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Gender-Based Violence in the Arab World

Gender-Based Violence in the Arab World

Issue 131-132 | Fall/Winter 2010-2011



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ARAB WOMEN IN LATIN AMERICA

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The Institute for Women's Studies in the Arab World at the Lebanese American University

The Lebanese American University founded the Institute for Women's Studies in the Arab World (IWSAW) in 1973. The history of the Institute is closely linked to that of the first women's college in the Middle East, the American Junior College for Women, which was established in 1924 by the Presbyterian Mission. The College, which educated Middle Eastern women for half a century, became co-ed in 1973. In order to honor the college's unique heritage as the first educational institution for women in the region, the Institute for Women's Studies in the Arab World was established that same year.

Mission

- Engage in academic research on women in the Arab world.
- Develop and integrate women's studies in the Lebanese American University curriculum.
- Empower women in the Arab world through development programs and education.
- Serve as a catalyst for policy changes regarding the rights of women in the Arab world.
- Facilitate networking and communication among individuals, groups, and institutions concerned with women in the Arab world.
- Extend ties with international organizations and universities working on gender issues.

Al-Raida Quarterly Journal

IWSAW issues a quarterly journal, *al-Raida*, whose mission is to promote research and the dissemination of updated information regarding the condition of women in the Arab world.

Each issue of *al-Raida* features a file which focuses on a particular theme, in addition to articles, conference reports, interviews, book reviews, and art news.

All submitted articles are reviewed by IWSAW. IWSAW reserves the right to accept or reject the articles submitted. Those articles that are accepted will be edited according to journal standards.

For more details about our submission guidelines kindly visit our website at: <http://iwsaw.lau.edu.lb>

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"It is Shameful to Hit Loved Ones: Men and Women Saying No to Violence Against Women". Campaign poster by ABAAD-Resource Center for Gender Equality and International Medical Corps (IMC). © Abaad & IMC.

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ISSUE 1

1976
Addressed Various and Suggested Topics for Research that Investigate Women's Role in the Media, in Education, in Art, and Work

ISSUE 2

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1978
Importance of Documentation in the Arab World

ISSUE 4

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Post-War Thoughts

ISSUE 5

1978
Women Between Reality and Illusion*

ISSUE 6

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Research Projects on Women's Status: A Pressing Need in the Arab World*

ISSUE 7

1979
Will Power

ISSUE 8

1979
The Year of the Child, The Year of Hope

ISSUE 9

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ISSUE 10

1979
Do you have Senile Symptoms

ISSUE 11

1980
Women and Health

ISSUE 12

1980
Facts about IWSAW

ISSUE 13

1980
The Germ

ISSUE 14

1980
Traditional Family Relations in the Arab World

ISSUE 15

1981
1981, Year of the Handicapped

ISSUE 16

1981
Why a Woman's Liberation Movement?

ISSUE 17

1981
Fallen Idols

ISSUE 18

1981
A Message to Consider

ISSUE 19

1982
Future Plans for IWSAW

ISSUE 20

1982
Women and Old Age

ISSUE 21

1982
Freedom cannot be One-Sided

ISSUE 22

1982
World Campaign for Peace

ISSUE 23

1983
You Cannot Set The Clock Back

ISSUE 24

1983
What Is Development

ISSUE 25

1983
Women's Participation in

Development

ISSUE 26

1983
Gibran's Anniversary

ISSUE 27/28

1984
The Beginning of a New World Communication Order?

ISSUE 29

1984
Women of Egypt and Algeria

ISSUE 30

1984
Special Issue, Women and the War in Lebanon

ISSUE 31

1985
Arab Women and the Women's Decade

ISSUE 32

1985
Arab Women and Literature

ISSUE 33

1985
Tunisian Women Speak

ISSUE 34

1985
Equality, Development, and Peace. (Baghdad, Nicosia, Nairobi)

ISSUE 35

1986
Women of Saudi Arabia*

ISSUE 36

1986
Kuwait Women: 25 Years of Independence, 1961-1986

ISSUE 37

1986
Women of Bahrain

ISSUE 38

1986
The Status of Arab Women

ISSUE 39

1987
Women and Work

ISSUE 40

1987
IWSAW: Fourteen Years of Sustained Effort

ISSUE 41

1987
Arab Women and Economic Development

ISSUE 42

1987
Women's Liberation

ISSUE 43

1988
Women's Psychology

ISSUE 44/45

1988
Woman Artist

ISSUE 45

1988
Women and Liberation

ISSUE 47

1989
Women and Television

ISSUE 48

1990
Women in Management

ISSUE 49

1990
Women in Law

ISSUE 50

1990
Women in Charge

ISSUE 51

1990
Women: Where, When, and How

ISSUE 52

1991
Lebanese Women

ISSUE 53

1991
Never Married Women

ISSUE 54

1991
Basic Education and Female

Drop out in the Arab World

ISSUE 55

1991
Women Contributing to a Better World

ISSUE 56

1992
Women and the Environment

ISSUE 57

1992
International Women's Day

ISSUE 58

1992
Women At The Earth Summit

ISSUE 59

1992
Women...A Step Ahead*

ISSUE 60

1993
Why Feminism*

ISSUE 61

1993
What About Career Woman*

ISSUE 62

1993
Young Woman of Lebanon in the Post-War Era

ISSUE 63

1993
Women = Family in 1994*

ISSUE 64

1994
International Women's Day. 1994 (IWSAW's Regional Environment Conference)

ISSUE 65/66

1994
Battered Women in Lebanon*

ISSUE 67

1994
Women's Health in Lebanon

ISSUE 68

1995
Women & Education in Lebanon

ISSUE 69

1995
Arab Women in Management*

ISSUE 70/71

1995
Women in Post-War Era

ISSUE 72

1996
Women, The Media and Sustainable Human Development

ISSUE 73

1996
Arab Women in the Fine Arts

ISSUE 74/75

1996
Women's Rights Are Human Rights: Perspectives From the Arab World

ISSUE 76

1997
Women in the Arab Family

ISSUE 77

1997
Arab Women and Poverty

ISSUE 78

1997
Women and Literature

ISSUE 79

1997
Women in Agriculture

ISSUE 80/81

1998
Arab Countries and CEDAW

ISSUE 82

1998
Women in the Labor Force

ISSUE 83/84

1998-1999
Women's Lives in Lebanon

ISSUE 85

1999
International Year for Older Persons

ISSUE 86/87

1999
Arab Women and Cinema

ISSUE 88

2000
Arab Women and the Media

ISSUE 89

2000
On Violations

ISSUE 90/91

2000
Women Centers in the Arab World

ISSUE 92

2001
Feminizing Politics

ISSUE 93/94

2001
Marriage Patterns in the Arab World

ISSUE 95/96

2002
Incarcerated Arab Women

ISSUE 97/98

2002
Arab Women in Civil Society

ISSUE 99

2002
Sexuality and Arab Women

ISSUE 100

2003
Arab Women's Movements

ISSUE 101/102

2003
Non-Arab Women in the Arab World

ISSUE 103

2003
Women and War in the Arab World

ISSUE 104/105

2004
What About Masculinity?

ISSUE 106/107

2004-2005
Young Arab Women

ISSUE 108

2005
Arab Women and Disability

ISSUE 109/110

2005
Women and Activism in the Arab World

ISSUE 111/112

2005-2006
The Status of Women in Lebanese Legislation

ISSUE 113

2006
Female Criminality in the Arab World

ISSUE 114/115

2006
The Empowerment of Arab Women Through Higher Education

ISSUE 116/117

2007
Arab Diaspora Women

ISSUE 118/119

2007
Arab Women Writing in English

ISSUE 120/121

2008
Arab Refugee Women

ISSUE 122/123

2008
Women in the Performing Arts

ISSUE 124

2009
Women, Activism, and the Arts

ISSUE 125

2009
Women and Scriptures in the Arab World

ISSUE 126-127

2009
Gender Quotas and Parliamentary Representation

ISSUE 128

2010
Family Responsibilities and Women's Employability

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THE PIONEER | ISSUE 131-132 | FALL/WINTER 2010-2011

02

Editorial**RITA SABAT****File**

05

Gender-Based Violence in the Arab World

06

REV. DR. MARIE M. FORTUNE, SALMA ABUGIDEIRI, & RABBI MARK DRATCH
A Commentary on Religion and Domestic Violence

17

FATIMA SADIQI
Domestic Violence in the African North

28

AZZA CHARARA BAYDOUN
Women Reporting Violence: Conditions and Implications

38

MAY ABU JABER
Murder with Impunity: The Construction of Arab Masculinities and Honor Crimes

47

MAGDA EL-SANOUSI & GHIDA ANANI
Working with Men and Boys: A Strategic Choice in MENA Region to end Gender Based Violence

55

KATHLEEN HAMILL
Structural Violence and Human Trafficking: Migrant Domestic Workers in Lebanon

63

MOHA ENNAJI
Violence against Women in Morocco

69

IWSAW
Awareness Guide for Female Domestic Workers in Lebanon

71

STEPHANIE CHABAN
Women and Security: Findings from an Assessment on the Security Perceptions of Palestinian Women and Girls

75

FARAH KOUBAISI
Salwa's Guide to Fighting Sexual Harassment

77

Responses to the Draft Law to Protect Women from Family Violence

Combating Gender-Based Violence in the Arab World

Rita Sabat

In the Arab world today the movement to eradicate gender-based violence is focusing on eliminating gender inequality and on addressing social, legal, and familial relationships that condone violence. Non-governmental organizations and other partners in civil society are drafting and proposing amendments to present laws that will help eliminate gender inequality and provide the opportunity to rethink and reconstruct social relationships in the region. However, when I set out to explore this work in Lebanon it became clear that the calls for state implementation of laws targeted at eliminating violence against women on the ground are caught up in a process of translation that must address a number of complex and sometimes conflicting concerns. This is clearly reflected in the section where the controversy over the draft law aimed at protecting women from family violence is discussed. From the very beginning, stakeholders involved in drafting the law knew that they were working within a context that needed to address religious, social, familial, and political boundaries. The very choice of the word 'family violence' emanated from the conviction that the term 'domestic violence' does not encompass the violence within the Lebanese social and familial context.

Furthermore, the draft law generated a great deal of discussion with respect to including an article that would penalize rape within a marital context while concurrently admitting that the existing penal code acknowledges that rape can occur in all contexts except within a marital framework. Three years after the drafting of the law no agreement could be reached regarding the terminology that should be used in the text to refer to marital rape. The final text produced, as a compromise, did not include the term rape, and made sure to maintain the authority and jurisdiction of the religious courts which can supersede the state with respect to family matters: "In case the provisions of the present law go against those of the Personal Status Code and the rules of jurisdiction of the religious courts, the provisions of the latter shall prevail". Despite this major drawback the Sunni higher authority Dar al-Fatwa rejected the draft law, accusing it of being a foreign imposition and an attack on the preservation of the family and patriarchal authority. However, in the weeks following the release of the statement by Dar al-Fatwa, it became clear that these objections were supported by other women and women's organizations, clearly demonstrating that the National Coalition for the Protection of Women from Family Violence had not cast its net wide enough.

There also seems to be a divide between secular and faith-based communities which has prevented full mobilization with respect to protecting women from family violence to take

place. Keeping in mind the present political climate in the Arab world, the way forward hinges on understanding and bridging the gap between faith-based communities and secular organizations. Primary prevention strategies for combating gender-based violence on a wide scale are in dire need of understanding the challenges posed by the existence of state structures that have relegated the family and home to religious institutions that are essentially conservative and patriarchal.

The articles selected for this issue are a reflection of how the region is challenged today in the struggle to eliminate gender-based violence. We have chosen to include "A Commentary on Religion and Domestic Violence" published by the FaithTrust Institute because of its value in addressing the discussion on violence within the family from the standpoint of the three monotheistic religions. It argues that religion itself does not sanction domestic violence but can act either as a conduit or inhibitor. Furthermore, the commentary stresses the need for further engagement between secular and faith-based institutions in dealing with this critical issue, keeping in mind that addressing domestic violence from a strictly secular or a strictly religious perspective is insufficient.

Fatima Sadiqi's article "Domestic Violence in the African North" starts with a critical overview of existing theories of domestic violence and points to the limited ability of these theories in helping us understand domestic violence in the context of the African North today. She argues that the changing nature of the family in the African North requires of us to revisit these theories in an attempt to make headway in the area of policy making for gender equality and the eradication of gender-based violence.

Azza Charara Baydoun's article entitled "Women Reporting Violence: Conditions and Implications" is one of the very few empirical studies which examine local NGO strategies in dealing with domestic violence in Lebanon. This paper, which summarizes the main finding of a larger study by the author, examines the prevailing social, familial, and legal contexts that condition the choices of some women in abusive relationships with respect to reporting domestic violence and trying to put an end to it.

May Abu Jaber, in her article "Murder with Impunity: The Construction of Arab Masculinities and Honor Crimes", examines the violence perpetrated by men against women as a social construct regulated by the state and embedded in cultural and religious traditions of a given community. She argues that the "regulation of sexuality in a gender specific (patriarchal) manner" allows for "the silent epidemic of social and structural violence against young men" (p. 38). Her article is a contribution to understanding honor killings as a reflection of gender-based violence that is inherently tied to how certain patriarchal structures and cultural norms produce men who are both perpetrators and victims of violence.

This brings us to the article by Magda El-Sanousi and Ghida Anani on "Working with Men and Boys: A Strategic Choice in the MENA Region to end Gender-Based Violence". This article draws on a series of attempts at incorporating men into the struggle to eliminate violence against women in several countries of the region. The authors, in their examination of the work carried out by international and local non-governmental organizations, document to some of the very first discussions on understanding the social construction of gendered relationships and the need for a participatory approach that includes men in order to effectively eliminate gender-based violence.

Stephanie Chaban, in her article “Women and Security: Findings from an Assessment on the Security Perceptions of Palestinian Women and Girls”, draws on a study that was carried out by the Geneva Centre for the Democratic Control of Armed Forces. The author’s contribution lies in adding to the body of work that highlights how women’s feelings of insecurity are directly tied to the absence of a state structure that can uphold their right to live free of various forms of violence (domestic violence, occupation or war-related violence, etc.).

Kathleen Hamill’s article, “Structural Violence and Human Trafficking: Migrant Domestic Workers in Lebanon”, is an exploratory study of Lebanon’s unjust legal system with respect to foreign domestic workers. This study is valuable and fills a research gap in the literature on foreign domestic workers in Lebanon. It identifies and analyzes the key factors that make migrant domestic workers vulnerable to human trafficking in Lebanon namely: the sponsorship system, the recruitment process, and the lack of labor protection and legal redress. It also sheds light on structural violence that subjects migrant women to systemic oppression and increases their vulnerability to human trafficking.

Moha Ennaji’s article “Violence Against Women in Morocco” offers an overview of the progressive laws that have been passed to promote women’s rights and eliminate violence against them, but not without including a cautionary word on the challenges that still have to be faced. Ennaji’s article sheds the light on the fact that most domestic workers are underage girls from rural areas of Morocco who are recruited to work in the cities and the many challenges that the state faces as it tries to combat this widespread problem with new laws.

The final section of this issue is a compilation of short articles and essays that address the controversial draft law to protect women from family violence in Lebanon. We have chosen to include some of the main articles of this draft law to help the reader understand the controversy generated by this bill. Also included is the public response issued by Dar al-Fatwa, the highest Sunni Muslim authoritative body in the country which objected to the draft law and threatened to exercise its rights under article 9 of the constitution if parliament attempts to adopt it. This is followed by the counter response of the National Coalition to Protect Women from Family Violence which addresses point by point the concerns and the objections raised by Dar al-Fatwa. Also included in this section is a published commentary on domestic violence by the Greek Orthodox Bishop George Khodor who argues that the issue of family violence and the law related to it does not reflect a divide between Christians and Muslims but a divide between liberals and traditionalists who are from various religious groups in Lebanon.

I was concerned with the inability to cover a wide range of issues on gender-based violence. This issue certainly cannot cover all forms of gender-based violence in the Arab world but highlights some of the most pressing concerns being dealt with today. *Al-Raida* in its cognizance of the importance of this topic has addressed violence against women on various occasions in previous editions and will hopefully continue to explore the complex facets of this salient topic in future issues.

