, women are not allowed to have sexual intercourse with their slaves while men are allowed. As slavery is not practiced in Pashtun society, hence this principle does not apply on it. Islam enjoins women to accompany a mahram while going outside their houses. In Pashtun society women do not go outside without accompanying a male member of his family. There may be exceptions-a woman may go outside without accompanying a male. But in Pashtun society, as there is mostly joint family system, the male member accompanying the woman may be her relative but not a mahram. So if she is accompanied by a mahram, then it is according to the principles of Islam. If, she is accompanied by a relative other than mahram, then here contradiction arises between Islam and Pashtunwali.

3.3.10: Divorce

¹¹²For details see Chapter No.2, 2.7.

¹¹³ For detail see Chapter No.2, 2.8 and 3.8.

Islam has given the right of divorce both to men. In Pashtun society, women have rare right to divorce. So the right to divorce is denied to women (which mostly occurs), then it is contradictory to Islamic principles.

This was a short comparison between Islam and Pashtunwali where we see both similarities and differences between the culture and religion. Sometimes they are similar, sometimes they overlap and sometimes they are different. They are almost the same regarding polygamy, purda, banquet during the ceremony of marriage, entering the houses of others etc. They are contradictory regarding inheritance; consent in marriage; accusation, witness and punishment of adultery etc.

CHAPTER NO.4

CONCLUSION AND RECOMMENDATIONS

Cultural values and religious principles are the two main factors dominating the social behavior in Pashtun society. As far as the status, position and rights of women are concerned; they are similar in some aspects of life while

different in several other aspects. It is important to analyze cultural values and religious principles so that we would be able to distinguish between them and demarcate them as whether they are similar, less different or totally different from each other. Some illiterate people can't differentiate between them as which are the cultural values and which are the religious principles. Some of the religious principles have been absorbed into and become part of culture. Why are some principles accepted while others rejected?

By analyzing, comparing and concluding the ten principles from Islam and Pashtunwali, we have come to the conclusion that those religious principles are accepted and absorbed into Pashtunwali which fulfill the political, social and economic interests of the males in Pashtun society. Pashtun society in general while Tribal society in particular is highly patriarchal and the survival of the family is usually dependent on the male individuals of the family. If two families face a conflict on land, property or any other issue of honour; it is the male individuals who have to protect the family. Men had a need to create some customs which became the part of culture after centuries. As Ghani Khan

says in his book, *the Pathans*, as, “when a law is bred into the very fibre of a race, it becomes a custom and persists long after the need is gone and the occasion forgotten”¹¹⁴

Perhaps the same was the case with Pashtun Society. Polygamy is permitted in Islam – and man can marry up to four wives at a time – if he can treat all of them equally and justly. It is also permitted in Pashtun Society. If the number of male individuals of a family or a sub-clan is smaller than a cousin family or sub-clan, then it is a challenge to the survival of the former in cases of conflict and feuds. Then the former would marry more wives in order to balance the rival. Similarly if there is only one male member in a family and, unfortunately, he cannot produce children from first wife; he would have to marry another wife to avoid “*kheyi*”.¹¹⁵ If a man belongs to an affluent and well-to-do family, which can afford the bearing of more wives and children– then man marry more than one wife. Due to these and some other factors, Pashtuns practice polygamy, which is also permitted by Islam.

Banquet is offered during marriage ceremony. Its quality and quantity depends on the economic capability of the family concerned. Similarly, Divorce is also practiced according to the Islamic commandments; but women have rare say in this matter. Apart from this, if the husband of a woman dies before or after marriage, then she must marry the brother or the cousin of her former husband. Women are not consulted about their would-be husbands. There are some practices, which take place rarely, but they are against the principles of Islam. In case of murder, the murderer is supposed to give in marriage a female of her family to a male of the family of the murdered to settle a dispute of murder. Here, the woman given in marriage is used as alternative to blood-money which the murderer either could not pay due to poverty or the family of the murdered did not accept blood-money because it wanted to arrange marriage for a man in its family. The dispute is settled by hook or by crook; but the fate of the married woman is uncertain, because she has to live in the family which was once the enemy of her father’s family. Similarly

¹¹⁴ Khan Abdul Ghani Khan, *The Pathans*, 29.

