



ISLAM AND VIOLENCE AGAINST WOMEN:

**A Critical Look at Domestic Violence and
Honor Killings in the Muslim community.**

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FOREWORD

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During a November 17th, 2001 radio address, then first lady Barbara Bush sought to rally support for the war in Afghanistan by framing the war on terrorism as “a fight for the rights and dignity of women.”

President Donald Trump’s executive order restricting travel from 6 predominantly Muslim countries contains a provision that requires logging so-called “honor killings” in the United States. Human rights defenders who criticized the order argued that the use of the term “honor killings,” versus simply addressing domestic homicide in general, was a thinly veiled attack on Muslims as prone to violence against women, and therefore served as a justification for the so-called “Muslim ban.”

Both of these examples, which on the surface may seem to some as well meaning attempts to protect Muslim women from their own culture, are in fact associated with policies and actions that ultimately hurt these very women. And nothing about this is new or unique.

Vilifying Muslim cultures as especially prone to misogyny and violence against women to justify anti-Muslim oppression, including state violence against women in the form of war, has been a tactic of Western powers for centuries. The British and the French for example have long used “women’s liberation” to justify the violent colonization and economic exploitation of North Africa and the Middle East.

Unfortunately, reproducing the popular trope of Muslim violence against women to justify violence and discrimination against Muslim women and men to Western audiences is an easy sell across political ideologies. Recent polls show negative public perceptions of Muslims are common, especially when it comes to the treatment of women.

Orientalizing violence against women when Muslims do it essentializes it to the culture rather than universalizing it as a human ill. This is especially apparent when any and all acts of violence against women carried out by a Muslim are labeled “honor crimes,” while similar assaults against women among the dominant culture in Western democracies are called “domestic violence.”

This inconsistency comes into sharper relief when considering the number of global so-called “honor killings” compared to the number of women killed in domestic homicides in the United States. The UN estimates 5000 so-called “honor killings” occur globally every year. These crimes are not limited to Muslim societies and occur across cultures and religious communities. This compares to more than 1600 women killed by an intimate partner in the US alone in 2007 according to the Bureau of Justice Statistics. These numbers are rarely studied in the same category even though they all involve violence against women carried out by close family or intimate partners motivated by the need to control women. However, when they are compared it is abundantly clear that the problem of violence against women is not a disproportionately Muslim problem.

It is against the long shadow of the unjustified instrumentalization of feminism in the service of Islamophobia and imperialism that we now discuss the important issue of violence against women among Muslim communities.

In the U.S., The Institute for Social Policy and Understanding, for which I serve as director of research, polled Muslims, Jews, Catholics, Protestants and non-affiliated Americans. We found that Muslims, both Christian groups, non-affiliated and the general public were all equally likely to report domestic violence in their faith community. These groups were also equally likely to report the assault to law enforcement, though across faith communities close to half of incidents still do not get reported.

Where Muslims stood out was not in the frequency of domestic violence but in the way victims looked to community and religious leaders for support, where the majority of Muslims said the victim reported the incident to a faith or community leader. This suggests that Muslim victims believed the behavior was reprehensible in their faith tradition and therefore expected to find support from an imam.

These data suggest a way forward. First, those working to end violence against women must address the problem as a universal human ill, not one that any one community is particularly prone to. Second, when it comes to Muslim communities, religious leaders can and must be part of the solution. We must invest in groups like The Peaceful Families Project that works to train imams on how to effectively address issues of domestic violence in their communities. Finally, the critical issue of violence against women is undermined when pundits or politicians exploit and misrepresent it to justify anti-Muslim policies that ultimately harm the very women for whom they feign concern. Advocates for women’s safety must stand firm against the exploitation of this issue in the service of oppression.

ISLAMIC PERSPECTIVES ON DOMESTIC VIOLENCE

Tesneem Alkiek

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One out of three women will be abused in their lifetime by an intimate partner.¹ This staggering statistic applies across race, religion, and nationality. What role then does religion actually play in allowing or prohibiting domestic violence? Well for one, abusers take advantage of misinterpretations of religious texts and exploit scripture as a justification for harming others both physically and mentally.² Religious communities and leaders, on the other hand, can provide fundamental resources to raise awareness of the harms and impermissibility of domestic violence and provide support for victims.

