

**Honour Killings' in the Context of Feminist-Legal
Theory: A case study of Pakistan**

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Abstract

As a very specific phenomenon of violence against women (VAW), 'honour killings' occur from the domicile to the trans-national arena in the everyday and every night lives of women all around the world. According to the United Nations Populations Fund (UNFPA), as many as five thousand women and girls are killed in the name of 'honour' throughout the world every year. The situation of 'honour killings' in Pakistan, therefore, is under international scrutiny in order to eradicate such practice in line with the obligations of the Convention on the Elimination of All Forms of Violence against Women (CEDAW). This research attempts to evaluate the relationship between 'honour killings' and international human rights law, using feminist-legal and intersectionality perspectives and focusing on Pakistan. Studying the role of gender equality in Pakistan in order to make suggestions for establishing stronger legal protection for women against violence will hopefully contribute to preventing women's subordination under institutionalised male power and women's killings committed in the name of 'honour'.

Keywords:

Honour Killings, Violence Against Women, Pakistan Laws on honour killings

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Introduction:

Honour killing is gender-based violence against women VAW within the family that results to a violation of human rights it entails murdering a daughter or wife within a family when she is perceived to have devastated the reputation or honour of the family. The victims are mostly women and girls because society, or a portion of it, has a strong belief that a woman's 'misbehaviours', such as adultery, divorce, rape, and sexual violation, abuse the family dignity. (Krantz, 2005) It is accepted that the so-called 'honour killings' are the most extreme practice of the patriarchal mechanism. 'Honour' is used as an excuse and justification for men to wield control over women's social, familial, and sexual roles, and is dictated by a traditional family ideology. In many cases female victims are subjected to virginity examinations, forced/arranged marriages, and early marriages; when they fail these examinations or reject these marriages, women/girls are killed in the name of 'honour'. Hence, the crime is committed because of the patriarchy that upholds a social system in which the man holds significant power and privilege while the rights of women are often constrained. As a form of gender-based violence, so-called 'honour killings' are often described as an extreme form of honour-based violence that violates women's human rights. (Ali, 2011)

This research is based on the hypothesis that despite Pakistan's positive recent attempts to eradicate so-called 'honour killings', legislative and other initiatives are weakened by prevailing cultural stereotypes and perceptions the latter constituting the main hindrances to the application of legal provisions that prioritise women's right to life and gender equality. The foremost intention of this article is to prove this hypothesis and proceed to making practical recommendations for eliminating the obstacles to eradicating VAW in Pakistan, particularly the so-called 'honour killings'. However, a fundamental goal of this research is also to identify and isolate the shortcomings in the Pakistan Penal Code and Law to Protect Family and Prevent Violence against Women that prevent their full compliance.

This article therefore substantiates the need for amendments to develop a robust legal infrastructure for preventing women killings in the name of 'honour'. (Ali P. A., 2015)

Feminist-Legal Analysis of So-called 'Honour Killings'

I have chosen these three aspects of feminism (liberal, radical, and poststructuralist feminism) because they are the most widely applied and relevant to the concept of so-called honour killings for my research:

- 1) liberal feminism explains the abuse of the principle equality/non-discrimination between women and men as a fundamental reason for women's killings in the name of honour.
- 2) radical feminist norms explain male supremacy/domination or patriarchy as the root of gender inequality in the honour-based societies.
- 3) poststructuralist feminism addresses the varied manifestations of honour killings in different honour-based communities throughout the world because of its refusal to accept universal standards and values and singular truths in favour of multiple narratives related to individuals' unique experiences.

Patriarchal Male dominance: Radical Feminism

Radical feminism focuses on most sex-differentiated abuses of women such as violence against women, including sexual harassment, rape, domestic violence against women and children, prostitution, and pornography. Women's sexuality is regarded as a central instrument of male dominance in the context of radical feminism. (Gilani S. R., 2021) Radical feminists have approached defining patriarchy as a widespread tendency of men to control women, asserting the patriarchal domination of women "as the first and the most important form of subjugation, preceding the accumulation of wealth". The premise of this argument is that the system of knowledge production is predominantly controlled by patriarchal politics,

thus the image of women's history endorsed by social science is broadly one sided, distorted, and inherently flawed. (Ali S. S., 2002)