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Gender-based Violence in the Arab World



Rev. Dr. Marie M. Fortune, Salma Abugideiri, and Rabbi Mark Dratch
A Commentary on Religion and Domestic Violence

Fatima Sadiqi
Domestic Violence in the African North

Azza Charara Baydoun
Women Reporting Violence: Conditions and Implications

May Abu Jaber
Murder with Impunity: The Construction of Arab Masculinities and Honor Crimes

Magda M. El-Sanousi & Ghida Anani
Working with Men and Boys: A Strategic Choice in the MENA Region to end Gender-Based Violence

Kathleen Hamill
Structural Violence and Human Trafficking: Migrant Domestic Workers in Lebanon

Moha Ennaji
Violence against Women in Morocco

IWSAW
Awareness Guide for Female Domestic Workers in Lebanon

Stephanie Chaban
Women and Security: Findings from an Assessment on the Security Perceptions of Palestinian Women and Girls

Farah Koubaisi
Salwa’s Guide to Fighting Sexual Harassment

Responses to the Draft Law to Protect Women from Family Violence

A Commentary on Religion and Domestic Violence

Rev. Dr. Marie M. Fortune with Salma Abugideiri and Rabbi Mark Dratch*

Religion is a fact of life in the United States for the vast majority of people. Whether in childhood or adulthood, most people have had some association with a faith tradition. For some it has been positive; for others, negative. But many retain and rely on values and doctrines that they received within a faith community. Because of the extraordinary diversity within the United States, many different traditions exist among us: Jews, Muslims, Buddhists, Hindus, Native Americans, and many varieties of Christians including Roman Catholics, Evangelicals, Mainline Protestants, Pentecostals, and so on.¹ One chapter cannot do justice to the richness of these many traditions. Rather, here we provide a discussion of the basic understanding of the place of religion in addressing domestic violence, illustrated through three western religious traditions: Christianity, Judaism, and Islam.

The Importance of Religion: Roadblocks or Resources?

The crisis of domestic violence affects people physically, psychologically, and spiritually. Each of these dimensions must be addressed both for victims and those in the family who abuse them. Certain needs and issues tend to be disregarded when the issue is approached from either a secular or religious perspective alone. This reflects a serious lack of understanding of the nature of domestic violence and its impact on people's lives. Thus, the importance of developing a shared understanding and cooperation between secular and religious helpers for addressing domestic violence cannot be emphasized strongly enough.

Religious traditions, teachings, and practices represent a fundamental aspect of culture for the vast majority of Americans. The intertwining of religiosity and culture are common and complex. For example, secular Jews may not participate in a synagogue but still identify themselves as Jewish and honor Jewish values. Many Korean immigrants are closely affiliated with Korean Christian churches, so issues related to Christian teaching and practice will be common. For many people, their racial/ethnic heritage is bound to their faith history, such as with African American Baptists, Irish Catholics, Russian Jews, or Sudanese Muslims. This is one of the reasons that cultural competency in addressing domestic violence must include some awareness and appreciation of religion and faith traditions.

Occasionally, a social worker, psychotherapist, or other secular service provider will wonder: "Why bother with religious concerns at all?" The answer is a very practical one: religious issues or concerns which surface for people in the midst of crisis are primary issues. If not addressed in some way, at some point, they will inevitably become roadblocks to the client's efforts to resolve the crisis. In addition, a person's religious beliefs and community of faith (church, mosque, or synagogue) can provide a primary support system for an individual and her/his family in the midst of an experience of domestic violence.

For a pastor, priest, rabbi, imam, or others approaching domestic violence from a religious perspective, religious concerns are paramount. They may, however, doubt the importance of dealing with concerns for shelter, safety, intervention, believing that "getting it right with God" is enough for things to be fine. Such a perspective overlooks the importance of practical issues. Domestic violence is complex and potentially lethal. Consequently, seemingly mundane concerns represent immediate and critical needs.

When confronted personally by domestic violence, most people also experience a crisis of meaning in their lives, as occurs with all other crises, whether chronic or unexpected. Very basic life questions arise, often expressed in religious and/or philosophical terms. Questions like "Why is this happening to me and my family?", or "Why did God let this happen?" or "What meaning does this have for my life?" all indicate people's efforts to understand, to make sense out of experiences of suffering, and to place the experiences in a context of meaning for their lives. We recognize these questions to signal health because they represent an effort to comprehend and contextualize the experience of domestic violence, allowing the individual to regain some control over their lives in the midst of crisis.

Religious concerns can become roadblocks or resources for those dealing with experiences of domestic violence because these concerns are central to many people's lives. The outcome depends on how they are handled. Misinterpretation and misuse of religious texts and traditions have often had a detrimental effect on individuals and families dealing with domestic violence. Misinterpretation or misuse can contribute substantially to guilt, self-blame, and suffering among victims. Likewise, they can contribute to rationalizations used by those who abuse. For example, "But the Bible says..." is frequently used to explain, excuse, or justify abuse by one family member to another. This need not be the case. Reexamining and analyzing those sacred texts can result in reclaiming the traditions in ways that support victims and abusers, while confronting and challenging abuse in the family.

A careful study of sacred texts makes it very clear that while it is possible to misuse texts to justify abuse of persons in the family, the texts do not in fact serve to justify abuse. Misuse is a frequent practice (see below). Teaching people simple answers to the very complex issues faced by many is another potential roadblock within contemporary teachings of some faith groups. Thus, religious groups often have not adequately prepared people for the traumas that they will face at some point in their lives: illness, death, abuse, divorce, and so on:

Keep the commandments and everything will be fine.

Keep praying.

Just accept Jesus Christ as your Lord and Savior and you will be healthy, prosperous, popular, and happy.

Get closer to God.

Be patient, and you will be rewarded.

Go to services each week.

Pray harder.

Although these teachings may be fundamental to many religious faiths, alone they are inadequate to deal with the complexity of such an experience of human suffering as

* This article is abridged and reprinted after permission was granted from the FaithTrust Institute, www.faithtrustinstitute.org © 2010.

1. For additional information on many of these traditions, see Anton, J. (Ed.). (2005). *Walking together: Working with women from diverse religious and spiritual traditions*. Seattle: FaithTrust Institute.

domestic violence. When offered as simple and complete answers to life's questions, they may create illusions of simplicity that leave adherents vulnerable to becoming overwhelmed by suffering. Furthermore, the teachings may set up a dynamic that blames the victims for their suffering:

If you are a good Christian, a good Jew, or a good Muslim, God will treat you kindly, or take care of you, or make you prosper as a reward for your goodness.
If you suffer, it is a sign that you must not be a good Muslim, a good Christian, or a good Jew and God is displeased with you.

If one accepts this simple formula (which makes a theological assumption about God's unconditional love being conditional), then suffering can be interpreted as punishment or abandonment by God. The simple answer alone cannot withstand significant personal or familial suffering. When people use simple answers that prove insufficient, they can feel that their faith has failed them or that God has abandoned them. Jewish, Muslim, and Christian religious teachings have the depth to adequately address the experiences of contemporary persons, but only when they are allowed to acknowledge the complexity, the paradox, and sometimes the incomprehensible nature of suffering. The most important resource which the synagogue, church, or mosque can provide is to be available to support those who are suffering, to be a sign of God's presence, and to be willing to struggle with the questions which any crisis may raise. Offering sweet words of advice to "solve" life's problems reduces the experience of the one who suffers to a mere slogan, and denies the depth of the pain and the potential for healing and new life.

One's faith tradition can offer spiritual resources as well as material resources to victim/survivors and their children as well as to repentant perpetrators. Whether it is the Psalms from the Hebrew Bible or teachings from the Qur'an or the life of Muhammad, or the Christian Gospels, religious teachings can comfort, reassure, and strengthen. Congregations also can provide material support in times of crisis.

Cooperative Roles for Secular/Counselor and Minister/Rabbi/Imam

Both the secular advocate/counselor and the religious leader have important roles to play when confronting domestic violence. Families in which there is abuse need support in times of crisis. Sometimes their respective efforts will come into conflict, as illustrated by the following situation:

We received a call from a local shelter for abused women. The shelter worker indicated that she had a badly beaten woman there whose minister had told her to go back home to her husband. The worker asked us to call the minister and, 'straighten him out'. Ten minutes later we received a call from the minister. He said that the shelter had one of his parishioners there and the shelter worker had told her to get a divorce. He asked us to call the shelter and 'straighten them out'.

In the above case, both the shelter worker and the minister had the best interests of the victim in mind. Yet they were clearly at odds because they did not understand each other's concerns for the victim's needs. The shelter worker did not understand the minister's concern for maintaining the family and the minister did not understand that the woman's life was in danger. We arranged for the minister and the shelter worker to talk directly

with each other, the victim, and one of our staff to share their concerns in order to seek a solution in the best interest of the victim, a task which was accomplished successfully. The need for cooperation and communication between advocates/counselors and imams, ministers, or rabbis is clear so that the needs of parishioners/congregants/clients are best served and the resources of both religious and secular helpers are utilized effectively.

Role of the Secular Advocate/Counselor. In the secular setting, an advocate, social worker, or mental health provider may encounter a victim or abuser who raises religious questions or concerns. When this occurs, the following guidelines are helpful:

- Pay attention to religious questions/comments/references.
- Affirm these concerns as appropriate and check out their importance for the client.

Role of the Clergy. The minister/rabbi/imam can most effectively help domestic violence victims and offenders by referring to and cooperating with secular resources. When combined both provide a balanced approach that deals with specific external, physical, and emotional needs while addressing the larger religious, ethical, and philosophical issues. When approached about domestic violence, the minister/imam/rabbi can use the following guidelines:

- Be aware of the dynamics of domestic violence and utilize this understanding for evaluating the situation.
- Use your expertise as a religious authority and spiritual leader to illuminate the positive value of religious traditions, while clarifying that they do not justify or condone domestic violence.
- Identify the parishioner/congregant's immediate needs and refer to a secular resource (if available) to deal with the specifics of abuse, advocacy, intervention, and treatment.

The other important role that the clergy and religious leaders can play is at the point of pre-marriage.² If a couple is planning a religious ceremony for their wedding, they will meet with their religious leader hopefully for reflection and counsel before taking this important step. This is an opportunity for the religious leader to do two things: first, to inquire about any history of abuse in the partners' families and second to teach about the religious values which support a healthy marriage and to correct any erroneous understandings that either partner may have.

Nature of the Marriage Relationship:

A Christian Perspective

Christian teaching about the model of the marriage relationship has traditionally focused heavily on Paul's letters to the Ephesians, Corinthians, and Colossians. Misinterpretations and misplaced emphasis on these texts create substantial problems for many heterosexual married couples. Most commonly, directives on marriage, based on scripture, are given to women by clergy but not so often to men, and state that wives must "submit" to their husbands, a directive interpreted to elevate the husband/father as the absolute head of the household whom wife and children must obey without question. Unfortunately, this idea has also been misinterpreted to mean that wives and children must submit to abuse from husbands and fathers as well. Those who abuse their families

². See Morris, S. Y. (2006). *Opening the door: A pastor's guide to addressing domestic violence in premarital counseling*. Seattle: FaithTrust Institute.

rationalize their misdeeds through such interpretations, as do counselors, clergy, and the victims of the abuse themselves.

A closer look at the actual scriptural references reveals a different picture. For example, Ephesians 5:21 says: “Be subject to one another out of reverence for Christ.” (RSV)

This is the first and most important verse in the Ephesians passage on marriage and also the one most often overlooked. It clearly indicates that all Christians - husbands and wives - are to be mutually subject to one another. The word that is translated “be subject to” can more appropriately be translated as “defer” or “accommodate”.

“Wives accommodate to your husbands, as to the Lord” (Ephesians 5:22).

This teaching implies sensitivity, flexibility, and responsiveness to the husband. In no way can this verse be taken to mean that a wife must submit to abuse from her husband.

For the husband is the head of the wife as Christ is the head of the Church, his body, and is himself its savior. As the church is subject to Christ, so let wives also be subject in everything to their husbands. (Ephesians 5:23-24, RSV)

The model suggested here of husband-wife relationship is based on the Christ-Church relationship. It is clear from Jesus’ teaching and ministry that his relationship to his followers was not one of dominance or authoritarianism, but rather one of servanthood. For example, Jesus washed his disciples’ feet in an act of serving. He taught them that those who would be first must in fact be last. Therefore, a good husband would not seek to dominate or control his wife, but would serve and care for her, according to Ephesians:

Even so husbands should love their wives as their own bodies. He who loves his wife loves himself. For no man ever hates his own flesh, but nourishes it and cherishes it, as Christ does the Church, because we are members of his body. (Ephesians 5:28-29, RSV)

This instruction to husbands is very clear and concrete. A husband is to nourish and cherish his own body and that of his wife. Physically battering one’s spouse is probably the most blatant violation of this teaching and a clear reflection of the self-hatred within the abuser.

It is interesting that the passages quoted above from Ephesians (5:21-29) which are commonly used as instruction for marriage, are instruction primarily for husbands. Nine of the verses address husbands’ responsibilities in marriage; three of the verses refer to wives’ responsibilities, and only one addresses both parties. Contemporary interpretation, however, often focuses solely on the wives, misusing passages to justify wife-abuse. While spouse-abuse may be a common pattern in a number of Christian marriages, it certainly cannot be legitimated by scripture.

In terms of sexuality in marriage, again this passage from Ephesians (see also Colossians 3:18-21) has been used to establish a relationship in which the husband has

conjugal rights and the wife has conjugal duties. In fact, other scriptural passages are explicit on this issue:

The husband should give to his wife her conjugal rights, and likewise the wife to the husband. For the wife does not rule over her own body, but the husband does; likewise, the husband does not rule over his own body, but the wife does. (I Corinthians 7:3-4, RSV)

The rights and expectations between husband and wife in regard to sexual matters are explicitly equal and parallel, and include the right to refuse sexual contact. The expectation of equality of conjugal rights and sexual access and the need for mutual consideration in sexual activity is clear. The suggestion that both wife and husband “rule over” the other’s body and not their own refers to the need for joint, mutual decisions about sexual activity rather than arbitrary, independent decisions. A husband does not have the right to act out of his own sexual needs without agreement from the wife; likewise, the wife. This particular passage directly challenges incidents of sexual abuse (rape) in marriage that physically abused wives frequently report.

A Jewish Perspective

The Jewish marriage ceremony is known as “Kiddushin” or sanctification; through this ritual a couple’s relationship is made holy and dedicated to God. This sanctification reminds Jews to strive to express their holiness through marriage and the home in a covenantal relationship that is based on mutual love and respect.

Judaism views marriage as necessary for personal fulfillment³ and is the fundamental unit of community life. Marriage is part of God’s plan. In the early account of creation God observes that it is not good for man to be alone (Gen. 2:18).

One of the fundamental values of Jewish family life is “*Shalom Bayit*,” peace in the home. “*Shalom*,” which is simply translated as “peace”, also signifies wholeness, completeness, and fulfillment. Domestic harmony encompasses the good and welfare of all the home’s inhabitants.

The rabbis consider domestic tranquility as one of the most important ideals because it fulfills the biblical mandate to “love your friend as you love yourself”, an obligation which speaks first and foremost to marital partners (Talmud, Kiddushin 41a & Niddah 17a.). In addition, it is the essential forerunner to peace on earth. “Peace will remain a distant vision until we do the work of peace ourselves. If peace is to be brought into the world we must bring it first to our families and communities”⁴

The concept of *Shalom Bayit* should not be invoked to place the onus of domestic harmony solely on the shoulders of a wife, nor should it be used to encourage maintaining an abusive marriage. When domestic harmony is impossible because of physical abuse, the only way for peace may be the dissolution of marriage. Although marriage is a sacred institution, divorce has always been an option according to the Jewish tradition. In Judaism conjugal rights are obligatory upon the husband who must be available for his wife:

3. “A man who has no wife lives without joy, without blessing, and without goodness” Talmud, Yevamot 62b.

4. *Gates of Repentance* (High Holy Days Prayer Book) Central Conference of American Rabbis, 1978, p.67.

A wife may restrict her husband in his business journey to nearby places only, so that he would not otherwise deprive her of her conjugal rights. Hence he may not set out without her permission. (Maimonides, Hilkhhot Ishut 14:2)

Just as a husband is responsible for his wife's sexual fulfillment, a wife, in return, is expected to have sexual relations with her husband. Jewish law, however, grants discretion in this area and requires consent on her part to every act of intimacy. And if she refuses sexual relations with her husband:

she should be questioned as to the reason... If she says, 'I have come to loathe him, and I cannot willingly submit to his intercourse,' he must be compelled to divorce her immediately for she is not like a captive woman who must submit to a man that is hateful to her" (Maimonides, Hilkhhot Ishut 14:8).

This suggests that no wife is expected to submit to sexual activity with a husband she fears or hates. The arena of sexual sharing for Jewish couples is one of mutual responsibility and choice.