The first and most crucial step in this direction involves turning to scripture itself in order to demonstrate the dubiousness of claims that such behavior is permitted. A brief survey of Islamic scholarship on the issue of abuse in marital relationships reveals a clear repudiation of domestic violence and a renunciation of erroneous interpretations of Quranic verses that have been taken to allow it. Contemporary scholars have also clearly stated that injuring one's spouse, whether emotionally or physically, is strictly prohibited. This paper will provide an overview of these opinions and interpretations with the goal of establishing the impermissibility of domestic violence in Islam.

Overview of Islamic Law

Before delving into the nuances regarding the impermissibility of domestic violence in Islam, it is important to take a step back and understand the general framework of creating laws and regulations within the Muslim community. In the pre-modern era, in which the concepts of nation-state and government did not exist, both Islamic law and society were managed through self-rule.³ Although rulers and kingdoms appeared early on in Islamic history, communities primarily determined their own affairs and the ruler had little influence on how laws were directly applied. Hence, each community, whether in a city quarter or village,

¹ "Domestic Violence National Statistics," *National Coalition Against Domestic Violence*, 2015.

² Marie Fortune, Salma Abugideiri, and Mark Dratch, "A Commentary on Religion and Domestic Violence," www.faithtrustinstitute.org, 2010.

³ Wael Hallaq, *An Introduction to Islamic Law* (Cambridge: Cambridge University Press, 2009), 8.

appointed legal experts who would ultimately determine the community's rulings based on an individual scholar's own legal methodology.

The next question is how did these scholars derive law and make their judgments? There are two main sources of Islamic law: the Quran, or sacred text of God, and the example set by the Prophet Muhammad, the Messenger of God. The Quran contains approximately five hundred legal verses, which guide scholars' determinations regarding what God intended for human beliefs and conduct.⁴ We additionally have the precedent of the Prophet Muhammad, who is assumed to have best understood God's will from the Quran and acted upon it accordingly in his daily life. Yet, despite these two solid sources, the language of both of these texts are occasionally ambiguous and therefore open to interpretation. Scholars, as a result, were required to develop various hermeneutical methods in order to understand metaphorical or equivocal phrases.⁵

Through this process of reasoning and engaging with the text, scholars were able to establish legal norms. And unlike the objectives of modern law, which seek to create control and discipline throughout the state, the aim of Islamic law was to promote tranquility in every individual's life and in his or her interactions with others.⁶ Thus, the fundamental dynamic that was created throughout Muslim communities was one in which scholars developed laws that encouraged individuals to do what was deemed correct in every situation, while the state had the jurisdiction to punish individuals who transgressed those limits.

Religious Sources

There are two main modes of interpretation that have been developed by scholars to understand the Quran. The first form involves explaining the Quran intra-textually, or in other words, allowing varying verses from the Quran to elucidate one another.⁷ The second form involves interpreting the Quran based on

⁴ Hallaq, 16.

⁵ Hallaq, 19.

⁶ Ibid.

⁷ Zainab Alwani, "Domestic Violence: Islamic Perspective," www.karamah.org, 2012.

the example of the Prophet, who was referred to by his wife as a "walking Quran."⁸ By using these two modes of hermeneutics, we can now turn to our sources in order to understand how Islam has consistently condemned domestic violence.

At the heart of the handful of verses that discuss the ideal relationship between husband and wife in the Quran is the following verse: "And among His Signs is that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He put love and mercy between your hearts. Verily in that are signs for those who reflect" [Quran 30:21]. God also commands men in another verse to "live with your wives in kindness and equity" [4:19], while other verses threaten them with God's admonishment if they intend harm or actually transgress against their wives [2:231]. Furthermore, there are verses that recognize the complementary nature of marriage by describing spouses as garments for one another [2:187] and reminding believers that men and women are protectors of one another [9:71]. These verses set the standard and paradigm of love, compassion, and mutuality for spousal relationships.