¹¹⁵ *Kheyi* is a very notorious word in Pashtun society. It means that if ,unfortunately, all the male members of a family die or if the only male

member of a family cannot produce children then the genealogy of family stops with the death of last male member. A Pashtun will leave no stone unturned in avoiding *kheyi*.

takkan kawal or *zhag* is also rarely practiced in Pashtun society. According to this practice if a boy loves a girl, he fires in the air and declares that she will marry him. If the girl does not want to marry that boy, she is compelled by culture to marry him. Sometimes such marriage is denied if the family of the boy cannot fulfill the conditions which are decided by *jirga*. Apart from this *zhag* is also considered as a black spot on the honour of the boy's family in general and the girl's family in particular. Exchange-marriage is also rarely practiced, but it also violates the consent of women. In this, a woman from family *A* is married to a man of family *B* and a woman of family *B* is married to a man of family *A* in exchange for above case. Such relation is also not fruitful because if the married woman of one family is tortured, then the other will face the same fate, due to the concept of revenge, even if she is very nice and humble. Similarly *walwar* or *sar paisey* (bride-price) is also practiced in Pashtun society. The value of *walwar* depends on the status of the woman's family; her lineage; her beauty; her age and whether the woman is a widow or a virgin. The father can invest the money of

walwar in business but it rarely happens. He has to buy furniture, jewellery, clothes and other essential materials of day-to-day for the bride. But all these materials will belong to the family of her husband and she is not the sole owner of them.

Honour is very strictly observed in Pashtun society. When honour is related to women, then a brother, father or any other relative of a woman will not think about the love and blood relation with the woman concerned. They are mostly killed to protect the honour of the family, clan, tribe or caste depending on the nature of the case concerned. Even the women are also killed only on the basis suspicion in Pashtun society. But killings on suspicion are rare. The culture is so harsh that people cannot tolerate illicit relations of women with other people and if a woman is found having friendly relations with a man (even without any sexual intercourse), she faces the fate of honour killing. As a common proverb states that, "*when two bulls fight, it is the grass that suffers*".¹¹⁶ Hence in this case, women suffer when men have to fight with honour. A Pashtun woman will have to utter this *tapa* to express her feelings in her heart:

¹¹⁶

<http://envirocom.wordpress.com/2007/01/24/whe>

n-two-bulls-fight-it-is-the-grass-that-suffers/
accessed on July 6, 2014.

*Da zolam jam ba day naskor
shi;*

*Pa mazlomano banday ma kawa
zalmona!¹¹⁷*

***The pot of your cruelty will (one
day) fall down;***

Do not be so cruel to the oppressed!

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Islam has given a proper and just share in property and inheritance to women- whatever blood relation she has-whether she is a daughter, sister, mother etc. Although, her proportion is lesser than that of men; but it is enough because she has lesser responsibilities than that of men. In Pashtun society, she is completely denied the share in property and inheritance. Here the Islamic principle does not fulfill his economic interests, so it is completely denied to women both by the families of her father and her husband. As the survival in society is mostly dependent on male individuals, so the share inheritance and property is monopolized by men.

All these issues and problems related to women in Pashtun society can be tackled by following the principles of Islam. Forced marriages like *zhag*, *swara*, *badal woda*

should be abolished because these are against the principles of Islam. Her consent in marriage should be considered mandatory so that the problem of household matters would not take place. Women should be given their due share in property and inheritance so that she would be able to contribute to the society. She would also be able to spend money by giving a proper education and guidance to her children because their guidance and early training is mostly dependent on women. If a woman is properly educated in religious teachings, she would be able to train her children in a proper way. In Pashtun society, *jirga* plays a vital role in deciding the cases of murder, conflict over land or property etc; hence it should act like a legislative body for amending and abolishing those customs which have destroyed the social fabric of Pashtun society. *Turbarwali* is also a very dangerous and harmful concept and it has become a hurdle in the progress of the Pashtun society.

Keeping in view all the mentioned customs and practices in Pashtun society regarding women, we can conclude that Pashtunwali-although having similarities with Islamic principles-is mostly in contradiction with Islamic principles. As in

¹¹⁷ Sahargul Sahar Katozai, 245.

¹¹⁸ Translated by researcher.

the practices like consent of marriage, a share inheritance and property, bride-price, swara, zhag, honour killing; the principles of Pashtunwali are not in line with Islamic principles.

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