A Muslim Perspective

The first Qur'anic verse in a chapter entitled "The Women" establishes the equal nature of men and women and reminds each gender that God is a witness to their fulfillment of their mutual rights. The verse states:

O mankind! Reverence your Guardian-Lord, who created you from a single soul, created of like nature its mate, and from them both scattered (like seeds) countless men and women - Fear God through Whom you demand your mutual rights. And (reverence) the wombs (that bore you) for God ever watches over you. (Qur'an 4:1)

The Qur'an provides guidance for male/female relations, and describes believing men and women as "friends and protectors" of one another. Needless to say, this relationship is expected to carry into the marriage. Marriage is described in the Qur'an as a "solemn covenant"; (Qur'an 4:21) it is a contract witnessed by God between two consenting adults who agree to live together in accordance to His laws. The Qur'an says that "He created for you mates from among yourselves that you may dwell in tranquility with them, and He has put love and mercy between your (hearts)" (30:21).

The mutuality of the marital relationship is described in many teachings. One example is the Qur'anic reference to spouses as garments for one another (Qur'an 2:187). This verse specifically refers to the sexual relationship between spouses, highlighting the accommodation that each spouse should make for the other, and the comfort that each should find in the other.

The Qur'anic teachings are exemplified and reinforced by the teachings of the Prophet Muhammad who said: "The best among you is the one who is best to his family, and I am the best to my family". According to his example, husbands and wives are partners; they should encourage each other to live in accordance with divine laws, consult one another in decision-making, support one another emotionally, and accommodate each other's needs.

Within this partnership, Islam recognizes that each partner may be better suited to particular areas in the relationship. For example, men have been given a leadership role, with the responsibility of providing financially for their families. Women, by virtue of their biological design, are obviously the only partner who can bear and nurse children. The roles of husband and wife are interdependent and complementary, perfectly manifesting the Arabic word for spouse (*zawj*), which means pair.

In his role as leader, a husband must remember his accountability to God and his responsibility to lead his family in accordance with Islamic values which include justice, compassion, and equity. A wife should accept her husband's leadership as long as he is living according to God's teachings. She should never obey him or follow his lead in any matter that is contrary to these teachings.

In the case of domestic violence, abusers often distort or manipulate teachings to rationalize or justify their behavior. The same verse that holds men responsible for protecting and maintaining women financially also prescribes a process for men to use with a wife that has behaved in some immoral manner that compromises the integrity of the relationship (*nushuz*).⁵ In a situation where there has been a serious breach, he is advised to talk to her first, then to sleep separately from her, and finally to chastise her if she does not change her behavior. This chastisement has been the subject of great controversy, with interpretations about its execution that range from a symbolic beating (using a handkerchief or something similar that would not cause injury) to abandonment. The goal of this verse is to preserve the marriage by bringing a wife back to the right path, not to give the husband a permission to be violent or abusive. In fact, there is a parallel verse that addresses how a woman can respond if her husband is guilty of the unacceptable behavior (*nushuz*).⁶

What is most important when considering the Islamic perspective on marriage is that teachings cannot be taken in isolation, rather the Islamic paradigm must be considered as a whole. Using a holistic approach, the teachings provide a model for healthy relationships, with guidance that prevents any kind of abuse or oppression. An important juristic maxim that guides legal rulings is: "Do not commit harm or allow reciprocation of harm". In addition, the teachings that reference equitable and just relations, mutuality, love, compassion, and tranquility between spouses all lead to the conclusion that violence has no place in a relationship between two God-fearing partners.

Although marriage is highly encouraged and the preservation of a marriage is extremely important, the Qur'an also recognizes that not all marriages are sustainable. Couples are encouraged to either live together in kindness or to separate in kindness if they are unable to live according to God's teachings. Divorce is provided as an option of last resort to protect individuals from experiencing any harm or from finding themselves in a situation where they may commit sins against the other out of their own misery.

Unfortunately, in many cultures that are predominantly Muslim, divorce is surrounded by so much stigma that women may not even know it exists as an option. However,

5. Qur'an 4:34.

6. Qur'an 4:128.

both the Qur'an and the teachings of the Prophet Muhammad provide detailed instruction on the process of divorce, which can be initiated by either the husband or the wife.

The Marriage Covenant and Divorce: Shared Perspectives

Strongly held beliefs in the permanency of marriage and sanctity of its vows may prevent an abused spouse from considering separation or divorce as options. For the Christian, the promise of faithfulness "for better or for worse... 'til death do us part" is commonly taken to mean "stay in the marriage no matter what," even though death of one or more family members may be a real possibility when/where there is abuse. Jews view marriage as permanent, but, "til death do us part" is not part of the ceremony.

The Jewish attitude embodies a very delicate balance. Marriage is taken very seriously. It is a primary religious obligation and should not be entered into or discarded casually. Nevertheless, since the days of Deuteronomy, Jewish tradition has recognized the unfortunate reality that some couples are hopelessly incompatible and divorce may be necessary. Similarly, Islam emphasizes the importance of keeping a marriage and doing whatever is possible to maintain it. However, it also provides for divorce as a peaceful solution for those couples who are unable to live together in peace and tranquility, or who are simply unhappy together.

For some Christians, a strong doctrinal position against divorce may inhibit them from exercising this means of dealing with domestic violence. For others, a position against divorce is a personally held belief often supported by family and church. In either case, there is a common assumption that any marriage is better than no marriage at all and, therefore should be maintained at any cost. This assumption arises from a superficial view of marriage that is concerned only with appearances and not with substance. In other words, as long as marriage and family relationships maintain a facade of normalcy, there is a refusal by church and community to look any closer for fear of seeing abuse or violence in the home.

There are many cultural values and attitudes that prevent Muslims from seeking divorce as a solution. Divorced women often face criticism from families and communities who hold them responsible for the success or failure of the marriage. There is also a belief that two parents, regardless of what type of parent he or she is, is better than a single parent. This belief often keeps abused women in their relationships, unaware of the damage incurred by children who witness abuse. Marriage also provides a social status that many people are unwilling to lose, preferring instead to remain in an unhealthy relationship.

The covenant of Christian marriage is a life-long, sacred commitment made between two persons and witnessed by other persons and by God. Jews also regard marriage as sacred and intend that it be permanent. Muslims enter into marriage as a covenant witnessed by God, and by at least two other people. It is a relationship that is to be used as a vehicle for worshipping God. For Jews, Christians, and Muslims, a covenant between marriage partners has the following elements:

- It is made in full knowledge of the relationship.
- It involves a mutual giving of self to the other.

It is assumed to be lasting.

It values mutuality, respect, and equality between persons.

A marriage covenant can be violated by one or both partners. It is common thinking in Jewish, Christian, and Muslim traditions that adultery violates the marriage covenant and destroys the relationship. Likewise, violence or abuse in a marriage violates the covenant and fractures a relationship. In both cases the trust assumed between partners is shattered. Neither partner should be expected to remain in an abusive situation. Often, one marriage partner feels a heavy obligation to remain in the relationship and do everything possible to make it work. This is most often true for women. A covenant relationship only works if both partners are able and willing to work on it. In all three traditions, it is clear that God does not expect anyone to stay in a situation that is abusive. In the Christian tradition, just as Jesus did not expect his disciples to remain in a village that did not respect and care for them (Luke 9:1-6), neither does he expect persons to remain in a family relationship where they are abused and violated.

Similarly, the Qur'an reminds those who are oppressed that "God's earth is spacious enough to move away from evil" (4:97), and that believers who are oppressed " (are not cowed but) help and defend themselves" (42:39). From these verses, it is clear that God would not want anyone to stay in an abusive or violent relationship.

In Jewish literature, this expectation is also clear:

... if a man was found to be a wife beater, he had to pay damages and provide her with separate maintenance. Failing that, the wife had valid grounds for compelling a divorce" (Lamm, 1982, p. 157).

If there is a genuine effort to change on the part of the one who is abusive, it is possible to renew the marriage covenant, including within the renewal a clear commitment to nonviolence. With treatment for the family members, it may be possible to salvage the relationship. If the one who is being abusive is unwilling or unable to change, then the question of divorce arises. At this point in the marriage, divorce is really a matter of public statement: "Shall we make public the fact that our relationship has been broken by abuse?". The other option, of course, is to continue to pretend that the marriage is intact (a woman reported that she divorced only a month ago but that her marriage ended 10 years ago when the abuse began).

In a home where one partner is abusive, divorce does not break up the family. It is the perpetrator's violence and abuse that breaks up the family. Divorce is often the painful, public acknowledgement of an already accomplished fact. While divorce is never easy, it is, in the case of domestic violence, the lesser evil. In many cases divorce may be a necessary intervention to generate healing and new life from a devastating and deadly situation.

Conclusion

This commentary addresses some of the common religious concerns raised by people dealing with domestic violence within Judaism, Islam, and Christianity. We attempted to help the reader begin to see ways of converting potential roadblocks into valuable resources for those dealing with violence in families.

Personal faith for the religious person can provide much needed strength and courage when facing a very painful situation and making changes within. Churches, mosques, and synagogues can provide a much needed network of community support for victims, abusers, and their children. It is clearly necessary for those involved in religious congregations and institutions to address these concerns directly. In ignorance and oversight, we can do much harm. In awareness and action, however, we can contribute a critical element to the efforts to respond to domestic violence in our communities.

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Domestic Violence in the African North

Fatima Sadiqi

Introduction

Theories, debates, and activism on sexual health and rights have travelled with reasonable speed in North Africa in the past three decades or so and considerable headway has been achieved on this front (see Charrad, 2010; Sadiqi, 2008; Ennaji & Sadiqi, 2011). However, although related, questions of domestic violence, which may also include sexual assault and rape, have been rather side-lined theoretically, in spite of the fact that activism and legal reform remain strong in the region, and in spite of the fact that gender-based violence is considered essential to the most fundamental provisions of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹ This regression in theoretical work on domestic violence in the region resulted in lack of action on the part of policy-makers.

One can understand that domestic violence is generally eschewed in policies promoting gender equality in the region, as such policies are blind to what is undertaken in the private sphere, generally considered not political because not economically productive. But academic theory on the topic cannot make any headway without focusing on the private with the aim of rendering it public. Indeed, although it is true that law and family constitute only one element of the broader constellation of gender relations and institutions, it is a crucial and understudied one. In other words, North Africa has witnessed deep social, economic, and political transformations in the last three decades, and there is a need to reopen the old debates on domestic violence in new ways that address these recent transformations. It should be noted at this juncture that the overall status of women in this part of the world is rather privileged in comparison to those of many Arab and Muslim countries. A number of questions may be raised in this respect: Are the theoretical debates on domestic violence in the 70s and 80s still valid now? What impact do the significant advances on the legal, economic, and political fronts have on these debates? What role could the changing notion of the family, perceived as a central safe haven in North African societies, have on these debates?

In an attempt to answer these questions, this paper is organized as follows: Section 1 provides an analytical overview of the major theories on domestic violence. Section 2 deals with the changing nature of the family in the region. Section 3 presents the state of affairs with regard to domestic violence in the African North, and the last section presents new ways of dealing with domestic violence in light of the discussions in the previous sections.

1. In 1992, the Committee on CEDAW formally affirmed that violence against women constitutes a violation of internationally recognized human rights, regardless of whether the perpetrator is a public official or a private person. CEDAW was adopted by the General Assembly in 1979 and entered into force in 1981. The countries of North Africa signed CEDAW, two of them without reservations.

Theories of Domestic Violence

Domestic violence is the use of abusive and threatening behavior (usually by men) to exert and maintain control and power over victims (usually women). Domestic violence may be physical, verbal, or psychological. The most well-documented type is the physical type. Theories of domestic violence allow an understanding of why women are battered. Such theories are based on numerous interviews with women victims of domestic violence over long periods of time. The aim of these theories is to devise effective intervention strategies and response to the problem of domestic violence. There are several major theories of domestic violence.

The first theory, also called the psychological theory, that violence in general is caused by psychopathological factors and mental illness. This theory was coined by the battered women's movement which started in the United States in the early 1970s. Men who abused their wives were considered to be mentally ill and women who remained in violent relationships were also considered to be mentally deficient. Medication or psychiatric treatment was believed to be the cure. This theory was discredited on the grounds that the behavior of batterers did not correspond to profiles of individuals who suffered mental illnesses. Whereas people who suffer from mental illness, such as schizophrenics, do not choose their victims, domestic abusers attack only their intimate partners. Further, battered women were not systematically mentally ill and their hysterical behavior (which contrasts with the batterer's calmer behavior) is often misinterpreted (Zorza, 2002).

The second theory, the Learned Behavior Theory, considered domestic violence to be a learned behavior. According to this theory, the batterers learned violence in their families as children and victims sought out abusive husbands because they witnessed their mothers being abused. This theory has yet to be corroborated because it suffers from insufficient statistical evidence. Furthermore, although boys who witness their fathers battering their mothers end up battering their wives, girls who witness battering are not more likely to be abused as adults than girls who don't (Zorza, 2002). However, a recent research project by the Family Violence Prevention Fund concluded that women who were physically or sexually abused as children may be more likely to be abused as adults. Many studies have however established a relationship between witnessing domestic violence and battering. These studies emphasized that witnessing is one of many sources of information, however, such information may also be obtained from the larger society where the control of wives, and women in general, is often enforced through violence. The batterers' intervention programs further show that when boys witness domestic violence, they not only learn violence per se but also learn lessons about gender roles (i.e. the respective roles of men and women) that contribute to their abusive behavior as adults (Zorza, 2002).

The third theory, the Loss of Control Theory, is closely related to the previous one as both take violence to be the result of a loss of control. Men are abusive because they cannot control their anger or frustration or because alcohol enables them to lose control. According to this theory societal expectations are gendered and men as men are prevented from expressing anger and frustration, and hence release their accumulated feelings through the use of violence. However, abusers show control in their violence tactics; they carefully target certain people at certain times and places.

For example, they choose to attack their partners in private or make sure they do not leave visible evidence. They may also choose to resort to verbal abuse, property destruction, or threatening children (Schechter & Ganley, 1995).

The fourth theory, the Learned Helplessness Theory, stipulates that women who are repeatedly battered internalize a "learned helplessness" which prevents them from resisting violence or leaving their husbands/partners. However, research has shown that women in general have very rational reasons for staying: fear of their husbands' revenge on children, lack of financial means to support their families, or fear of family and community rejection. Also, women do resist violence and endeavor to secure their safety in active ways, such as developing survival or coping strategies. Moreover, this theory overlooks important factors such as the economic, social, and familial reasons which oblige a woman to either adopt an attitude of "staying, leaving and returning" according to circumstances or remain in the relationship. Women often negotiate with their partners during this period and may use their family to mediate. Further, the Learned Helplessness Theory assumes that all battered women have a low self-esteem, overlooking the fact such characteristics may be in fact the physical and psychological effects of the abuse. All in all, the "learned helplessness" theory is static and overlooks the fact that abused women do not constitute a homogeneous group with similar experiences and that their response to violence changes according to circumstances. Women are generally responsible for the stability of their couple and hence their husband's violence.

The fifth theory, the Cycle of Violence Theory, considers violence to be "cyclic", namely that batterers experience intermittent violent and repentant periods in their lives. This theory argues that men are not taught to show their feelings and express their anger and frustration. However, a number of case studies have shown that batterers don't repent and that the "cycle of violence" is in fact "constant" (Dobash & Dobash, 1992). Like the previous theory, this theory is static and does not deal with intentionality. It is often paired with the "family/relationship conflict" model which stipulates that in intimate relationships, both men and women mutually contribute to violence. The main drawback of this theory is that it reduces violence to some kind of "provocation" and, as such, is just another form of victim blaming. This theory does not explain instances where husbands or male partners use trivial issues to start the violence or beat their spouse/ female partner when the latter is asleep (for more details on this point see Paymar, 1994).

To fill this gap, the "Power and Control Wheel" theory (Schechter & Ganley, 1995) was devised. While building on previous theories in recognizing the socialization factor, this theory focuses on the fact that physical violence is the result of tactics and calculation geared towards exerting and maintaining power over the victim. The use of physical violence is not the result of repetitive expressions of anger or loss of control, but part and parcel of a larger pattern of behavior aimed at holding the victim under control. This theory encapsulates best the existing unequal power relation within the couple; it also explains the fact that violent behavior is generally tolerated within cultures and reinforced by political institutions and economic arrangements. As such, this theory provides a new understanding of abuse.

However, by restricting violence to domestic spheres, this theory does not quite totally capture the phenomenon of violence. Violence needs to be conceptualized in the larger social context. The relationships of inequality and dominance are not only shaped by personal choices and desires by dominant men; society constructs unequal social and economic relationships between men and women, as well as within marriage and families. The crucial thing is to understand how the way we respond to violence engenders an atmosphere of intolerance to or acceptance of the violence perpetrated in intimate relationships. According to UNICEF's Digest 1, 7 (2000), various cultural, legal, economic and political factors help perpetuate domestic violence against women. This view establishes a link between the macro-economic dislocation, women's increasing economic activity, and family violence. It ranges from the macro level (wars, government, repression, etc.) to private acts between the couple.