As for the Prophetic model that every believer should emulate, it is narrated by his wife that, "the Messenger of God, peace and blessings upon him, did not strike a servant or a woman, and he never struck anything with his hand."⁹ It is also narrated that the Prophet Muhammad stated, "An honorable man treats women with honor and respect, and only a despicable person treats women poorly."¹⁰ Other *hadith*, or narrations, relate the story of a companion of the Prophet who asked the Messenger, "What do you say [advise] about our wives?" to which the Prophet replied, "Share with them the same food you have for yourself, and clothe them by which you clothe yourself, and do not beat them, and do not revile them."¹¹ Moreover, the Prophet proclaimed, "Would one of you beat his wife like a slave

⁸ Narrated in Sahih Muslim.

⁹ Sahih Muslim.

¹⁰ Narrated by Suyuti; Nazir Khan, "Key Texts on Domestic Violence" (paper presented on domestic violence, Manitoba, Canada, October 10, 2015).

¹¹ Narrated by Abu Dawud; Khan, "Key Texts."

and then sleep with her at the day's end?!" thereby emphasizing the absurdity of someone harming his wife.¹²

There are countless other narrations that illustrate the Prophet Muhammad's abhorrence of domestic violence. In one incident, the wife of a man named al-Waleed ibn Uqbah approached the Prophet to complain about her husband, saying, "O Messenger of God! Al-Waleed has beaten me!" The Prophet responded, "Say to him: the Prophet has protected me." It was not long before she returned, saying, "He did not give me anything except more beatings!" The Prophet then tore a piece from his garment [as a symbol of proof for his protection] and said, "Say to him: Verily, the Messenger of God has given me protection." It was not long before she returned once more and said, "He did not give me anything except more beatings!" The Prophet then raised his hands and he said: "O God, you must deal with al-Waleed for he has sinned against me twice."¹³

In another instance, the Prophet actively supported a victim of domestic abuse, Habeeba bint Sahl, the wife of Thabit bin Qays and the neighbor of the Prophet Muhammad, by helping her leave the abusive relationship. When Thabit struck Habeeba, she turned up at the door of the Prophet Muhammad. After telling him about her situation, she said, "Thabit and I can no longer be married." The Prophet then summoned Thabit, settled their financial affairs, and ensured that Habeeba was able to safely return to her family.¹⁴ In addition to these courses of action, the Prophet Muhammad took proactive measures to guarantee women would not be married off to harmful men. It was narrated that the Prophet approached Fatima bint Qays to inquire whether she was ready to get married. She had received proposals from Mu'awiyah, Abu Jahm, and Usama ibn Zayd. In order to help her make the correct decision, the Prophet advised her, "As for Mu'awiyah, he is a poor man without money [and cannot sufficiently provide for you]. As for Abu Jahm, he is a man who habitually hits women. [Therefore] I advise you to marry Usama."¹⁵

¹² Jonathan Brown, *Misquoting Muhammad* (London: Oneworld Publications, 2014), 274.

¹³ Narrated in Musnad Ahmed; Khan, "Key Texts."

¹⁴ Narrated by al-Darimi; Khan, "Key Texts."

¹⁵ Narrated by Ibn Majah; Khan, "Key Texts."

The “Controversial” Verse

Despite the Prophet’s inherent distaste for harm towards women, there has been an attempt to argue for the permissibility of domestic violence based on an interpretation of a specific verse from the Quran (4:34). Contention ultimately arises on the issue of spousal abuse in Islam from a misreading of this particular verse. This verse states that if a husband fears his wife's egregious or defiant behavior, he should follow a three-step procedure to solve the situation.¹⁶ First, he must verbally advise her against her actions and correct her mistakes. If this does not improve the situation, he must then "abandon" her bed as a display of his disapproval. If that too does not prove effective, then the final measure has been translated as administering a symbolic gesture of physical discipline (*daraba*). This multi-step procedure was arguably instituted as a means to regulate an initial surge of anger by requiring the husband to essentially cool down and not impulsively inflict harm upon his wife.