Furthermore, patriarchy is perceived as intrusively institutionalized within the cultural principles and practices and clearly demonstrated in all aspects of everyday life. Controlling sexuality and reproductive powers of women is the most domineering manifestation of patriarchy-centred life. A central premise of radical feminism is that women's oppression is produced by social and cultural arrangements that require women to submit to men because of their sex. As a most vital form of oppression, gender inequality between women and men is the way in which men dominate, and women must obey it. Catharine MacKinnon, a proponent of this approach, observes a mutual weakening of theories that connect equality with equal treatment using a male yardstick: "women are either the same as or different from a male norm". For women to confirm difference when difference means dominance as it does with gender means to confirm "the qualities and characteristics of powerlessness". (Amir-ud-Din, 2018) Once women are powerless, women cannot speak differently for themselves. She thus concludes: "Take your foot off our necks, then we will hear in what tongue women speak". (Ashraf, 2017)

MacKinnon focuses on sexuality as a fundamental reason for women's oppression. She views that all women experience oppression at the hands of patriarchal power in the form of "male laws" that relegate women as subordinate humans based on preserving a hierarchical position that defines women based on gender and sex. She has thus argued for an alternative legal analysis of inequality, asking whether the strategy or practice in question is conducive to maintaining a disadvantaged position because of gender or sex. For her, the feminist project in law should be to make the law identify the real harms women suffer such as pornography and sexual harassment. In this manner, relationships between men and women can be gradually changed. However, her theory of sexuality has been extensively

criticised as one-dimensional as has her representation of women as victims. Hence, lesbian feminists warn the larger feminist community not to base their views on the experiences of heterosexual women alone. (Bhatti, 2011) Her work therefore has been read as approving an essentialist position for women without regard to other impacts such as ethnicity, race, class, or sexuality.

Radical feminists also pay attention to the notion of public/private distinctions shared among liberal theorists who describe the dichotomy's tendency to "operate generally and naturally with respect to individuals". (Bunch, 1997) The main point in liberalism is the protection of individual freedom by "non-regulation of the 'private'". Critically, these claims have been challenged by feminists, who argue that this distinction often aims both to cover up and legitimate women's subordination by men, depriving the position of women by upholding the gendered character of liberal public/private distinctions.

Violence against women including sexual harassment, rape, women battering, genital mutilation, child sexual abuse, and honour killings dominates legal agendas in many countries because of radical feminists' efforts to expose and analyse all forms of violence against women. However, the main criticism raised against radical feminism is its identification of gender as a sole analytical type and its propensity to see women as victims rather than agents of change. Radical feminism ignores the significance of intersecting forms of violence such as race, religion, ethnicity, and sexual orientation.

Contrasting the 'Othering': Poststructuralist feminism

Feminist poststructuralist is a method of knowledge production that practices "poststructuralist theories of language, subjectivity, social processes and institutions to understand existing power relations, and to identify areas and strategies for change". (Englehart, 2014) Poststructuralist can offer a beneficial and creative basis "for understanding the gendered mechanisms of power in society and the possibilities for

transforming patriarchal power relations". (Douki, 2003) Poststructuralist feminists criticise the tendency of feminist theory to accept universalising principles. They assert that narratives are non-universalising and agree on cultural and historical specificity. From this perspective, they reject the liberal and radical understanding of the oppression of women as only voicing the concerns of white, western, middle class, heterosexual women. In this way, the principles of poststructuralist feminism share a mutual basis with postcolonial, postmodern, and Third World feminism in international human rights law.

Poststructuralist feminists insist that knowledge and power are integrally linked and that "the knowledge is partial both incomplete and representing particular interests". (Douki, 2003) Moreover, they refuse the probability of absolute truth and objectivity. Knowledge is socially constructed and also "transient and inherently unstable there are few, if any, universal truths". Consequently, there are multiple truths and realities regarding poststructuralist understanding. Knowledge is instituted through language, which is subjective and thus neither fixed nor essential but rather "always bound up with historically specific regimes of power and, therefore, every society produces its own truths which have a normalising and regulatory function". (Carroll, 1979) The relationship between knowledge, truth and power is essential to the poststructuralist approach.