A common understanding of the causes of domestic violence can help communities develop more effective responses to this type of violence; such an understanding helps avoid conflicting responses that could undermine efforts to protect victims and hold batterers accountable. This is particularly important in developing nations like the ones in the African north where women's issues are entangled with human rights and official politics, creating genuine dynamics of change. Dealing with domestic violence is a new topic that did not come about with women's rights only, but also with the changing nature of the family in the region.

The Changing Nature of the Family in North Africa

Domestic violence is closely related to the nature and structure of the family. North African societies are deeply patriarchal and the family space has always functioned as the realm of male dominance over women and children. Such family spaces were often households sheltering members of the extended family with the father or grandfather as the head figure. In these societies, men decide to marry, not women; women are "given" in marriage. Further, within the North African family structure, the rule is to "correct" children with the aim of "raising and educating" them (there is only one term for both in Arabic: *rabbi*). Consequently, it is natural to hit children and women with the aim of "correcting" them.

This cultural given started to change with women's education and entry into the labor force. The independence of the Maghrebian countries was accompanied by massive scholarisation of girls in urban areas. Women's education and women's entry into the workforce have been accompanied by a gradual transformation of households into nuclear families sheltering parents and children. The transition from bigger to smaller families has had its challenges: various types of violence accompanied the new gender negotiations within the family. In 2003, Fouzia Ghissassi and Abderrazak Moulay R'Chid edited a book where a number of Moroccan university teachers and professors gave testimonies about domestic abuse (Ghissassi, Fouzia and Abderrazak Moulay R'Chid, 2003). Considering that domestic violence is a universal phenomenon that has been attested in the cultural histories of all nations, talking about it, especially in educated circles, is still a taboo.

In the last decade or so, the result of a combination of economic crises, unemployment, and a superficial form of religiosity led to a crisis of masculinity in the Maghreb, a

fact which resulted in increased domestic violence. The North African family has long been described as a patriarchal unit, and it has been noted that Muslim family laws have served to reinforce patriarchal gender relations and women's subordinate position within the family. Again, considering that patriarchy is universal and multifaceted, Arab-Islamic patriarchy is different from mainstream Western patriarchy in the sense that whereas the former is more "private" and based on space, the latter is more public and is based on the power of "image" which creates "models" for men and women. Arab-Islamic patriarchy also considers the family, kin ties, and women's reproductive capacities as "essential" and "natural". It should be noted, however, that the emphasis on biology has led to reductionist and functionalist accounts of the family that we find in both Arab-Muslim and mainstream Western societies. In both societies, the family serves to socialize children into society's normative system of values and provides an emotional environment that will ensure a psychologically protective environment for the (male) worker/breadwinner. In both types of society, these nurturing functions are carried out by the wife and mother.

It is for these reasons that in modern North African societies, the role of women and the family should be taken into account. Marriage and family are central to social reproduction. It is also at this juncture that religion and culture intermingle to the extent that the two melt into one. For example, the Egyptian Islamist Seyid Qutb described the family as the nursery of the future which breeds precious human products under the guardianship of women. In this context, a woman's primary functions is that of a wife and mother and that of a man is that of breadwinner and source of authority in the private and public spaces. It is this authority that sanctions domestic violence on the cultural level.

Domestic violence may have roots that transcend the boundaries of the family. The state, for example, may directly or indirectly monitor domestic violence through its own mechanisms. Studies have shown that state-building in the Maghreb has been based on family regulation (Charrad, 2010). The state's grip on the family is channeled through the regulation of marriage registration and the laws which differ according to societies (Sadiqi, 2008). In addition, states enact laws regulating women's reproductive rights, contraception, as well as divorce, death, custody, etc. In brief, the family is not an enclave in its relationship with the state.

The State of Affairs with Regard to Domestic Violence in North Africa: Morocco, Algeria, and Tunisia

Of the three countries of the Maghreb, Morocco fares best in its dealings with domestic violence. However, the road is still long as the following facts show.² Article 490 of the penal code criminalizes extramarital sex for women, calling for punishments ranging from one month to one year in jail. These cases are rarely taken to court, since a conviction depends on either eyewitness testimony or a confession by one of the perpetrators. An unmarried woman's pregnancy is proof of sexual relations and may lead to criminal prosecution, while the fault of her male partner is not recognized by law. Further, no laws specifically prohibit domestic violence, though general prohibitions against assault found within the penal code are theoretically applicable to such situations. Physical abuse is grounds for divorce, but the wife must be able to call on witnesses to support her claims (see Article 100 of the *moudawana*). If she is unable

2. The information about Morocco in this section is taken from *Women's Rights in the Middle East and North Africa, Morocco. An Analytical Assessment of the 2004-2009 Period*. New York: The Freedom House. New York: Spring 2010.

to prove her case, the authorities will return a woman to her abuser's home, leaving her in a worse situation than before she filed the complaint. Consequently, few women report domestic abuse. Sexual assault and rape are both criminalized under the penal code, although spousal rape is not. The maximum sentence for each crime is five years in prison. Given prevailing societal concepts of personal and family honor, victims of sexual violence rarely come forward for fear of shaming their families.

As for "honor killings," in which women are murdered by family members for perceived sexual or moral transgressions, they do occur in Morocco but are rather rare compared with some other countries in the region. As with other forms of gender-based violence, honor killing is traditionally seen as a private issue, consequently the police are rarely summoned and are hesitant to intervene. Article 475 of the penal code stipulates that a kidnapper or seducer of a minor girl can be acquitted if he marries her.

Although prohibited under Article 184a and Article 184b of the penal code, prostitution is common, especially in urban centers. However, the government neither prosecutes nor protects women who have been coerced into providing sexual services. Trafficking in persons, particularly in child maids (children working as house helpers), is a problem.

Article 10 of the constitution formally protects all people from arbitrary arrest and detention. Article 10 states: "(1) No one can be arrested, detained, or punished except in the cases and forms provided by law. (2) The home is inviolable. There can be no searches or inspection except under the conditions and the forms provided by the law". In practice, however, women may be singled out for arrest when they are deemed to behave immodestly, particularly in rural communities.

In a move that bore both symbolic and substantive meaning for women in Morocco, the government announced on December 10, 2008 (the 60th anniversary of the Universal Declaration of Human Rights), that it would lift all reservations to CEDAW.³

When it ratified the convention in 1993, Morocco, like many other Arab and Muslim countries, had reservations on several articles that were thought to conflict with Islamic or national law: e.g. Article 9 which relates to the transmission of nationality to children, and Article 16 regarding the equality of men and women's marital rights. The King later declared that the reservations were "obsolete" in light of the progressive national laws adopted in recent years. The public response regarding the lifting of reservations created a stronger legal basis for additional progress on women's rights issues, and carried a political and universal message that was widely applauded by civil society (Touahri, 2008a).

Despite all this female victims of spousal violence are still not well protected by the law or society. Women often have difficulty providing evidence of domestic violence, as they usually lack witnesses and their word is not given much weight by the authorities. The Ministry of Social Development, Family, and Solidarity began publishing official data on violence against women in late 2007. In March 2008, the Ministry responded to an upsurge in reported incidents by announcing an action plan to increase the number of support centers for victims and to prepare a draft bill that would specifically outlaw violence against women. According to the ministry, some

3. See Democratic Association of Moroccan Women, "The Withdrawal of the Reservations to CEDAW by Morocco," news release, December 17, 2008). <http://www.euromedrights.net/pages/556/news/focus/68402>

17,000 incidents of gender-based violence were reported in the first three months of 2008 alone, 78.8 percent of which were committed by the victims' husband (Touahri, 2008b). Violence against women instigated by men under the strain of financial difficulties is also on the rise (Barakat, 2009).

In February 2007, the same Ministry presented a draft bill offering a legal framework for protecting women's rights by providing safe spaces for female victims of violence. If a woman is a victim of violence perpetrated by her employer, she will be provided with a safe harbor in her workplace and, depending on her condition, she will get reduced work hours or temporary cessation of work. Support networks and shelters for abused women started to appear in big cities like Casablanca, Rabat, and Fes in the last few years.

There exist around 100 counseling and listening centers in Morocco. These centers help women victims of domestic violence cope with their tragedies by providing legal, psychological, and social support. The role of these centers is also to organize sensitizing campaigns against domestic violence, formation seminars, and follow-ups for women victims of domestic violence. These centers were initiated by the National Network for Centers of Listening and Legal Advice ANARUZ which is a national coalition of 39 psychological counseling and legal assistance centers for battered women. It was established in April 2004 following a consensus workshop that brought together several organizations and counseling centers in Morocco.

On February 2, 2009, the Union for Women's Action and the ANARUZ network launched an initiative to organize public forums aimed at sensitizing local communities to the plight of female victims of violence, set up "listening centers" where abused women are encouraged to speak about their traumatic experiences, and create a free telephone hotline to give legal help and counseling to women. A victim can either file a complaint with the court or, if she can afford it, hire a lawyer to handle the case.

The media plays a role in raising awareness of violence toward women and showcasing the activities of civil society groups on the issue. There is an ongoing debate in the media and within society about the creation of rehabilitation centers where violent men would be helped to control their behavior and psychological problems. Investigative reports and advertisements regarding violence against women are aired on television, and guests on talk shows are invited to discuss the topic. However, the mainstream media does not reflect the real progress made by women, and rarely uses gender-sensitive language. Although it has attempted to tackle issues such as sexual harassment, domestic violence, and gender roles, these efforts have been insufficient.

Statistics show that domestic violence has the lion's share in terms of violations affecting women in Morocco. A report, covering the period between September 2005 and October 2006, issued by ANARUZ and addressing issues related to violence based on gender estimated that an average of 74 percent of women suffer from gender-based violence. The report underlined the need to criminalize violence against women generally and domestic violence in particular. It called for activating the role of the prosecutor to ensure the protection of a divorced woman's right when she returns to the matrimonial home. The report also called for the establishment of shelters and the spread of listening centers nationwide. It highlighted the importance of coordination

between the government, women's groups, and human rights groups in order to produce a comprehensive national report on violence against women that binds all the parties involved.

In parallel, the Global Rights in Morocco, in collaboration with partner NGOs from various regions across the country, launched a campaign of legislative advocacy using two new tools: a poster called "Penalties, Privacy, No Tolerance: Claims of women for a law against violence", and a discussion booklet that accompanies it. These tools are intended for local NGOs in their advocacy for women's rights in Morocco. The poster illustrates twelve reasons for a comprehensive law on violence against women, and is available in French, Arabic and Tifinagh (the language of the Amazigh, the indigenous population in North Africa). The discussion booklet explains the rationale for these proposals, and provides statistics and testimonies of women, and concrete examples of laws that are contained in the framework for model legislation on violence in the family and interpersonal relations, based on the UN stance on the issue of violence against women.

On the ground, the most important and operative center that deals with domestic violence cases is the Nejma Center at the Democratic Association of Moroccan Women (ADFM). The main motive compelling women to go to Nejma centre is a desire to release pent-up feelings related to violence that they have been repressing for years. By contrast, the major reasons that keep them from going to the center are: their inability to confront society especially in cases of rape or sexual harassment, their fear of homelessness and destitution (in case they are poor and jobless with children), the women's conviction that what happens in their personal life should remain a private matter irrespective of the violation and the impact it is having on their life, and their reluctance to seek legal advice given that there is lack of trust in the law and the institutions related to it.

The main problem that these centers face is securing evidence that rape took place in order to be able to protect the victim, not to mention the impossibility of finding witnesses given the nature of the circumstances in which rape takes place. This allows many rapists to escape punishment. Here is a case reported by Nejma center: a 22 year old woman was stopped by a man with a butcher's knife and was led to a secluded place. She was raped and taken to the rapist's home where she was kept for 3 days. During this time, the young woman was repeatedly beaten and raped. Upon her release, she filed a complaint to the court. However, despite her physical injuries and the doctor's certificate, she was not given justice because of lack of witnesses.

In other cases, the victims of rape are often seen as the criminals, or at least the ones who provoked the violence by the way they dress, talk, look, etc. In these cases the abuser is seen as a victim who committed his crime without "meaning to" do it. This is what a victim said to Nejma Center when she presented her complaint against her ex-husband and his friend who came to her house and raped her.

On May 15, 2010, a draft law to criminalize domestic violence was presented to the government by Nouzha Skalli, the then Minister of Social Development, Family and Solidarity. Although this bill opens a window of hope, it has not been passed yet.

In Algeria, facts show that some 7,400 women filed domestic violence complaints in

2009, 1,555 more than in 2004, according to the law enforcement agency that handles such cases. According to Belala (2006), in the work referencing the Berber-speaking nomads who live in the Sahara region, "Violence against women is a pervasive problem in Algeria. It touches all social classes and all regions, except in the extreme south where the Tuaregs banish men who rape women".⁴

SOS Woman, an Algerian NGO set up some 15 years ago, was the first group to publicly denounce domestic violence against women. This was a pioneer act in Algeria's modern history. According to this group, although domestic violence is increasing in Algeria, victims still fear scandal and thus avoid taking these cases to the police or the court. The spokesperson of this group said: "Victims talk to us anonymously on the phone. We get hundreds of calls from women who complain of being sodomized or forced to do things they are not morally comfortable with".

Tunisian women are privileged given that gender equality is inscribed in the Tunisian government policies since 1956.⁵ However, the implementation of this gender equality is still a challenge. As far as domestic violence is concerned, the Tunisian official discourse does not consider it a social phenomenon, but a rare occurrence. However, according to the Committee on Economic, Social and Cultural Rights (1999), domestic violence - including sexual violence, battering, and other physical and psychological violence - is widespread in Tunisia; what is rare is official data on this phenomenon. The 1999 edition of Collectif Maghreb Egalité revealed many cases of threats and intimidation against women within the confines of marriage.

The only Tunisian association that runs a shelter for abused women is the Tunisian Association of Democratic Women (ATFD). In 2001, this association issued a report on women victims of domestic violence. According to this report, most women who seek shelter in ATFD are beaten either by their husbands/partners or by a male member of their extended family. As in the Moroccan case, the main reasons that cause women not to report violence are economic dependence and lack of self-esteem. As for the official stance on domestic violence, the Tunisian state prefers to let the extended family handle it.

On the legal front, domestic violence is dealt with in Article 218 of the Tunisian Penal Code. An amendment was introduced on this article in 1993, in order to increase penalties when an assault is committed by one spouse against another or in cases where the assault is committed by a parent on a child. According to the Tunisian Penal Code, the penalty for domestic violence under article 218 is imprisonment for two years and a fine of 2,000 dinars with the sanctions being increased to three years' imprisonment and a fine of 3,000 dinars if it was carried out with premeditation. In situations where the spouse or child victim decides to withdraw the case, the article stipulates that the proceedings, trial, or enforcement of the penalty shall be discontinued.

Thus, overall, while rape or sexual violence within marriage is on the verge of being criminalized in the Moroccan law system, the Tunisian law (couched in Article 218 of Tunisian Penal Code) does not explicitly prohibit it. Domestic violence is prohibited in Morocco in accordance with the guidelines submitted by the United Nations Special Rapporteur on violence against women to the fifty-second session of the United Nations Commission on Human Rights.⁶ It must be noted, however, that women NGOs

4. See <http://www.wluml.org/node/3406>

5. Habib Bourguiba, the first Tunisian president after independence in 1956 is credited with the inscription of women's rights in Tunisia's laws.

6. U.N. doc. E/CN.4/1996/53, Add.2

in the three North African countries are striving to raise people's awareness about the issue of domestic violence through campaigns and various initiatives. Institutionalized will, proper training, law enforcement, and the punishment of domestic violence are still much needed in the region.

Concluding Comments

The nature of domestic violence as well as its causes has changed in the last few decades. Today, in the era of Islamophobia, domestic violence is considered by many to be a problem in Muslim-majority cultures. Ways of dealing with violence have also changed in accordance with the overall historical and socio-economic context, as well as with the advent of the internet and cyber media. New laws are drafted and non-governmental organizations are offering services and raising awareness on an issue whose existence has been denied historically.

There is no consensus among scholars as to the relationship between Islam and domestic violence. The debate among religious leaders and Islamic scholars in this domain focuses on whether there is a religious provision (or stipulation) that a man may beat his wife. Forms of wife beating under specific circumstances are explicit in the Qur'an, especially An-Nisa, 34. Some scholars think that beating is the last resort and should not result in physical injury. Verse 34 of an-Nisa is one of the most important verses with respect to the husband/wife relationship in Islam. In most translations, it gives permission to men to beat/hit (they both have the same word in Arabic) their wives if they fear "rebellion," or "*nushûz*". Many interpretive problems have arisen regarding the occasions (if any) in which beating is appropriate, the type of beating prescribed, and whether beating remains discountenanced even if acceptable.