On initial reading of this verse, many readers tend to be frustrated with the ostensible permissibility of a husband hitting his wife. For this reason, scholars have discouraged laypersons from seeking legal answers from the Quran unguided as comprehension of the text requires expert interpretation and contextualization.¹⁷ In fact, most Muslim sects agree that verses of the Quran can only properly be understood when read in light of other Quranic verses and the Prophetic model, as well as the interpretations and legal implementations of the scholarly elite. It was the scholars of each community who determined how this verse was not only understood, but what consequences could potentially follow if a husband wronged his wife in any way (i.e., physically or mentally).

In reality, the majority of scholars shared the Prophet's aversion to domestic violence and took measures to limit the apparent meaning of *daraba* or physical

¹⁶ Hammudah Abd al-Ati, *The Family Structure in Islam* (Brentwood: American Trust Publications, 1977), 158.

¹⁷ Brown, 274.

discipline in verse 4:34.¹⁸ According to the famous early Makkan jurist ‘Aṭā’ ibn Abi Rabah (d. 732 AD), *ḍaraba* does not refer to hitting at all; rather, it is a symbolic gesture that reflects one’s anger.¹⁹ He firmly contended, "A man does not hit his wife. He simply expresses that he is upset with her."²⁰ Al-Darimi (d. 869 AD), a prominent early Persian scholar and the teacher of the two most renowned compilers of Prophetic narrations, Bukhari and Muslim, composed an entire chapter of *ḥadīth* (Prophetic narrations) that objected to domestic violence titled 'The Prohibition on Striking Women.'²¹ Some scholars even went as far as challenging the authenticity of narrations that supposedly allowed men to hit their wives. Ibn Hajar, a scholar considered a medieval master of *ḥadīth*, asserted that in spite of the apparent meaning of the Quranic verse, the example set by the Prophet is sufficient proof that hitting one's wife is reprehensible. The nineteenth-century Syrian jurist, Ibn Abidin, moreover, declared that any harm that left a mark on the wife could result in the physical punishment of the husband.²²

Modern Scholarship

At the turn of the twentieth century, scholars continued to advocate even stricter positions on domestic violence. The Moroccan jurist, al-Mahdi al-Wazzānī (d. 1923 AD), for example, went to unprecedented lengths in his legal compendium in describing multiple forms of harm to a wife, in addition to defining the limits of and repercussions to the husband.²³ Beyond merely focusing on physical abuse, al-Wazzani considered the religious and sexual harm a husband might inflict upon his wife, and allowed judges to interfere in the relationship if the wife complained. If there were marks on her body from the harm, or she produced two witnesses, the husband would be guilty of harming his wife and could be subjected to admonishment or imprisonment depending on the severity of the abuse, while the

¹⁸ Brown, 275.

¹⁹ Khan, "Key Texts."

²⁰ Ibn Ashur, *Tafsīr al-Taḥrīr wa-al-tanwīr* (Tunis: al-Dār al-Tūnusiyyah li-l-nashr, 1984), 5:43.

²¹ Brown, 276.

²² Elyse Semerdjian, "Domestic Violence: Ottoman Empire" in the *Encyclopedia of Women and Islamic Cultures*, ed. Suad Joseph et al.

²³ Al-Mahdī al-Wazzānī, *al-Nawāzil al-jadīdah al-kubrā* vol. 3, ed. ‘Umar b. ‘Abbād, 10 vols. (Rabāt: Wizārat al-awqāf wa-al-shu‘ūn al-islāmīyah, 1997).

wife was given the option of divorce and full payment of her dower.²⁴ Interestingly enough, al-Wazzani dismisses the views of Ibn Harith, a scholar who provides less agency for the wife in testimony, as a minority opinion that contradicts the opinions of the majority of scholars.²⁵ In contrast, he elevates the opinion of al-Sanhuri (d. 1606 AD) who declared that even if a woman would not leave her recalcitrant behavior until she was hit in a fearful way, hitting her is not permissible.²⁶ The legal developments of al-Wazzani are important to recognize as he attempted to work within the tradition to create a legal norm in the prohibition of domestic violence.