Poststructuralist feminists also deconstruct the hierarchy of subjectivity and language. Marija Urlich points out that "in this system the individual's knowledge and her/his subjectivity will not be lost when s/he enters the discourse of language". (Engineer, 2001) The dominant male discourse, "which controls the meaning, can be altered by the meanings that the subjective commentator gives to language, meanings that reflect her own personal experience". (Englehart, 2014) Poststructuralist concepts of knowledge produced and preserved through this discourse (and in this context, by the social sciences and the legal system on violence against women) can be challenged and

deconstructed. Hence, poststructuralist feminism contrasts with the exact knowledge on male violence against women and analyses the power relations supported by such structures.

Foucault clarifies this as “a system of ordered procedures for the production, regulation, distribution, circulation and operation of statements” that represent a standpoint or an assertion to truth. Poststructuralist feminists, therefore, argue that repressive gender relations are instituted, reproduced, and challenged through a multitude of temporally, socially, and culturally available discourses. Fairclough and Wodak explain how these relations contribute to the creation of social identities and objects of knowledge and thereby maintain and reproduce the status quo by forming and reproducing unequal relations of power such as class and gender. As a tool for analysis, focusing on gender reveals that “most women are still excluded from the production of forms of thought, images and symbols in which their experiences and social relations are expressed and ordered”. (Kapoor, 2000) Positioning gender as an analytical tool allows the displacement of hierarchical divisions such as male/female and public/private dichotomies that construct gender power relations. This addresses the criticisms to international human rights law by feminist-legal academics.

Feminist poststructuralist is mostly interested in the discursive reproduction of meaning that build and reinforce gender-based power relations that oppress women. However, women are not only defined by discourses that construct violence; they are also defined by their subject position through other discourses. Hence, a woman's subjectivity is fluid, multiple, and unstable, dependent on the various discourses within a specific social, cultural, and historical context. The third wave of feminists in international human rights law review Western feminists whose main concern is 'essentialised women'; this limited perspective undermines the intersections of sex, gender, ethnicity, and other parts of world. In the contexts of honour killings, women are seen as the key symbol of 'honour'; hence, their behaviours and acts are linked to their male partners, fathers, and other male and female relatives in their traditional family unit. Women and

girls face different harmful practices depending on their own geographical location, their family's socio-economic positions, and their dominant regional culture. For instance, according to Gill's research on honour-based violence, women's choices in education or work are also linked to their family's honour in some Pakistani families; daughters or sisters who work outside the home can cause shame in others.

Therefore, a woman's status and acceptance to the tribe, clan, or family is linked to their honour, and the 'honour' depends on the female's behaviours. As individuals, women do not assert honour that is separate from their roles within a family, clan, or tribal unit, and their actions. Honour is seen as a male prerogative. Women have shame; men have honour. Hence, women must know how to behave in the community and must obey the rules in order to avoid shame. In the case of shame, women can throw the family into dishonour, and this may become a justification for murder. Uni Wikan analyses the notion of honour within patriarchal power structures:

To save the honour of the immediate or extended family is a collective duty: the family's rights rank above the individual's, and the individual must be ready to submit. There must be patriarchal power, giving men in the family the right and duty to control female sexuality. There must be a rigid hierarchy of authority that is respected and followed; the young must obey their elders. (Rokhmad, 2017)

Honour killings are related to structures and systems of patriarchal societies; however, women in this construction of the world are all different with their diverse background and identities. Hence, poststructuralist feminism is a helpful and useful approach for my research to explore honour killings given that it acknowledges 1) the impact of constructed knowledge (language) on various forms of 'honour killings' and

2) the subjectivity of woman in various cultures. It is an important theory that challenges and deconstructs hegemonic patriarchies and the way their oppressive regimes are preserved in socially, historically, and culturally placed discourses. In the next section, I will identify how the definitions of passion killings and honour killings are constructed within the different discourses throughout the world applying the perspectives of liberal, radical and poststructuralist feminism.