Theorizing domestic violence in North Africa is becoming a necessity. At a time when technology is pulling down the good old space frontiers between the private and the public spaces, violence has increased rather than decreased due to the shrinking of family size, less interference from the extended family, stress, etc. The new interest in Islam is adding a new dimension to this theorization.

Some headway has been achieved at the level of policy-making in Morocco but the road is still long before the taboo surrounding domestic violence is removed. Women in the African north are more and more educated and politically aware of their rights in and outside their homes. They are also more and more aware of the facilities the new media is offering them: various blogs on battered women's testimonies are used by advocates of women's rights to lobby on behalf of these women.

Morocco is at a very crucial transitional stage to democracy and it is high time women's rights advocates of all types focus on domestic violence. The new June 2011 constitution has for the first time in the history of Morocco institutionalized equality: a very good and promising move.

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Women Reporting Violence: Conditions and Implications

Azza Charara Baydoun

Lebanese civil society organizations that work to promote the principles and values of human rights led the efforts to publicly expose the issue of violence against women (hereafter VAW) in the mid-90s of the last century. Since 2008, a coalition of these organizations has been working on a draft law that protects women from family violence, organizing media and advocacy campaigns, and lobbying with legislative bodies and policy makers to promote the passing of the bill. These campaigns with respect to the draft law are a culmination of a number of activities aimed at assisting battered women by lending an ear to their suffering; providing them with legal, medical, psychological, and professional support; and offering shelter to those in danger.

This paper examines the interplay of factors underlying the act of reporting violence by this group of battered women.¹ It attempts to portray the relationship between women's personal and familial characteristics and their reporting strategies. It also sheds light on these women's expectations from the NGOs they report to, as well as the methods implemented by these NGOs to help battered women deal with their ordeal. The study aims to understand the dynamics of reporting VAW in order to aid in the formulation of strategies to combat domestic violence in Lebanon.

Population, Sample, and Research Tools

The sample used in the study consists of 62 adult women (48 married, 10 single, 4 divorced) who sought the help of the following four NGOs, in the period between January 1 and the end of July 2009: KAFA (Enough) Violence and Exploitation, The Lebanese Council to Resist Violence Against Women, YWCA, and Martha & Mary.² Social workers from these NGOs filled a questionnaire designed to extract information from the record files of the women beneficiaries (i.e. those who benefited from the services provided by the above-mentioned NGOs). The questionnaire consisted of five parts. The first part focused on personal information concerning the beneficiary, while the second part inquired about the main batterer. The third part focused on the circumstances surrounding violence, the fourth part asked the social worker who is filling the questionnaire to pinpoint some issues pertaining to the act of asking help, and the last part highlighted various issues related to the beneficiary's attitude in different situations.

The questionnaires were completed by the social worker who was counseling the beneficiaries in order to guarantee their privacy. Information which was not documented in the beneficiary's record files was obtained from direct questions addressed by the social worker to the woman herself, if she was willing to disclose it.

1. This paper is a summary of the last section of the second part of the book *Women Facing Violence* authored by Azza Charara Baydoun, published by the organization KAFA (Enough) Violence and Exploitation in 2010, at www.kafa.org.lb/publications

2. Needless to say, this sample is not representative of the studied population. It is a "convenient" one. Hence generalization of results is not advised.

3. These women reported the violence that they were subjected to, to one or more individuals in their family, to friends, health professionals, security agencies, governmental organizations, or NGOs.

4. Here, as well as elsewhere in the paper, our results are considered at 0.01 level of significance or below.

5. See Azza Charara Baydoun (2008), *Cases of femicide before Lebanese courts*, Beirut: KAFA (Enough) Violence and Exploitation at www.kafa.org.lb/publications

6. The term family violence includes violence perpetrated against a woman by her spouse or other family members.

Reporting Violence

The survey revealed that women tolerate various forms of violence before reporting it for a period of time varying from several hours to 24 years, with a median of around five years.³ This means that some women report the violence they are subjected to shortly after it takes place, while others endure their suffering in silence for a much longer period of time.

What are the factors that affect this delay in reporting? The collected data does not show any significant relationship between the time it takes to report violence and many of the variables that one might expect to affect it.⁴ Thus, according to our statistical analysis, the women in our sample reported violence at the same rate, regardless of their marital status (married, divorced, or single), their age (young, adult, or elderly), the age of the men who abused them (older than them or younger), their religiosity (commitment to religious practices and rituals), their occupation (employees or housewives), the number of times they were subjected to violence (daily or less frequently), and the kind of violence they were exposed to (sexual, physical, economic, psychological, or legal).

However, women whose children are less than five years old seemed to endure the violence patiently, and delayed reporting it for years, unlike those who have no children under five. It is likely that the former postponed the confrontation with the abuser until their children grew past the age of 5, given that this age-period is a critical one for a child's development, when the mother's constant care is mostly needed. This implies that a battered woman's socially assigned maternal role is the main determinant factor in her delay to report abuse, and that a woman with a certain level of education and/or paid work - factors which presumably contribute to one's autonomy and sense of individuality - does not necessarily report violence faster than an uneducated and unemployed female victim of violence.

The Home and Leaving it

All the studies that have dealt with VAW concur that, in the case of a married couple, the spousal home is the safest place for the man, and the most dangerous for the woman. Moreover, the home of a single woman's parents is not the safest place for her either, because of the sexual violation she may be subjected to by her male relatives. Indeed, most murders of women in Lebanon occur in the victim's home or its vicinity.⁵

Needless to say, a home is not only a residence. It is the family's vital space which the Lebanese collective imagination depicts as a major source of both material and emotional support, as well as a site that provides unconditional care, protection, and nurturance for its members. Despite the numerous examples that prove this positive characterization of the family and the family home to be wrong, everyone, including NGO activists dealing with VAW, often refuse to admit that families do not live up to this role or expectation. Organizations and individuals in Lebanon alike place the "preservation of the family" above all else, even if it is at the expense of the interest of the woman reporting family violence.⁶ This value is given priority over all others, not only because of its association with religion and its dominance in public and private discourses, but also because Lebanese society has not yet started formulating an alternative, less idealistic discourse on the family. Doesn't violence which occur within

the family constitute enough reason for us to reexamine this dominant discourse? With the aforesaid, we aim to highlight the importance of the act of “leaving home”. This act is an act of confrontation not only between the abused woman and her batterer, but between her and ‘society’ in general. An abused woman who leaves her home will be completely on her own in this confrontation and her claim or complaint that she was the victim of family violence is dismissed because Lebanese society negates the existence of spousal abuse or domestic violence in general, and because violence is often considered ‘normal’ when perpetrated by family members. But who are the women who leave their homes and where do they go?

a. When the husband is the abuser

Thirty five of the forty eight married women (including those separated and abandoned but are still ‘officially’ married) in our sample study left their marital residence at least once. These were distributed according to their destination as follows:

	Parents’/ relatives’ residence	Friends’ residence	Rented residence
Number of married women who headed towards:	29	3	3

The majority of women who left their marital residence at least once headed towards their parents’ or to a relative’s home. This means that the parental family is still the most welcoming haven for women who choose to leave their marital residence in order to avoid their abuser/husband. The remaining six rented a place or went to a friend’s house; they did so either because they were financially independent and could afford to rent an apartment or because they did not want their parents to know that they had been victims of violence. Only five of these women were still living outside their conjugal home, while all the remaining 30 returned to it after a while. Of those who returned, only five had put forth a condition for their return: that their batterer pledge to abstain from resorting to violence again. The majority, however, accepted to go back without preconditions for various reasons: missing their children, succumbing to family pressure, and trusting promises to stop the violence made to them by the abuser.

The remaining thirteen that did not leave their conjugal home presented different justifications for their ‘choice’. What is interesting to note is that women who stayed home for fear of being deprived of their children’s custody represented a mere minority (only around 15 percent). We also did not find a correlation between leaving home and being a mother of a child under the age of five- the critical age period, as already mentioned.

b. When the abuser is a relative

Thirteen women in our sample were abused by a family member. Among the 10 single women, seven left the family home to settle in various other places and three remained at home. The four divorcees also ended up leaving their parents’ home, where they went back to stay after their divorce, to go to different places because they were

abused by their father or brothers. These were exposed to different degrees of violence, sometimes sexual, and lived under the threat of being killed, or of being deprived of their ability to work or of their personal allowance, if they reported the abuse.

The parents’ perceived stance

Our findings point to the fact that the vast majority of the parents know that their daughter is being abused. Except for very few cases, women did not withhold from their parents the fact that they were being abused; among the 52 ever married women (presently married, divorced, separated or abandoned) who were abused by their husbands, the parents of only four of them were not aware of their daughter’s suffering. The single women and divorcees were abused by their father, brother, or mother. Thus, most parents knew very well about the abuse of their daughter, (and some of them even took part in it), except in a few cases in which the abuser threatened to kill the woman (daughter or sister or relative), if she disclosed the fact that he was abusing her sexually.

Based on the women’s perception of their parents’ attitude towards them, we were able to classify these parents into three groups, and the parents were distributed according to the marital status of their daughters as follows:

	Parents Supporting the Daughter	Parents supporting the aggressor (husband/ family member)	Indifferent Parents	Sum
Married daughter	21	12	15	48
Unmarried (single or divorced)	zero	9	5	14
Total	21	21	20	62

Our results showed that the parents’ support was more likely to be offered if the woman was married, and that there was a higher probability for them to be hostile toward her if she was single or divorced. Furthermore, our results revealed that married women often left the conjugal home, whether their parents were non-supportive or indifferent. The contrary was also true; a married woman was likely to stay at the conjugal home whether her parents supported her or were indifferent. Since most of the women leave their conjugal home to stay with their parents or relatives, we can presume that these women perceive the parents’/relatives’ homes to be a welcoming place, or at least consider their parents/relatives as having an obligation to receive them, regardless of these parents’ attitude toward them or toward their abusers/ husband. However, the single or divorced woman’s reasons for leaving her parental home seem to be more complex; the more her family members (whether the father, mother or brother) were non-supportive of her, or the more they are supportive of the abuser (father, mother, or brother), the more likely she is to leave her parents’ home. She is likely to stay at home, however, if her family members were either indifferent or uninformed of their daughter’s suffering.

The fact that the parents do not support a single or divorced woman is expected; the abuser is most of the times a member of the family. In case the mother was not herself the perpetrator, the most she can offer to her abused daughter is her silence, non-intervention, and advice to endure the suffering patiently. Her attitude is probably motivated by fear of being herself subjected to violence, in case she revealed her solidarity with her daughter. Thus, her 'neutral' attitude would encourage her daughter to remain at home, and would contribute to her daughter's exposure to more violence. By contrast, if she sided with the abuser against her daughter, she would accelerate her daughter's decision to leave.

These results show that abused single or divorced women constitute a vulnerable category, and unlike the married ones, lack an important source of social support: their parents. For in the case of these women, the parents (or a family member or sibling) themselves are usually the aggressors. This is underlined in cases of family femicide where women are murdered by their kin - the ultimate kind of violence.⁷ Victims, if single, are denied one of their most basic rights, that of bringing the culprit to court and giving the perpetrator the appropriate punishment. What usually happens is that the parents of the victim renounce their right to pursue the murderer, and the court uses this as an excuse to reduce his sentence.

Personality Determinants

The results of the study show that the act of leaving home is correlated with the educational level of the female victim: the more educated she is, the more likely it is for her to leave home in protest against the violence she has been subjected to. However, there is no significant correlation between the act of leaving home and the difference in the level of education between the victim and her abuser; whether they have the same level of education or not, the likelihood of her leaving home is the same. Moreover, the likelihood of a working woman to leave home is not different from that of a housewife. There is also no correlation between the level of income of a working woman and her decision to leave home. However, a woman with a high ranking position (university professor, high school director, etc.) is more likely to leave home than a woman who has a less prestigious job.

Motivation for Asking for Help

As mentioned before, a woman can tolerate violence for a period of time varying between several hours to 24 years! But what are the reasons that drive this woman beyond the threshold of tolerance and prompt her to ask for help?

In case the husband was the abuser, the majority of the women in the study sample cited an increase in the frequency of violence and fear for their life as the main reason for seeking help. Other frequently cited reasons included the woman's fear of being thrown out of the house, violence against the children and threats to kidnap them, or the abuser's long absence from the conjugal home which leaves their status in limbo.

Half of the single or divorced women who were abused by a member of their family said that they had been exposed to continuous sexual harassment by their father or brother, either recently or during their early childhood. Yet, this harassment was not always the reason that drove these women to ask for help, because they were usually

⁷ See Azza Charara Baydoun (2008). *Cases of Femicide*

threatened to be killed in case they reported it. In such cases, there were other reasons that drove these women to ask for assistance, such as being forbidden to marry, being held captive in the house, etc. But in the case of other forms of abuse, the request for help was motivated by different factors, such as an increase in the degree of violence, illness caused by the abuse and so on.

Whose help do Women Seek?

Has the abused woman ever reached out to someone outside the family for help (the security, health, legal, or social services) before seeking help from an NGO? Of the 20 women who answered "yes" to this question, 11 had reported their case to the police. However, contrary to our assumption, the decision of a woman to go to the police (or not) is independent of her level of education, her work status (wage earner or housewife), or of her parents' residence proximity to her spousal residence. Furthermore, the decision to seek help is not related to the nationality, profession, and income of the abuser.

Undoubtedly, going to the police has a significant connotation, since the police is a state institution. When a woman files a complaint concerning family abuse with the police, she is in effect making public what is happening in the private sphere and delegating to a 'public' entity the responsibility of monitoring what is taking place in 'private'.

The Referral Process

Various institutions (hospitals, police stations, etc.) which are in contact with women exposed to all kinds of violence referred these women to the NGOs offering programs to assist abused women. These institutions constitute about 42 percent of total referrals. This high proportion indicates that the staff members of these institutions (doctors, nurses, lawyers, judges, teachers, counselors, police personnel, etc.) are relatively aware of the existence of these NGOs and their programs. It is also an indication of the women's confidence in these institutions, since they followed their advice, and resorted to assistance outside the family sphere. This attitude goes hand in hand with efforts made by NGOs that assist abused women to elevate the issue of domestic violence from the realm of the closed private sphere (i.e. the family) to a more public level requiring societal and institutional attention. Around 15 percent of the women sought the help of NGOs without referral. This shows that some women are autonomous and stand up to their abuser. This is the case despite feelings of helplessness and low self-esteem caused by the abuse they endured, and despite the common internalized belief that part of a woman's worth depends on keeping private what happens within the family and on sacrificing her well-being in order to preserve the sanctity of the family and the 'honor' of its (male) members.

Our study shows that it is wrong to assume that the women who have a higher level of education are more independent than those who are less educated and, as a result, are more likely to seek the help of relevant NGOs on their own. In a similar way, the assumption that employment leads to autonomy is not proven by our results: the percentage of working women who seek assistance on their own (i.e. without being referred to an NGO by some other party) is not higher than that of non-working women. Our findings show that both groups, salaried and non-salaried women, are equally likely to reach out to health or legal organizations and NGOs thanks to the mediation of relatives and friends, or to take the initiative themselves.

Personal relationships constitute an important channel between women who ask for help and the NGOs they reach out to: more than 20 percent of the women in our sample were referred to the NGOs by a friend, relative, or colleague. It is noteworthy that of the 55 women who answered this question, only one said that the person who referred her to the NGO was another beneficiary. Does this indicate an absence of sisterhood among this group of women? Or is this simply a manifestation of the shame a battered woman feels and hence her reluctance to tell a sister victim about her own abuse? Does the isolation that abused women choose to live in, prevent them from discussing their problems with other women facing similar situations? Whatever the answer to these questions is, it is clear that we are still a long way from the expected “snowball effect” within this group of women.

The different types of channels through which the women were informed about the existence of NGOs offering assistance to battered women were distributed, in an almost equal proportion, among the following four categories: friends or relatives, health professionals, a social organization, and the media. The internet is still rarely used among these women, and the proportion of those who were informed about these NGOs through the internet did not exceed three percent. Contrary to our expectations, no significant correlation existed between the beneficiary’s level of education and the type of channel that informed her of the NGOs that support abused women.

Moreover, seventy-five percent of the women contacted the NGOs by phone before paying a visit; this indicates that they had taken time before deciding to seek help. What supports our argument is that more than 75 percent of those seeking the assistance of NGOs had no visible traces of violence on their bodies, whereas the bodies of the remaining 25 percent had obvious signs of violence: seven percent of these had broken bones and another 7 percent still had traces of wounds or gunshots on their bodies.