Similarly, the late Iraqi scholar Abdulkarim Zaydan (d. 2014 AD) emphatically maintained that harming one's wife is *haraam*, or prohibited, as it contradicts the legal obligation of the husband to live with his wife in kindness.²⁷ Harming someone else, he adds, is a form of oppression and oppression is both prohibited and hated by God. He then proclaims, "If harming someone else is prohibited, then a husband harming his wife is even more severe in its prohibition because the law delegated to the husband the responsibility to care for his wife and live with her in kindness." He then continues by providing verses from the Quran, which prohibit harming the wife, particularly during the process of divorce considering that it is a time in which many men may choose to take advantage of their wives out of anger or frustration. Zaydan further declares that a husband who emotionally blackmails his wife by threats of divorce has also inflicted harm upon her. "The prohibition of harming a wife includes tangible and abstract harm," according to Zaydan, as demonstrated in the narration of the Prophet that forbade verbal abuse and public humiliation of one's wife.²⁸

²⁴ al-Wazzani, 3:447.

²⁵ al-Wazzani, 3:448.

²⁶ al-Wazzani, 3:450.

²⁷ Abdulkarim Zaydan, *al-Mufaṣṣal fī aḥkām al-mar'a wa-al-bayt al-muslim* (Beirut: Mu'assasah al-risālah, 1993), 7:234.

²⁸ Zaydan, 7:235.

Court Records

Ibn Ashur (d. 1973 AD), an early modern Tunisian scholar, understood verse 4:34 as a legal guide for those in authority (i.e. the state), and that the measures taken against a recalcitrant wife were actually not the responsibility of the husband because personal restraint could be difficult in situations of anger.²⁹ Throughout history, the reality of the matter was that cases of domestic violence were delegated to scholarly or court authorities who had the jurisdiction to enforce restrictions to protect the wife. In the last few decades, there has been increasing academic interest in the role of women in various Islamic court systems. What many of these records and analyses ultimately prove is that Muslim women played an active role in litigating their concerns to authorities and largely had those issues resolved.

Judith Tucker's *In the House of the Law*, for example, was among the first of these works, in which the author examined the legal opinions of seventeenth and eighteenth-century jurists in Ottoman Syria and Palestine as a means of understanding the gender dynamics of that society.³⁰ Her efforts reflect the popular trend among Islamic legal scholars who seek to establish that Islamic law is flexible enough to adapt to changing circumstances.³¹ Tucker primarily concludes that despite Islamic law's inherent patriarchy, the jurists and courts strove to promote the welfare of the community and consequently to protect the rights of women, especially in cases of physical and emotional harm.³²

Ottoman court records from Aleppo in the seventeenth century, for example, ruled in favor of abused women in various cases.³³ In one dispute, a litigant by the name of Fatima testified in court that her husband constantly harmed her and in one instance had even caused her to bleed, her claim having been affirmed by five

²⁹ Ibn Ashur, 44.

³⁰ Judith Tucker, *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine* (Berkeley: University of California Press, 1998), 4.

³¹ Mona Siddiqui, review of *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine*, by Judith Tucker, *American Society for Legal History* (2001), 476.

³² Tucker, 65-66.

³³ Semerdjian, "Domestic Violence."

witnesses. The court ruled against the abusive husband and ordered that he be punished. In a similar example, the leading Ottoman jurist, Abu al-Saud, was asked what would happen if a man harmed his wife in various ways, to which he responded that the judge must prevent her harm by any means possible.

Conclusion

Ibn al-Qayyim (d. 1350 AD), a prominent medieval scholar stated, “The religion in its entirety is justice, compassion, prosperity and wisdom, and therefore anything which contradicts this and results in injustice, cruelty, harm, or nonsense, can never be claimed to be part of the religion no matter what interpretations attempt to do so.”³⁴ When discussing and understanding the paradigm of marriage within Islam, it is important to consider a holistic approach that allows for a comprehensive reading of Quranic, Prophetic, and scholarly sources. This exhaustive approach allows us to side with the vast majority of scholars who have denied the permissibility of any physical discipline that causes harm and in fact holds men legally responsible for transgressing against their wives. In the end, as the twelfth-century scholar Ibn al-Jawzi proclaimed, “If the threat of hitting someone does not work, then actually hitting them will not stop them either.”³⁵