Passion Killings v. Honour Killings

This section argues to what is the difference between the “passion killings” and “honour killings”. It discusses on why are honour killings labelled as part of the Eastern countries while passion killings as part of Western culture? (Qureshi, 2012) I will define the difference between these crimes and then analyse them from liberal, radical, and poststructuralist feminist perspectives. The explanation of the differences is essential to defend why I have undertaken honour killings as the subject of my research. (Gilani S. R., 2016) Honour killings are categorised through codes of honour in which one’s honour is reliant on the behaviour of others in the community, and thus is controlled. To respect a person as an obligation of the community is follows the code of honour. When this code is breached, the person and his family loses his and his family’s honour, means dishonouring or losing honour built on the justification of “collective injury”. The social roles of honour killings have changed because of international reactions, changed perceptions of what is honourable and dishonourable behaviour in the community, and changed sexual practices.

In contrast, passion killings are commonly regarded as crimes committed by one partner, mostly husbands and lovers, against their female partners or spouses in cases of adultery. According to liberal feminists, passion killings are seen as different from honour killings; the prior involves a man killing his wife or his lover instantly upon finding her in bed or having sexual intercourse with someone, while the latter involves a father/other male relative killing his daughter/sister/cousin to clean the shame brought upon family. Lama Abu-Odeh states

that “an honour killing is instrumental in nature: it is calculated murder to avoid shame. Passion, in contrast, is driven by jealousy and rage, and is inherently involuntary.” (Zakar, 2016)

Despite these different impulses, according to radical feminists, honour killings are the same as passion killings because both are indications of the regime of male supremacy—it does not make difference whether the reason for the murder is the passion of jealousy or the shame of dishonour. In both cases, subordinating women is the key concept of “acting out of the societal script of male dominance”; this script is not restricted to Muslim, Middle Eastern, and South Asian countries but rather operates in all areas of the world:

Some feminist activists in the Islamic world find this brand of feminism (radical feminism) appealing because of its insistence on the universality of male violence. It frees them from the sense of shame they might feel toward their own culture's practice of honour killings and its peculiar form of control of women's sexuality. Since passion crimes do occur in less sexually repressive cultures in the West, and since according to radical feminism passion is the same as honour, then one culture cannot hold itself morally superior to the other. We are all victims of male violence.

Shalhoub-Kevorkian discusses that “naming femicide as ‘crimes of passion’ in the West and ‘crimes of honour’ in the East is one reflection of the discriminatory constructions of frames of analyses, which build a simplistic system that hides the intersectionality among political, economic, cultural and gender factors.” The arguments on honour killings also frequently assist a separation in which borders between immigrants and the majority society are pinched. Unlike radical

feminists, poststructuralist feminists do not consider passion and honour killings as the same; they also deconstruct the liberal understanding of the difference between honour (seen as “instrumental and rational”) and passion (seen as “driven by the irrational rage of jealousy”). Poststructuralist feminism emphasises that the concepts of passion and honour have a dissimilar influence on the culture of sex: “which kind of rules a particular regime picks to award which kind of excuses to which kind of men will distribute power and sexual subjectivities differently between men and women. The difference makes a difference.”

Although the different nature of honour killings and passion killings is significant, international human rights bodies consider any violence committed by private people as a human rights abuse. For them, condoning the state’s failure to duty of due diligence deriving from these acts is the fundamental issue. The UN Special Rapporteur on extrajudicial, summary, and arbitrary executions covers both passion killings and honour killings, and calls for governments “to investigate promptly and thoroughly cases of killings committed in the name of passion or in the name of honour as well as other cases where a person’s right to life has been violated.” Justifying honour killings by applying unjust provocation as a mitigating sentence in the East coincides with a longstanding exercise of justifying passion killings as a basis for unpremeditated crime. Therefore, both crimes constitute a violation of women’s right to life. However, these crimes are different in their natures, but some passion killings share similar aspects with honour killings in different cases. The following section aims to discuss the patterns of ‘honour’ as a tool of controlling women’s sexuality in the patriarchal traditional society. In this way, it identifies the definition of ‘patriarchy’ within the feminist lenses.

Establishment of Special Task Force Police Units to Combat ‘Honour Killings’

Developing a better understanding of the various forms of women killings/femicides and VAW and the relations between

them entail the establishment of strategic special task force police units throughout Turkey. When a victim at risk makes a report to her local unit, the unit should conduct an immediate risk assessment of the victim's situation followed by an immediate plan of action to protect the victim that corresponds with the identified risk level. A risk assessment should be finalised, and law enforcement practitioners should work with partner organisations to implement a risk management policy to prevent women killings committed in the name of honour.