The number of times the beneficiaries visited the NGOs ranged from one to 40; half of them visited between two and ten times. As expected, the more visits were made, the higher was the level of commitment of the beneficiary to the program offered to help her by the NGO.

Women’s Expectations

The majority of the women expected the fulfillment of several needs from the NGO they sought assistance from. Moreover, these needs were presented as being paramount and requiring an immediate response from the NGO. Educational or professional services which normally lead to the sustainable empowerment of these women and are designed to allow them to be autonomous were demanded by 24% only. More than three-quarters of them chose to join counseling sessions, while two-thirds chose legal advice. Most of the times, a combination of both counseling and legal advice was sought, in addition to one or more of the following: psychological therapy, shelter, and information about services available.

The divergence and variety of expectations by abused women put a heavy burden on the shoulders of NGOs combating VAW. They demand vast human and financial resources which our society still hesitates to provide in view of the fact that it has not

yet acknowledged the wide prevalence of VAW and is still very hesitant to recognize the necessity to combat it.

Possible Solutions

The most common solution that married women cited to end their suffering was divorce or separation, with 13 of the 48 women opting to remain legally married but not willing to live under the same roof. Another group still wanted to live with the abuser, believing that a modification in the husband’s behavior would solve the problem. Women in this category would be satisfied, for example, if their husband got rid of the second wife or mistress, stopped drinking or using drugs, underwent psychological treatment, or provided financially for the family and took care of the children. Only a minority of the women believed that threatening the abuser, bringing him to court, or putting him in jail are the right measures to resort to in order to end the abuse.

We can see that all these proposed solutions are actually unrealistic; for neither divorce nor separation are granted in our society without the consent and desire of the abuser/husband. Moreover, these women are aware of the fact that the husband will not change for they have already experienced occasions when the abuser broke his promises to change, as more than one of them stated. Some of them pointed out that the personal status laws do not present a fair and impartial solution to their marital conflicts and, consequently, dismissed resorting to religious courts to seek a divorce. Moreover, violence has led some of these women to lose confidence in themselves, and has lowered their self-esteem to such an extent that they have already resigned to the fact that there is no drastic solution to their problem. They have become satisfied with temporary solutions as long as they spare them imminent acts of violence. Few entertained the idea of a radical or proactive change in their life circumstances.

As for single women and divorcees, the most frequently cited solution among them was leaving the abuser and starting a new life. However, some of them believed that their situation would be changed by one of the following: convincing the abuser to change his behavior, preventing the parents from interfering in their lives, or putting the abusive father/pimp/brother in jail. Here too the great feeling of helplessness made some of the women declare their inability to think about possible solutions to their situation.

Even these modest and temporary solutions could not be implemented by the women (whether married or unmarried) when acting on their own due to the following: poor or non-existent financial means; the fear that the abuser would increase his violent behavior or leave them and get involved in a new relationship; the time that judicial proceedings take in Lebanon; the husbands’ refusal to cooperate in order to reach a solution and perhaps, more importantly, his refusal to grant a divorce; the parents’ refusal to support them; the fear of losing their children’s custody; and the abusers’ influence in the civil and religious circles that are legally authorized to deal with the problem.

It is noteworthy that few women were ready to take matters into their own hands. These women knew that the solution to their problem included finding a place to stay away from the abuser or looking for a job and securing an income that would allow them to be financially independent.

Solutions Suggested by the host NGOs

The organizations dealing with abused women suggested, on their part, solutions which they had started implementing. With a few exceptions, these solutions, which were not very different from those suggested by the beneficiaries themselves, can be grouped into three categories:

The first category has to do with interventions at the level of the beneficiary's affairs of daily life. It is worth noting that all of the host organizations are keen "not to split the family". Whether the abuser is the husband, the father, or the mother, NGOs listen to the different versions of the case at hand, as presented by the different persons concerned. They try, through negotiation, to arrive at the family's intervention, and sometimes seek help from the clergy to achieve reconciliation. However, NGOs sometimes intervene to ward off life threatening situations, by offering or referring the woman to a shelter/home and submitting a complaint to the police or security forces. NGOs in this category also provide temporary services such as schooling for the beneficiary's children, or securing a job for her, in addition to other basic services.

The second category seeks to find a solution within the legal framework - resorting to civil or religious (Muslim or Christian) courts - and counting on the help of lawyers. This is the kind of assistance that all the organizations in this category offer in order to secure alimony or a separation, or to incriminate the abuser/rapist.

NGOs in the third category follow a dual approach. They are neither satisfied with interfering legally nor are they satisfied with finding temporary solutions, and aim at modifying a woman's state of affairs. Hoping to empower her, they often offer multiple services, including legal counseling, so that the woman is familiar with both her religious and civil rights. They also offer social guidance, professional training, psychological follow-up, and even psychotherapy when necessary – all aimed at enhancing the woman's status and self-esteem so she can effectively overcome her sense of helplessness.

Evaluating the Organizations' Intervention

How do the NGOs confronting VAW assess the effect of their intervention on the woman who sought their guidance and assistance?

The evaluation that these NGOs used includes indicators related to a woman's modified behavior as well as her overt attitude change: the capacity to control her emotions (when facing violence), improvement in her mental capacities and relationship skills, as well as commitment to the intervention program implemented by the organization.

When examining the indicators adopted by the social workers to assess the beneficiaries' improvement, one can identify the mode of intervention used by these organizations and the results intended and expected from this intervention. We can notice that most of the indicators considered by these social workers to assess the development in the woman's condition fall within the scope of empowering her psychologically and socially. They seem to aim at helping the battered woman become autonomous, adapt to her milieu, and deal with her problems in a realistic, rational, and non-violent yet assertive manner. These standards, which the social workers rely on in order to assess the quality of their work with the women and its results, reflect

their professionalism as well as the quality of specialized training they were subjected to in order to deal with women victims of domestic violence.

Conclusion

It is well known worldwide that the incidence of violence against women is under – reported. Lebanon is no exception and women who do report violence in our society represent a very small proportion of abused women. But the number of unreported cases of abuse is likely to decrease if health and legal professionals, educators, social workers, clergymen, and local community leaders who may witness this violence report it to the police or to the concerned social institutions. This is especially true when reporting violence against women by these 'witnesses' becomes mandatory i.e. required by law as I will argue next. This will encourage women and witnesses to their plight to report violence which would lead to a better estimation of the incidence of domestic violence against women. Needless to say, a better estimation will allow us to better address the problem of VAW.

The National Coalition to Protect Women from Family Violence in Lebanon argues that combating violence is the responsibility of our society at large and not only its security institutions. The Coalition has lobbied for a comprehensive law that would authorize the Lebanese state to take the responsibility for abused women, to allocate human and financial resources, formulate strategies, take appropriate measures, and monitor the implementation of solutions aimed at tackling violence against women at all levels and providing women with a safe environment. Mandatory reporting of violence against women is also included in the draft law.

It is often argued that passing a law that seeks to modify deeply entrenched attitudes and practices, especially those pertaining to women's subordination, is not sufficient in order to overcome gender-based violence. It is rightly expected that its implementation will be met with resistance by parties (religious courts mainly) whose authority will be compromised by it, and who will try hard to discredit its effectiveness and to sabotage its implementation. But the passing of such a law is necessary because implementing its provisions will make the issue of VAW part of the public debate, and will make it possible to challenge discriminatory ideas and beliefs concerning women and to reach a reformulation of gender attitudes and practices which can be more in harmony with the 'spirit of our times'.

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Murder with Impunity:

The Construction of Arab Masculinities and Honor Crimes

May Abu Jaber *

Introduction

Violence against women (VAW) continues to exist as a pervasive, structural, systematic, and institutionalized violation of women's basic human rights (UN Division of Advancement for Women, 2006). It cuts across the boundaries of age, race, class, education, and religion which affect women of all ages and all backgrounds in every corner of the world. Such violence is used to control and subjugate women by instilling a sense of insecurity that keeps them "bound to the home, economically exploited and socially suppressed" (Mathu, 2008, p. 65). It is estimated that one out of every five women worldwide will be abused during her lifetime with rates reaching up to 70 percent in some countries (WHO, 2005). Whether this abuse is perpetrated by the state and its agents, by family members, or even by strangers, VAW is closely related to the regulation of sexuality in a gender specific (patriarchal) manner.¹ This regulation is, on the one hand, maintained through the implementation of strict cultural, communal, and religious norms, and on the other hand, through particular legal measures that sustain these norms. Therefore, religious institutions, the media, the family/tribe, cultural networks, and the legal system continually discipline women's sexuality and punish those women (and in some instances men) who have transgressed or allegedly contravened the social boundaries of 'appropriateness' as delineated by each society. Such women/men may include lesbians/gays, women who appear 'too masculine' or men who appear 'too feminine,' women who try to exercise their rights freely or men who do not assert their rights as 'real men' should, women/men who have been sexually assaulted or raped, and women/men who challenge male/older male authority.

This research, which builds on a Masters Degree investigative study that was previously conducted by the author at the University of Oxford, explores the role that young Arab men play both as the perpetrators of violence as well as the victims of violence within their communities and families. It pulls from the shadows the silent epidemic of social and structural violence against young men, in hopes of demonstrating how honour crimes in the Middle East are far more complicated than they initially appear to be. It is beyond the scope of this study, however, to delve into questions pertaining to the formation of the Arab judiciary system, or to examine the cultural, religious, or institutional justifications for honor crimes. Instead, this research engages in an analysis of the personal motives that compel young Arab men to commit crimes in the name of so-called honor. It also explores how this particular form of murder is a spectacle performed by young men to publically (re)assert and prove their masculinity to others.

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1. For the purpose of this study I have decided to rely on Kapasula's definition which states that patriarchy is the "male supremacy principle that is anchored in and propelled by the polarization of the sex, denial of transgendered and homosexual identities and defining man as more powerful, successful and braver than women" (Kapasula, 2010, p. 29).

Defining Honour: *Sharaf* and '*Ard*

In most Middle Eastern countries, "the ideal of masculinity is underpinned by the notion of 'honour'- of an individual man, or a family or community - and is fundamentally connected to policing female behaviour and sexuality" (Coomaraswamy, 2005, p. xii-1). According to Spierenberg (1998), the concept of honor has three distinct layers: the first layer refers to a person's own feeling of self-worth, the second denotes their assessment of their worth in the eyes of others, and the third layer relates to the actual opinion of others about them. Thus, the criteria of judgment depend on the socio-cultural context of the community in question. As a result, identifying the different standards of honor and masculinity is in fact a cross-cultural enterprise (Spierenberg, 1998).

The term 'honor' in Arabic distinguishes between two variants: *sharaf* and '*ard* or '*ird*.² The first variant (*sharaf*) refers to the more general honor of a social unit or collectivity such as a tribe, clan, caste or family (Ali, 2008). It is a term that applies to men and is attained through the maintenance of their family's reputation, hospitality, generosity, chivalry, bravery, piety, and sometimes nobility or political power (Nesheiwat, 2004). As noted by Abou Zaid (1966), it [*sharaf*] implies a "highness both in physical position and in social standing" (p. 245). Yet, since the latter qualities are not static but rather unfold continuously and actively depending on the behavior of others, it is considered to be an acquired value and can thus be augmented, regained, diminished, or lost according to the family's 'moral behavior' (Warrick, 2005). In this sense, *sharaf* is the equivalent of the Western concept of honor/dignity.

However, the second variant ('*ard*) is a more specific form of family honor that derives its value from the chastity and purity of its female members. Unlike *sharaf* it is considered to be an ascribed value that can only be lost. As Dodd explains, "'*ird* can only be lost by the misconduct of the woman. And once lost, it cannot be regained" except by shedding the blood of the female member who dishonored and shamed her family (Dodd, 1973, p. 42). This misconduct encompasses any form of sexual or social behavior that does not conform to the acceptable sexual/social codes or standards of 'normalcy' as specified by the family, tribe, or community (Awwad, 2002). For example, women who (un)willingly engage in sexual relations that result in the loss of their virginity or pregnancy, or those who socialize with males outside their immediate family whether by talking, flirting, or holding hands, risk being punished by their fathers, brothers, or uncles (Nesheiwat, 2004). Such punishment usually takes the form of murder which is considered to be the only method that can effectively restore/cleanse the family's collective honor. In simpler terms, an act of violence committed by the male members of a family/tribe against their female relatives (women related by a blood tie up to the fourth degree - such as mothers, sisters, daughters, paternal nieces or paternal or maternal cousins), with the pretext of protecting their *sharaf*, is referred to as an Honor Crime (Nesheiwat, 2004). While crimes committed in the name of honor are at the furthest end of a continuum of abusive, violent, and unjust behavior against women, one has to recognize that other forms of gendered-violence such as acid attacks, rape and gang rapes, flogging, and forced suicides, also constitute part of that continuum.

Paradoxically, intra and/or inter familial sexual assault such as incestual rape, is considered to be a form of sexual 'transgression' committed by the victim(s) that also

2. The word '*ird*' is a simplified transcription of the term 'honor' as it appears in literary Arabic. '*Ard*, on the other hand, is the dialectal form - as used in Jordan - of the same exact term.

results in tainting the collective honor of the family (Fisk, 2010). In such cases men are almost always presumed to be innocent—i.e. the woman must have tempted the perpetrator into raping her or enticed him into having an affair. In this context, one can argue that the *sharaf* of the Arab man depends almost entirely on the *'ird* of the women in his family; or as the late Patai puts it, “the core of the *sharaf* is clearly the protection of one’s family relative’s *ird*” (Patai, 1973, p. 120). Indeed, women and in specific their hymen are transformed into mere symbols that shape and construct the social profile of the ‘pure’ and ‘honorable’ Arab family, and as such should be protected using whatever methods necessary (Araji & Carlson, 2001).

Virginity and the Hymen

Codes of honor and shame are associated on a very basic level with virginity and the hymen (Abdul-Salam 2001, p. 590). The physical intactness of the hymen has an intrinsic value in honor-based societies, in that it literally determines the level of honorability (*'ird*) that a woman possesses (Shalhoub-Kevorkian, 2002). Abu-Odeh (1996) writes that “Arab women, according to the ideal model, are expected to abstain from any kind of sexual practice before they get married. The hymen in this context becomes the socio-physical sign that both assures and guarantees virginity and gives women a stamp of respectability and virtue” (p. 149). This ‘stamp of respectability’ is extended to the male members of the female’s family owing to the fact that a woman’s virginity (i.e. the physical intactness of her hymen) provides “proof that the merchandise is brand new” (Accad, 2008). González-López is in clear agreement with the previous statement seeing that women with an intact hymen symbolize “sexual purity, honour and decency” while women with a ruptured hymen represent “dishonour, profanation, and lack of virtue” (González-López, 1998, p. 3). By this way of parsing the concept of virginity, the hymen is translated into a ‘bipolar paradigm’ (intact/ruptured, open/closed, whore/virgin, polluted/pure, active/passive, bad/good, shame/honor) that orders women’s sexuality from a social (male) point of view (González-López, 1998).

Building on this perspective, one can argue that the hymen has but one ontological dimension: it exists as a “colonized terrain of heterosexual patriarchy” (Currie and Raoul, 2004, p. 136) upon which societal, political, and cultural ideologies are being fought out. Therefore, “requiring virginity in women as a regulatory practice of gender exceeds the physical/biological body and is reproduced onto the gender political body” (Baker, 2009, p. 6). This gendered political body is configured when:

. . . the hymen becomes displaced from its biological vessel, the vagina, onto the body as a whole, “hymenizing” it and producing it as a body called female. But then it is displaced again onto the social space where the female body is allowed to move/be, encircling it as a social hymen that delimits its borders. (Abu-Odeh, 2000, p. 371)

Hymenizing the body, or, as Shalhoub-Kevorkian (2002, p. 580) refers to it, “the process of hymenization,” results in constructing an intimate space whereby the female body is allowed to move and be. This intimate space, which is essentially created for the ‘protection’ of Arab women’s honor, is encircled by the boundaries and borders of the social space of their fathers, brothers, uncles, and husbands.³ Now, owing to the

3. It is within this social space that the patriarchal framework that structures the behavior, the discursive practices, norms, and values of the group and/or community are created.

fact that most Arab women are permitted to socialize with male members within their immediate family, one can argue that the intimate space to which women are confined in fact expands to include the social space of their male relatives and/or siblings. In simpler terms, an Arab woman is allowed to ‘cross over’ or transgress the borders of her intimate space into the (male) social space only if the latter is occupied by men related to her. Consequently, an honor crime transpires when women and/or girls cross the borders of their intimate space into the social space of other unrelated males. This ‘crossing over’ or transgression of space by the female member(s) is deemed to be a direct challenge to the male authority figures and collective honor of her family. As a result, the latter find themselves ‘forced’ to defend their honor by ‘eliminating’ the challenger (woman) from that space – an elimination that calls for the total eradication of this challenger (Malina, 1993). When analyzed in such a manner, it becomes evident that the hymenization process clearly serves to legitimize acts of violence perpetrated against the bodies and lives of women who do not conform to the aforementioned boundaries. Shalhoub-Kevorkian does in fact point this out by stating that:

. . . the ‘hymenization’ of women’s sexual, physical and social life has been translated in some instances into legitimizing acts of violence against women, turning these acts into ‘protective’ behavior rather than criminal actions. Although legal codes label such behavior as crimes, it is the female victims who are invariably blamed for the abuse of these strictures and who are often killed as a result (Shalhoub-Kevorkian, 2002, p. 580).