The issue of domestic violence ultimately transcends concerns of religious law and originates in the personal development of the abuser himself. It is thus incumbent upon us as individuals and as religious communities to provide safety nets for victims of abuse and to educate our members on the harms and prohibitions of domestic violence. These calls for change and awareness have proven fruitful. In Philadelphia, a Muslim community exposes convicted abusers and refuses to ordain their future marriages.³⁶ Other organizations and Muslim leaders have vowed to stand against domestic violence and have worked to build shelters and various social services to directly participate in assisting victims of spousal abuse. Now, equipped with this knowledge, it is up to the next generation of Muslims to

³⁴ Ibn al-Qayyim, *I lām al-muwaqa ʿin*; Nazir, “Key Texts.”

³⁵ Brown, 281.

³⁶ Salma Abugideiri, "A Perspective on Domestic Violence in the Muslim Community," www.faithtrustinstitute.org, 2010.

move forward with these actions and to uphold the values of the Prophet Muhammad to ensure that domestic violence is never tolerated.

ISLAM IS NOT THE CAUSE OF HONOR KILLINGS. IT'S PART OF THE SOLUTION

Jonathan Brown

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This part of the history of honor killings you're unlikely to read or hear about. In 1947 in the British colony of Nigeria, English judges had to overturn what they viewed as the backwards ruling of a local Shariah court. A man had been sentenced to death for murder, but the British superior court pointed out that it had been a crime of passion. The man had killed his wife's lover. The Shariah court had been unimpressed by this excuse, but the British court decided that the murderer did not deserve to die.¹ Yes, you read that correctly. A Shariah court, applying Shariah law, did not buy the 'crime of passion' argument that has long served as a justification for honor killings. The British court did.

Honor killings are never far from the headlines. The Islamophobic Clarion Fund even released a documentary called Honor Diaries, which repeats the accusation that Islam supports honor killings and that these acts of violence are endemic to Muslim societies.

But the truth of the matter is that honor killings are not caused or encouraged by Islam. Honor killing, despite the popular rhetoric around it, is not even a problem specific to Muslims.² Its most concentrated and serious occurrences don't involve Muslims at all. This ignorance about Islam's teachings and the realities of violence against women has serious costs. First, blaming honor crimes on Islam antagonizes Muslims unnecessarily. It feeds the narrative, prevalent in many Muslim countries, that dismisses human rights as a proxy for Westernization and cultural imperialism. Second, sensationalism over Islam deflects from a reality that many men are loath to admit: that violence against women is a global problem with roots much deeper than the doctrines of one religion or the features of one culture. It needs to be addressed as such. Finally, obsessing over Islam's alleged acceptance of honor crimes blinds Muslims and non-Muslims to the condemnation of these crimes in Muhammad's teachings and the Shariah.

¹ Rudolph Peters, *Crime and Punishment in Classical Islamic Law* (Cambridge: Cambridge University Press, 2005), 124.

² It has been found that, in upper Egypt, Coptic families are as likely as Muslims to commit honor killing; Recep Dogan, "Is Honour Killing a 'Muslim Phenomenon'? Textual Interpretation and Cultural Representations," *Journal of Muslim Minority Affairs* 31, no. 3 (2011): 423-440.

The tragedy of violence directed at women because they are women is far too widespread and long-lived to be the product of any one religion or even one culture. Though it takes different shapes and appears with varied frequency from region to region, it afflicts all societies. Patriarchal societies (i.e., all societies to one degree or another) sometimes ‘justify’ some of this violence as the consequence of rage triggered in ‘crimes of passion.’ Other forms of violence against women, such as honor killings, can involve premeditation and even the coordination of several people, including women related to the victim. In those parts of the world plagued worst by violence against women, legal systems tend to offer official or unofficial leniency for the men who commit it.