The establishment of these units would enable national police to record and monitor cases more effectively. This would address the current serious shortcomings in the collection of police data. Provided these units sufficiently implement effective risk assessment and management procedures, the quality of policing and criminal justice responses to women killings would improve significantly and protect women at risk of death before it is too late.

Establishment Special Women Killings Investigation Units

However, the Pakistan government has rejected demands from women rights NGOs to establish special women killings/femicides investigation units for preventing the high numbers of women killings and protecting women at risk of death. In the UK, the Crown Prosecution Centre followed a trial as part of wider project on honour-based violence involving both the training of 25 specialist prosecutors to work in honour-based violence 'hot spots' and the creation of a system for flagging forced marriages and violent crimes in the name of honour. Turkey should follow the UK's example. These units should also investigate so-called 'suicides' that are really committed in the name of honour. Because of the aggravated punishments of perpetrators, women and girls are forced to commit suicide; these suicides are rarely investigated. Prosecutors often fail to properly conduct investigations of these crimes. To prevent this neglect, these units can effectively investigate honour killings, suicides, and 'accidents' involving the deaths of women and girls by using forensic evidence such

as psychological autopsy or medical autopsy. Establishing femicide investigation units is essential to prevent and combat women killings/femicides committed in the name of honour and to protect women at risk of death in Turkey.

Striving for a Strong Political Will to Eliminate Gender Stereotypes and Patriarchal Attitudes

International and national official reports and women's NGOs' studies indicate that the prevalence of deep-rooted discriminatory stereotypes regarding the responsibilities and roles of women and men in the family and society still exists in Turkey. As government representatives continue to overstress the traditional role of women as mothers, sisters, wives, the autonomy, social status, and professional careers of women are undermined. This also constitutes a fundamental reason for gender-based VAW. Instead of eradicating patriarchal attitudes and beliefs in society and State institutions, government representatives issue statements that endorse and thereby perpetuate discriminatory attitudes toward women. The Pakistan President has stated that women and men are not equal because of biological differences that prohibit women and men from serving the same functions. These statements "might lead to hopelessness and might even lead to violence and murder." Therefore, government officers should abandon their discriminatory statements and instead adopt and demonstrate publicly their willingness to promote gender equality and gender justice. Advancing women's equality in the public and private sphere should be a priority government policy. Eliminating patriarchal attitudes and stereotypes and changing the mentality is fundamental to adopting an inclusive strategy that functions at all levels of society.

Conclusion

Strong will and gender equality are crucial to preventing women killings in the name of 'honour'. Achieving both entails shaping legislation that elucidates law enforcement officers' duty of due diligence to prevent honour killings and protect women at risk of death. Accordingly, the establishment of risk

assessment and risk management procedures provides practitioners the means to preserve women's right to life efficiently. It is imperative that more emphasis is devoted to eliminating so-called honour killings and the intersection of gender inequality based on gender, ethnicity, and language among Pakistani minority women. This emphasis would minimise the obstacle to their legal access to protection under the Law to Protect Family and Prevent Violence against Women and the Pakistan Penal Code.

In this article, I have focused on the inefficient implementation of Pakistan legislation and the perpetuation of male-dominated cultural values by government institutions and in society—and how these together enable so-called 'honour killings' to continue. Therefore, I conclude that 1) locating the source of the problem using the intersectionality approach within feminist-legal discourse and 2) resolving the problem by advancing bold, strategic initiatives to achieve gender equality and non-discrimination against women will at last serve to eliminate women killings in the name of 'honour' in Turkey.

My research therefore recommends that international human rights standards, must serve the benchmarks for developing and interpreting Pakistan law. Training for law enforcement practitioners such as judges, prosecutors, and police officers is essential to prevent passivity and discriminatory attitudes toward women. This training needs to explicitly advance gender equality so that practitioners finally internalise their acknowledgment that the reprehensible perpetuation of VAW, particularly so-called 'honour killings', must be eradicated once and for all.

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