This ‘protective behavior’ that Shalhoub-Kevorkian discusses entails ‘disciplining’ the female body by controlling, repressing, surveying, and regulating its sexual behavior.⁴

Dynamics of Surveillance

The task of supervising Arab women requires the constant surveillance of their every move by their kin as well as by their neighbors. Thus, surveillance is translated into yet another form of disciplinary power that enables the continuous and pervasive control of Arab women’s individual behavior and conduct (Smart, 1985). However, in order for the disciplinary power of surveillance to be effective, the subject – in this case women – rather than physical force (power), should be visible. By putting subjects in a state of constant visibility, the efficiency of the patriarchal structure in society is maximized, owing to the fact that the constant (invisible) surveillance induces a sense of permanent visibility that ensures the functioning of power, even when no one is actually asserting it (Foucault, 1979).

Consequently, the disciplinary power of surveillance – which is initially directed toward disciplining the body – starts to take hold of the mind and induces a psychological state of conscious and permanent visibility (Foucault, 1977). In other words, perpetual surveillance is internalized by individuals to produce the kind of self-regulation that defines the subject and forces them to adhere to society’s patriarchal norms. When applying this analysis to honor crimes, one can argue that the relationship between the visibility of subjects (potential victims) and invisibility of surveillance (perpetrator’s gaze) is a fundamental feature that polices women’s bodies and/or sexualities even when, they are not being supervised (Dovey, 1999). For instance, given that various Arab women find themselves being watched and observed without knowing who, when or how they are being seen, they have no other

4. I use the term ‘regulating’ to refer not only to the act of restricting sexual behavior, but also to the act of categorizing and describing it. By defining ‘regulation’ in this manner one is capable of demonstrating how the latter word functions to classify and organize behavior along the ‘normal’ versus ‘deviant’ binary.

alternative than to assume an unwavering surveillance, and hence internalise the 'normalizing regimes' of sexual conduct or risk being murdered.⁵

Myths, Stories, and Honor Crimes

Essential to the comprehension of how the murder of women can be validated rests in seeing the minds of the perpetrators as interconnected with the stories/myths they are told in development, and the stories they tell themselves. For example, in Pakistan, 'honor killing' is called 'karo kari,' literally the "blackened man, blackened woman" (Jafri, 2008, p. 4). Such a phrase speaks profoundly of the justification found in Pakistan for men who commit violent crimes against women; the label "karo kari" itself invokes the perspective underlying conduct as one in which the honor of a man is tied to that of a woman. If a man is "blackened", behind his "blackening" may rest a woman whose own actions negatively impacted (or seems to have negatively impacted) the man. The "blackened" female is thus viewed as requiring removal. This imagery of 'removing', 'chopping off', 'cleansing', 'blackness', 'woodworm' are all labels that relate in one way or another to illness or death, and thus their constant repetition through language reinforces everyday feelings, reactions, and practices that justify femicide. In this sense, one can argue that honor crimes are in essence being justified on the basis of supported 'myths/stories' that emphasize two interdependent dimensions of honor crimes, namely the symbolic and structural dimensions. The symbolic dimension refers to the meanings used to represent Arab women's sexualities. For example, via the 'woodworm' representation, Arab women's sexualities are seen as ill, dirty, negative, harmful, and sick. In contrast, the structural dimension shapes and organizes social structures to reproduce laws and social customs that sympathize with the perpetrators. In simpler terms, the structural dimension exploits the symbolic dimension (images) to shape, organize, and (re)produce social structures "through the explicit language of the legal code or by the tacit approval of the State" (Nesheiwat, 2004, p. 253). For when a nation-state condones honor crimes by accepting the 'protection of honor' as a legitimate defense and as a result grants the perpetrator a lesser sentence for 'vanquishing a societal ill,' it is clearly reinforcing and maintaining a social practice based on the mythologized cultural notions pertaining to "identity, honour, gender, power, and masculinity" (Jafri, 2008, p. 140).

Therefore, rather than seeing men who kill in the name of so-called honor merely as murderers, one has to understand the cultural, societal, and legislative forces that "virtually blackmail" (Husseini, 2009, p. 14) men into committing the crime - forces that possibly consist of both the fear of absence of action, and feelings of heroic duty to action.

Understanding the Impact of Structural and Social Violence against Men

Traditional definitions of Arab masculinity (*rujulah*) implicitly and explicitly normalize certain forms of social and structural violence that prevent men from expressing and experiencing their sexuality and identity freely. Such normalized acts of oppression, which may or may not take place outside the conscious awareness of individuals who constitute part of the key institutions within society (including the family structure, the community, and the medical and legal systems), are intended to define, control, and enforce certain beliefs, customs, and practices that sustain the dominant form of masculinity. As Kimmel (2008) states: "[G]uys hear the voices of the men in their lives - fathers, coaches, brothers, grandfathers, uncles, priests - to inform their ideas of masculinity" (p. 47).

5. Normalizing regimes act negatively by stigmatizing certain behaviors and conducts that defy oppressive social norms.

However, what often gets lost in translation is the fact that this social and structural violence against young Arab men leaves them disconnected from a range of emotions that they are prohibited from experiencing and are thus forced to suppress (Kimmel, 2008). Stated differently, from a young age boys are taught that in order to be 'real men' they must take on a tough guise. This guise allows them to show only certain parts of themselves and their identities that the dominant culture has defined as manly: these include risk-taking, self-discipline, physical toughness and/or muscular development, aggression, violence, emotional control or emotional reservation, and overt heterosexual desire (Jhally, 1999). Hence, men construct an image of themselves on the basis of what society and other men 'expect' of them, rendering the construction of Arab masculinity a "homosocial experience: performed for, and judged by, other men" (Kimmel, 2008, p. 47). Accordingly, one can argue that as these young men grow older and begin to perpetrate acts of violence against women, they do so because they have been socialized to believe that violence is the only acceptable 'manly' form of emotional expression (Kimmel, 2008).

Based on this conceptualization, honor crimes essentially become mediums used to displace feelings of humiliation and shame, whilst enabling young men to prove and/or restore their 'lost' manhood publically (Kimmel & Aronson, 2004). This public assertion of masculinity through murder is a silent message that reflects well on both the individual committing the crime and on the group to which the individual belongs to. As Messerschmidt explains, "in situations where men commit homicide, murder can be a process of affirming masculinity" (Messerschmidt, 2004, p. 388). As a result, the death of the female in cases of honor crimes confers a level of status, power, and manliness that diminishes the intensity of shame and replaces it "as far as possible with its opposite, pride, thus preventing the individual from being overwhelmed by the feeling of shame" (as quoted in Kimmel, 2008, p. 56). In short, the indirect structural and social oppression of young Arab men by societal and legal institutions may evolve into direct forms of oppression when these individuals feel that their masculinity is in question (Chakrapani, Newman, Shunmugam, McLuckie, & Melwin, 2007).

Between Boyhood and Manhood

According to Peteet,

Arab masculinity (*rujulah*) is acquired, verified and played out in the brave deed, in risk-taking, and in expressions of fearlessness and assertiveness. It is attained by constant vigilance and willingness to save face and defend honor (*sharaf*), kin and community from external aggression, and to uphold and protect cultural definitions of gender-specific propriety. Since elaborate, well-defined rites of passage to mark transitions from boyhood to adolescence to manhood are difficult to discern, a loose set of rites marking the route to "manhood" must be accompanied by performative deeds to convince and win public approval. (Peteet, 2002, p. 321)

Peteet's argument is significant to the discussion of 'identity' because it provides us with yet another possible explanation as to why the perpetrators of honor crimes are relatively young; right at the border between boyhood and manhood. The most common argument that has been presented to explain this trend stipulates that families often assign sons under the age of 18 to commit honor killings. Since these individuals are legally minors, they are tried according to juvenile laws, convicted as minors, serve time in a juvenile detention center, and are then released with a clean criminal record.

Such course of action encourages families to choose young men to commit the murder (Cuomo, Adams & Richardson, 2000; Natan, 2006; Country Reports on Human Rights Practices by the Department of State for 2007, 2008; Clark, Clark & Adamec, 2007). While this argument is clearly valid, it ignores the fact that many boys and young men in the Middle East construct their masculine identity around the axis of honor. In other words, the aforementioned explanation does not take into account how the concept of honor is employed by boys and young men to reinvent notions of masculinity in the shadow of decreasing prospects of establishing themselves as 'real men.'

Emasculating Pressure

Out of the ninety-nine reported cases of honor crimes in Jordan over a period of nine years, 43.4 percent of the perpetrators were 24 years old or younger.⁶ Since most Arab males who fall within this age range are financially dependent on their fathers, given that they might be unemployed or recent graduates, they are forced to conform to the "authority from above" (Connell, 1995, p. 18). This essentially means that young males living with their parents are still under the control of their fathers, grandfathers, or older uncles. In *Modernizing Women, Gender and Social Change in the Middle East*, Moghadam (1993, p. 104) states that "senior men of the family have authority over everyone else in the family, who are in turn subject to forms of control and subordination". This subordination can be perceived by young men as a direct attack on their masculinity and/or manhood and in turn evokes feelings of emasculation and powerlessness. Consequently, these men act out their feelings of powerlessness on women (or children) who are in positions of even less power and authority, as a way to compensate for their underlying feelings of 'inadequacy.' As Hunnicutt (2009, p. 559) explains, "it is actually the least powerful men who victimize women under social pressure to accrue more power and redeem their 'wounded masculinity.'" As he continues, "[M]en use violence to maintain their advantage in the most disadvantaged situations. The more disenfranchised men are from positions of legitimate dominance, the more they may use violence to reinforce quite possibly the only position of domination available to them" (Hunnicutt, 2009, p. 260). Klein reiterates the latter argument when writing that "[M]ale physical power over women, or the illusion of power, is nonetheless a minimal compensation for the lack of power over the rest of one's life. Some men resort to rape and other personal violence against the only target accessible, the only ones with even less autonomy" (Klein, 1981, p. 72).

When analyzed in this manner, one can convincingly argue that the overwhelming percentage of young males convicted of honor crimes is due to the fact that such crimes project a sense of masculine value or even a "re-balancing of the cosmos" (Jafri, 2008, p. 10). In other words, young men conceive of honor crimes as a master opportunity to transform their 'subordinated masculinity' into a 'hegemonic masculinity,' and thus feed into the normative definition of what it means to be a man among men. Such "re-balancing" arguably becomes more internal than external; killing restores young men's sense of worth and masculinity, as opposed to restoring the family's collective honor. Over time, reproductions of validation for this 'restoration' further build the case for the crime's worth, even if the 'worth' is more quantifiable in the imagined than the real. These reproductions that are also institutionalized in the criminal justice system through laws, legal practices, and procedures that blatantly discriminate against women.

6. These statistics are adapted from a study conducted by the King Hussein Information and Research Center. The study analyzed 99 cases of honor crimes with the purpose of bringing to light the economic underpinnings of honor crimes in Jordan. This comprehensive study is available to anyone interested and can be accessed at <http://mathlouma.com/en/resources>.

Conclusion

The changing role of Arab women destabilizes the social structures within the private and public spheres and in turn releases periodic private violence in hopes of taming the "emergent sexual types and practices" (Faqir, 2000, p. 76). Apprehension to this rapid change is projected, in various Middle Eastern countries, through the enactment of femicide. In this article, I have attempted to demonstrate how the murder of women in the name of 'honor' is clearly a gender-specific form of discrimination and violence. However, it would be inaccurate to conceive of it as simply a gender issue or an individual aberration. Honor crimes are the tip of the iceberg and the symptom of a wider crisis of masculinity and socio-economic disadvantage. These crimes should be understood as symptomatic of the perceived failure, by young Arab males, of living up to a gendered standard of a 'real' masculine identity. And as demonstrated in this study, this failure can be devastating enough to generate the unimaginable rage that it takes to kill another human being.

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Working with Men and Boys:

A Strategic Choice in the MENA Region to End Gender-Based Violence

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Introduction

Gender-based violence (GBV) is defined as violence that is directed against a person on the basis of gender or sex (UNFPA). It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion, and deprivation of liberty. While women, men, boys, and girls can be victims/survivors of gender-based violence, women and girls are the main victims/survivors.

In its physical, psychological, and emotional forms, GBV is exercised in the household, community, and public institutions. GBV stands as an obstacle in the way towards the realization of a wide range of development goals, from the elimination of poverty to the fulfillment of human rights. Globally, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action have provided the appropriate frameworks that women's organizations and activists can use to fight for the promotion of gender equality and remove all forms of discrimination against women.

For decades the UN agencies have doubled efforts and secured resources to promote women's rights, working with governments and civil society organizations. Structures have evolved to include a UN Special Rapporteur on Violence Against Women (VAW) among others. Special funds have been pledged to help combat VAW such as the UN Trust Fund to End Violence Against Women.

In the MENA region, women's organizations have been taking the lead in addressing violence against women. Women's issues and gender equality are handled by women themselves, where they see change happening only through their continuous

demand and pressure on governments to respect and achieve gender equality. In fact, women's issues are addressed by women and for women, with limited exposure to men in women's institutions. Women's organizations in the region carry out multiple interventions such as counseling victims of violence, raising public awareness on the effects of GBV, educating women about their legal rights, sheltering victims, providing legal services and advice, and lobbying for bills that criminalize violence against women.

Some of the national organizations in the region that are working on these issues include: Kafa (Enough) Violence & Exploitation, Young Women Christian Association, Rassemblement Democratique des Femmes Libanaises (RDFL), the Lebanese Council to Resist Violence Against Women (LECORVAW), and the Ministry of Social Affairs in Lebanon; Mizan Association, the National Women's Committee, and the Jordanian Women's Union in Jordan; and CEWLA, Al Nadim Center, and the Women's Forum in Egypt. The Yemeni Women's Union and the National Women Committee are both working on Ending Violence Against Women (EVAW), and have conducted campaigns against early age marriage in Yemen. At a regional level, several networks such as ANGAD, AISHA, SALMA and KARAMA coordinate work around EVAW.

Despite the fact that some organizations carry out activities and initiatives that bring men on board in the fight to end violence against women, these initiatives are still very weak. Moreover, they are far from being an integral part of a strategic program that aims at addressing this issue through adopting this new approach of engaging men in ending violence against women. The rationale for including

men is that men are part of the problem and should also be part of the solution.

Oxfam GB is a rights-based organization. It is committed to ending violence against women by exploring various strategies and approaches and learning from best practices to help national and regional organizations to address the issue. Promoting working with men and boys in order to end violence against women is a thematic focus at Oxfam GB.

This paper attempts to shed light on the experience of Oxfam and the lessons learned through Oxfam's intervention and action in the MENA region to promote working with men and boys among women's organizations and to address GBV. It also provides an overview of violence against women in the region as well as a review and analysis of the process established by Oxfam GB to promote working with men and boys to end violence against women.

Combating Violence Against Women in the Middle East North African Region: An Overview

Despite its reputation for wealth from oil revenues, the Middle East region is generally described as deeply divided by politics and torn by conflict. Among other issues, the geographic inequality in the distribution of natural resources has led to poverty, inequality, and political violence (Palestine/Israel conflict, Iraq conflict, and Israel/Lebanon conflict in 2006) in many parts of the region. These conflicts continuously compromise the rights of women and expose their vulnerabilities. In the male dominant societies of the region, traditions and culture justify the continuous gender inequality that denies women their rights in the private and public spheres. Arab states and societies have failed to fulfill their commitment to reduce gender inequality, as stipulated in CEDAW and the Beijing Platform of Action.

The 2005 Arab Human Development Report (AHDR) identified gender inequality as one of the most significant obstacles to human development in the Arab region. Despite the legal guarantees for women's right with respect to political and economic participation, stereotypical gender roles are deeply entrenched and limit women's employment and

decision-making opportunities which are still the lowest in the world. Despite substantial efforts by civil society organizations advocating for women's political rights, women still lag behind men in terms of political representation.