Honor crimes are only part of the larger phenomenon of **femicide**, or the murder of a woman for some reason associated with her gender. The women and girls who are the victims of such violence are attacked because they are perceived to have violated some profound expectation of how women are supposed to act in their society. In the Mediterranean region, especially the Middle East and North Africa, as well as South Asia, affronts are to the ‘honor’ of the woman or her family. The United Nations Population Fund (UNFPA) has conservatively estimated that at least 5,000 women a year globally are victims of honor killings. In India and Pakistan, this often entails a daughter or sister being killed for falling in love with a man without parental approval and occurs amongst Hindu and Muslim populations alike. Femicide takes other forms elsewhere. A 2012 UN report details how in parts of southern Africa, South and Southeast Asia hundreds of women are killed each year after being accused of witchcraft. Their killers receive lighter sentences with alarming regularity.

Despite the media attention they receive, honor killings are not the most prevalent type of femicide. The number of honor killings, whether in Muslim countries or elsewhere, pales in comparison with the most serious form of violence against women, namely dowry killings among India’s Hindu population. Dowry killings, the murder of a wife by her husband or his family, often by burning, for her failure to provide a large enough dowry payment to her husband’s family, ceasing dowry gifts or merely for falling short of expectations in her wifely duties, have occurred

in shocking numbers. A 2012 UN report observed that 8,383 known dowry murders occurred in India in 2009, up from 4,836 in 1990. Though the Indian government outlawed dowry giving decades ago and identified dowry murders as a criminal problem, dowry giving remains an important custom and the suspicious death of wives is rarely investigated. The police often dismiss these deaths as kitchen accidents.

Islamophobic organizations point out that Islam and the laws of Muslim countries excuse honor killings or treat them lightly. On the second point they are correct. Such laws are a problem, and one that seems to have proliferated in the Middle East. In Egyptian law, a man who kills his wife and/or her lover after catching them 'in the act' (in flagrante delicto) is only punished with prison as opposed to the death penalty. Morocco, Kuwait, Lebanon, Syria, Yemen, Oman, the UAE, and Jordan's laws extend drastically reduced penalties for the murder of any female relative (and their lover) that a man finds in such a situation (though the UAE and a 2001 update to Jordan's laws allows the same excuse for a woman who finds her husband in bed with another woman).

But none of these laws has any basis in the Shariah or Islamic teachings. In fact, they were originally imported from the West. Criminal law in the Middle East today was shaped by the Ottoman Criminal Code of 1858, which was issued as part of the failing Ottoman Empire's efforts to imitate its European rivals. The Code was little more than a translation of the French Criminal Code of 1832, copying word for word its lax punishment for honor crimes. This is still evident today in the laws of Lebanon, Syria, Jordan and to a lesser extent Morocco (never part of the Ottoman Empire), which read like literal translations from the French. The French and Ottoman law codes also served as the major inspiration for Egypt's law as well.

In Pakistan, another country regularly in the news over honor crimes, we find a similar case with British law. Despite having a legal system influenced by the Shariah, Pakistan's criminal law remains based in the 1860 code that the British imported to rule colonial India. This law granted leniency to a husband who killed

his wife due to “grave and sudden provocation.” Pakistan reformed this law in 1990, ironically, in an attempt to bring the country’s laws closer in accord with the Shariah. In particular, Pakistan’s Federal Shariat Court declared that, “according to the teachings of Islam, provocation, no matter how grave and sudden it is, does not lessen the intensity of crime of murder” (sic). Sadly, Pakistani courts sometimes still hand down reduced punishments for the men who commit honor killings. But the judges who do so have justified this by once again citing the “grave and sudden provocation” suffered by the murderer – the exact wording of the British law.³

Shariah law has a clear position on honor killing, drawing directly on rulings made by the Prophet Muhammad: a husband who kills his wife and/or her lover has committed homicide like any other case, even if the husband caught the two in the act. The basis of this comes from Hadiths, or sayings of the Prophet Muhammad. When he was asked what would happen if a husband found his wife with another man, the Prophet responded that the husband could not kill him and that no one could be punished unless the husband brought four witnesses who had seen the act⁴ The Quran set down the practical procedure for husbands or wives who suspected infidelity as well as those who caught their spouse cheating but had no witnesses: the couple would appear before a judge, and the accusing spouse would swear to God five times that their accusation was true. If the accused spouse then swore five times to God that they were innocent, neither party was punished but the couple was divorced (Quran 24:6- 7).

Muslim scholars have been well aware of the dangers of violence against women. The famous nineteenth-century Yemeni scholar al-Shawkānī (d. 1834 CE) wrote that one of the reasons that men who murder women are liable to be executed is the

³ Sohail Akbar Warraich, “‘Honor Killings’ and the law in Pakistan,” in ‘Honour’: Crimes, Paradigms, and Violence against Women, ed. Lynn Welchmann and Sara Hossain (London: Zed Books, 2005), 84-97.

⁴ The main Hadiths are those of Abū Hurayra in which Sa’d b. ‘Ubāda asks the Prophet, “What do you think if I found a man with my wife? Should I wait until I bring four witnesses? (a-ra’ayta in wajadtu ma’a imra’atī rajulan a-umhiluhu ḥattā ātiya bi-arba‘at shuhadā’).” The Prophet replies, “Yes.” See Ṣaḥīḥ Muslim: kitāb al-li‘ān; Sunan Abī Dāwūd: kitāb al-diyāt, bāb man wajada ma’a ahlihi rajulan a-yaqtuluhu. See also Mālik’s Muwaṭṭā’: kitāb al-aqḍiya, bāb man wajada ma’a imra’atihi rajulan; Musnad Aḥmad Ibn Ḥanbal (Maymaniyya print), 1:238-39.

phenomenon of male violence against women for supposed slights of honor. He concluded that:

*There is no doubt that laxity on this matter is one of the greatest means leading to women's lives being destroyed, especially in the Bedouin regions, which are characterized by harsh-heartedness and a strong sense of honor and shame stemming from Pre-Islamic times.*⁵

The foreignness of honor killing to the Shariah is so clear that, for centuries, Muslim legal scholars have been in substantial agreement on the issue.* In fact, when confronted with a report that the early caliph Umar had ruled that men who killed wives they found engaged in adultery would not be punished, Muslim scholars could only conclude that he must have meant that they would not be punished by God in the Afterlife. In this life, the Shariah was clear that they were murderers.⁶ In the modern period, many of the most prominent Muslim scholars from all sects and backgrounds, such as the Sunnis Yūsuf al-Qaraḍāwī and ‘Abdallāh al-Ghumārī (d. 1993) and the late Shiite scholar Muḥammad Ḥusayn Faḍlallāh (d. 2010), have declared honor killing totally impermissible in Islam, as have a group of Canadian imams, the Muslim Council of Britain and the prominent American imam Zaid Shakir. We can continue to rehash the tired line of Islam allowing honor killing. Or we can point out that the Prophet's teachings and the Shariah condemn the act in no uncertain terms. Violence against women and the failure of legal systems to punish it is a serious problem in Muslim countries like Afghanistan and Pakistan. Islam and the Shariah should be mobilized as arguments against this rather than as its supposed causes. The number of dowry killing amongst Hindus in India alone dwarfs honor killings globally, and the country that ranks worst in the UN's rankings of femicide is the decidedly non-Shariah applying, majority Catholic El Salvador. These realities, along with the fact that the laws in Muslim countries that indulge honor killings are actually imported from

⁵ Muḥammad b. ‘Alī al-Shawkānī, Nayl al-Awṭār, ed. ‘Izz al-Dīn Khaṭṭāb, 8 vols. (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, 2001), 7:24.

⁶ Abū Sulaymā Ḥamd al-Khaṭṭābī, Ma‘ālim al-sunan, 3rd ed., 4 vols. (Beirut: al-Maktaba al-‘Ilmiyya, 1981), 4:19; al-Suyūṭī, al-Ashbāh wa’l-nazā’ir, ed. Muḥammad al-Mu‘taṣim al-Baghdādī (Beirut: Dār al-Kitāb al-‘Arabī, 1414/1993), 746.

Europe, should remind us of something our society conveniently overlooks: violence against women is mankind's problem, and it's as much a part of the past and present of the West as anywhere else.

⁷ Musnad Ibn Ḥanbal, 1:238.



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