Domestic violence is the most common type of violence in the Arab region, similar to other parts of the world. The wide range of physical and psychological consequences of domestic violence has been well documented in many areas of the world. Furthermore, some countries have done an adequate job when estimating rates of domestic violence within their population, despite the fact that domestic violence, as a social phenomenon, is difficult to study. It is believed that actual domestic violence rates in the Middle East are higher than those currently known due to the shame, guilt, and fear that many victims experience when reporting domestic violence (Usta, 2002).

The obstacles in researching domestic violence are even greater in the Middle East and North Africa (MENA) region. The male dominated, patriarchal nature of this region is evident in the social, political, and legal policies that are prevalent in the region. In Syria, in 56 percent of the domestic violence cases recorded, women were mistreated and cursed by the male head of the household for "mistakes" they had committed according to a UNIFEM study on Violence Against Women (2005). In Lebanon, there is no law that specifically prohibits domestic violence. There is only one article in the penal code that prohibits violence.

Although domestic violence and women's issues in general are given little attention in these societies, some research on domestic violence rates does exist. As reported by the Ministry of Interior in Yemen in 2007, as many as 130 Yemeni women were killed in 2,694 incidences of violence and sexual assaults. In Lebanon, of the sample studied in 2000, it is estimated that 35 percent of women admitted to four different primary care centers had a history of exposure to several types of domestic violence. In a study investigating domestic violence during pregnancy in a refugee camp in Sidon, Lebanon, 207 of the 349 women interviewed had experienced some form of

domestic violence during their lifetime. Forty women of the 207 reported experiencing at least one incident of domestic violence while they were pregnant and 31 of those incidents occurred within the year.

Exploring Approaches to Engaging Men in Ending Violence Against Women: Regional Exploratory Case Studies

Yemen is one of the least developed countries in the region where the conservative culture and traditions limit women's access to public life. Yemeni society is a segregated society. Socially, women interact only with other women and they have their own space in social gatherings. Only working women can interact with men in the workplace. The struggle of women's organizations is tremendous given that they strive to bring about gender equality in a country consisting of an exclusively male dominated society. While Yemen is a signatory to CEDAW since 1984 and has expressed its commitment to the Beijing Platform for Action, the implementation, as is the case in other countries, is lagging behind. Domestic violence is a main concern of the United Nations and can be evidenced by the section discussed in the UN Committee Against Torture forty third session.

In 2000, Oxfam GB supported a program for "Ending Violence Against Women" in Yemen in partnership with 13 civil society organizations and the Women National Committee, which is a governmental body mandated to promote women's rights. Understanding that ending violence against women can be only attained when men and boys are also targeted as part of the program, Oxfam GB invited a number of women's organizations to articulate the root causes of violence against women. The framework that the partners adopted focused on the socialization process of women and men in a conservative society. The women's group discussed common social constructions that exacerbate gender inequalities and agreed that boys and girls are socialized differently within the family and are raised according to expected gender roles. Males are socialized within a restricted "masculinity" framework that requires them to be strong, dominating, and breadwinners. Boys are treated as superior to girls. Boys' education is given preference over girls' education. Moreover, men are not allowed to perform domestic work

(cooking, cleaning, etc). Men and boys have full freedom of movement in public life (boys come home late without being questioned). Men are socialized into being decision makers and controlling women. By contrast, girls are socialized into being inferior, obedient, and "honorable" in their behavior in order not to bring shame to the family. They have to be good future mothers and wives, and avoid taking part in public life. Men are the guardians of their female counterparts (mothers, sisters, wives, daughters, and female relatives). Unequal power relations characterize the community at large and the government institutions, as reflected in existing policies and practices.

The novel approach adopted by Oxfam GB was to engage women by asking them to outline or identify "what is good about men". Oxfam's approach in this context created a tense atmosphere as women had never been challenged in this way. However, after the initial reaction the reflection produced positive male images where women started highlighting the merits of men. Answers included: men have strong fatherhood feelings towards their daughters; men protect the women in the families; fathers and brothers protect their daughters and sisters when treated badly by their husbands; some men support girls' education and women's employment; good male role models are found in society; marital violence is often resolved and addressed within the families where male relatives play a main role in putting an end to it; and some tribal and religious leaders don't accept wife battering and often threaten the husbands who abuse their wives.

As a result of the new perception developed towards men by women's organizations, initiatives of engaging with men in the program to end violence against women were accepted by women's organizations, as illustrated below.

The Yemeni Women Union, an exclusively women-managed organization with membership open only to women and programs directed only at women, took part in experimenting with engaging men in their program on ending violence against women. One of the main components of the program was to provide free legal services for women in prison or women

seeking divorce and requesting alimony, among other services. Since there are few female lawyers in Yemen, the Union started recruiting young male lawyers as volunteers to provide free legal services for women. This was a structural shift for an organization that, since its establishment in 1960, had no male members. Considering the fact that the young male lawyers are part of the Yemeni society, the Union invested time in positively changing their attitudes regarding women's issues. These male lawyers were trained on issues related to human rights, women's rights, CEDAW, etc. To date there are 23 male lawyers fully dedicated to the Union and to women seeking legal assistance. With the support of Oxfam GB, the Union also took a proactive step by establishing advocacy groups that recruited influential male decision makers who could strategically challenge violence against women. Accepting that good men who believe in supporting women do exist, the Union's leadership identified, based on their personal experiences, men whom they believed had the respect of their society and were willing to support ending violence against women. The male partners in the advocacy group were composed of lawyers, judges, policemen, prison officers, and academics. The change in the Union's position is illustrated in the below quotation:

We cannot work on ending violence against women by focusing only on women without relating to men. Men in the Advocacy Group have been of great help in raising the awareness of men, in particular police officers. Key men in society who joined us have helped in increasing the role of both women and men in combating violence. Men know by now the types of violence that women experience, which helps society acknowledge that violence against women exists. (Interview with Soad and Ishraq, Yemeni Women Union, Taiz, September 2003)

Another aspect of success with engaging men in the Yemeni Women's Union (YWU) is their work with women in prisons, courts, and police stations where the Union provided legal services and advocacy to women who had been apprehended or incarcerated. In Aden, South Yemen, women who are taken to police stations are sometimes exposed to harassment

by policemen. The Union decided not to work on awareness raising among policemen, since changing the attitudes of male police officers requires more institutional changes, long term interventions, and resources to raise awareness and monitor impact. Instead, due to the immediate need to protect women in detention, the Union successfully invested its efforts in lobbying the Ministry of Interior to allocate one police station for women. The police station would be run by women and managed by female police officers. The first women - staffed detention facility was opened following an agreement with Aden's Security Director in 2005.

While the Union's work with young male lawyers in combating violence against women can be seen as a productive approach to engaging men, the Union could not go beyond the traditional gendered boundaries and open up its membership to male lawyers, feeling that this would affect the organization's identity as a women's organization. Based on the experience of Yemen, and given the similar context of the region, Oxfam GB decided to move the strategy of working with men and boys to end violence against women to a regional level. Twenty-three organizations were identified and invited to a workshop held in Cairo in 2008. The workshop stimulated discussions by asking the participants whether they have ever worked with men to end violence against women. The initial reaction of the workshop participants was that they had never been asked this question before, but they were willing to answer it based on their practical experiences. Learning through case studies shed light on the ways women's organizations engaged with men in their attempt to end GBV. Mizan, a well established Jordanian NGO specialized in ending GBV informed us that it engages widely with men by framing its work on ending GBV within a human rights context that it finds to be more appealing and inclusive than other approaches. Mizan believes male human rights activists are the best to collaborate with for ending GBV. Another strategy that Mizan used to combat GBV was to link up with the government officials since the government established a Unit for Family Protection. They worked with the Ministry of Social Affairs and male activists to prepare a draft law which was submitted to the King of Jordan

for approval. As a result, collaborative efforts were established between Mizan and male government administrators.

While Mizan had no clear and developed strategy for working with men at different levels, they slowly developed ways for working with men and have identified potential alliances with some of them. For instance, many workshops were organized during which many participants argued for the importance of working with religious leaders and government officials as a key strategy for change.

Another issue which became evident during the workshop is that women do engage with men at different levels, since men hold power in society. Most of the women's organizations engage with policy makers to influence them on issues related to gender equality and violence against women. In the last decade, women's organizations have also started engaging with religious leaders due to the spread of radical religious discourses. One statement by a religious leader could change public opinion regarding women. In Yemen, the Women's National Committee developed a manual on religious codes that challenges radical interpretations of Islam. Future efforts to engage religious leaders in combating violence against women remain crucial to work on ending VAW in the region.

During the discussion amongst the workshop participants on their experience with government actors there were three main challenges highlighted and discussed. First, they deplored the absence of gender equality in the institutional structures which makes women's organizations unable to identify potential male collaborators or allies who are in decision making positions. Second, the lengthy process of lobbying for effective change was coupled with the turnover of potential allies at the state level. For example by the time activists finally succeed in engaging with some enlightened decision makers, the latter are replaced or finish their term. Women's organizations then have to re-start the process of advocating and influencing the new decision makers. Finally, violence perpetrated by state institutions remains an impediment to effective collaboration with government actors in some countries. For

example, where some institutions are characterized by violence, such as in Egypt, female field workers completely avoid engaging with police officers for fear of harassment and abuse. Therefore, any framework established to combat violence against women in collaboration with the state and engaging men needs to take the above mentioned challenges into consideration.

Despite the challenges associated with working with men, women acknowledged that they engage with men, driven mostly by the need to affect policy change. However, this was done on an ad hoc basis and not as a strategic part of their agenda. Most of the women's organizations who target men in their programs as beneficiaries for change do not do it in a systematic way that allows the monitoring of the impact of interventions and changes in the attitudes and practices of men.

However, the future vision of women's organizations working on ending violence against women emphasizes the need to learn more and to work strategically with different groups of men; to invest in youth through awareness raising and campaigns; and to build alliances with enlightened men from the different sectors of society (e.g. politicians, celebrities, and religious leaders) who can stand up and fight to end violence against women.

Why do men behave the way they do? The Role of Men in Ending GBV

For most women's organizations working on ending GBV, there have been limited efforts to understand the social perceptions and expectations of men. Most of the women's organizations interventions and programs focused on providing services to women survivors of violence, raising awareness among women about reporting violence, and empowering them with knowledge of their legal rights. Awareness raising in some cases has been carried out in relevant state institutions by interacting with policemen, judges, lawyers, etc. with the aim of achieving better protection for women.

In terms of services, some good practices have been identified, such as the experience of the Yemeni Women's Union, where the Union talks to perpetrators

when the wives reach out to them for counseling. However, the practice is limited as they don't provide counseling for men.

In the previous sections, the paper reflected on how to use the socialization process and men's role in shifting the thinking of women's organizations to start looking positively towards engaging and working with men in order to induce positive change in ending violence against women. As a result of the fruitfulness of that activity another workshop was held in Beirut in 2009 with 13 women's organizations, in which we elaborated on the gender roles of men and the social expectations in order for men to be accepted as "good men". The participants agreed on the following: men are socialized to control their emotions and not to cry; they will be ashamed if they don't find a job to feed the family; they are often dragged into wars and become emotionally and physically affected without receiving the proper care needed; young men are the target of drug dealers; if young men don't act aggressively they will be mocked by their peers; poverty and unemployment expose them to criminal acts; society requires them to protect the honor of the family so they are forced to be violent against their wish etc. This information can help Lebanon and other countries begin to strategize about how to incorporate men into their struggle to end GBV.

The discussions around the socialization of men and their gendered roles created new ways of looking at men as elaborated in the below quotations from the participants in the workshop:

Men are indirect victims of violence and discrimination against women.

We need to look at the needs of both men and women and find common ground on which to focus so that we can present our work as being part of working on human rights issues rather than solely on women's issues.

We need to talk about women's rights as being gains for men.

We need to be clear that inequality is not the problem of women but of society.
We need to speak to society not to women only.

We want to establish an association to protect men's rights because we do not specify the rights of men.

Men commit suicide because they cannot find jobs, and they are supposed to be the head of the family. They are our brothers, fathers, and husbands.

There are two worlds, the man's and the woman's. Women talk about the men's world and men talk about the women's world. Till today we do not know about the needs of men.

We need to look at where men and women's worlds meet and where they do not meet. We need to complement each other.

Shifting the thinking of women's organizations towards the role that men can play in combating violence against women was an entry point that allowed the participants to think about new possible mechanisms to incorporate men in their programs. The need to understand men from a gendered perspective was deemed to be necessary for most of the participants to better target men in their interventions. The need to see how men and women can complement each other was an awakening that the time has come for changing women's organizations approaches by shifting from exclusively women focused activities - to women and men - focused activities.

Based on the accumulated experience of Oxfam GB around getting women's organizations to work with men and boys, Oxfam GB submitted a proposal to the UN Trust Fund to design a module through which women's organizations can integrate working with men and boys in their programs which are aimed at ending violence against women. There was a need at the time to identify a potential partner working exclusively on ending violence against women who was also willing to integrate men into its program agenda.

The organization selected as partner was Kafa (Enough) Violence and Exploitation. The organization was established on March 8, 2005 by a

group of activists and professional women who have many years of experience working on women issues, specifically on gender-based violence. Kafa is a Lebanese non-profit, non-political, non-confessional civil society organization that seeks to mitigate the causes and results of violence and exploitation of women and children through advocacy and lobbying, raising awareness, and offering social and legal services to battered women. Kafa's overall strategic goal is to contribute to the eradication of all sorts of domestic violence and exploitation of women and children. It focuses its strategies and efforts on three major areas: gender-based violence, child sexual exploitation, and trafficking in women. Kafa uses a variety of interventions including counseling for women survivors of violence, awareness-raising sessions offered to various stakeholders from government, in addition to advocacy aimed at endorsing a law on domestic violence.

Kafa's expertise made it the perfect candidate for partnership with Oxfam GB. The organization had to design and apply the module related to working with men. Kafa's implementation of this new module could be used as a model for future programs in the region and could help train other NGOs from the region. Kafa can be a leader in engaging men and boys in ERAW for the Middle East.

The motivation behind Kafa's interest in experimenting in a project focused on working with men and boys stems from its belief that despite the huge funding allocated to combating violence against women in the region, little has been achieved to reduce the incidence of VAW in Lebanon and the Middle East. The funding has had almost no impact on amending or introducing laws that protect the rights of women. The act of engaging men and boys in ending violence against women will, according to Kafa, bring much added value to the work on women's rights in the male-dominated Middle East. For Kafa, the men were previously seen as an obstacle to ending GBV, but now they see working with men as an approach that provides new opportunities for their mission. As discovered by Kafa, since men are part of the problem, it is necessary that they be part of the solution.

Kafa indeed started by recruiting a male employee in the capacity of technical advisor, which was a turning point in the structure of an organization which has been, up until then, led and managed by women. In the counseling sessions, Kafa integrated counseling for male perpetrators in order to help them overcome their violent behavior. One year after the project started, Kafa developed a program specifically for working with men and boys to end violence against women. During the 16 days of ending GBV, Kafa mobilized celebrities in Lebanon who were seen on billboards all over Lebanon and who demanded a law to protect women who are subjected to violence. Moreover, together with Oxfam, Kafa developed a very unique manual on strategies and approaches on working with men and boys in the MENA region. The manual was developed to help establish the trend of working with men and boys in the region with respect to women's rights issues.

Experimenting with modules of working with men and boys to end violence against women requires women's organizations that are flexible and open to change. This means including gender mainstreaming at the institutional and structural levels, not only at the program level.

Conclusion

This paper has provided an overview of the efforts of women's organizations and networks in the MENA region to broaden their approach when combating violence against women. The paper explored the importance of working with men and boys and argued that in the predominantly male-dominated societies of the region it is a necessity to do so when working on the elimination of violence against women.

Based on its experience in promoting working with men and boys to end violence against women in the Middle East, Oxfam GB realized that ending violence against women can only happen when men are targeted for change by changing their perceptions, attitudes, and beliefs. This approach has represented a challenge for Oxfam GB since women's organizations continue to see change through their own, women-centered struggle to pressure governments. Shifting these organizations' thinking towards working with men and viewing them from

a different perspective was the focus of this paper. The lessons learned from the Yemeni Women's Union case suggest a framework built around a discussion with women's organizations about what is good about men. The success of this approach helped the Yemeni Women's Union to incorporate men in the struggle to eliminate GBV by working with male lawyers and advocacy groups which included men.

The second case study in the form of a regional workshop about sharing experiences and learning frameworks allowed women's organizations to learn from best practices of working with men and boys. One of the many critical areas explored in this workshop included the regional challenges and limitations such as the spread of radical Islamic movements, the difficulty in identifying allies within state institutions, and the lengthy process of lobbying and advocating for change. The success of the workshop was demonstrated by the acknowledgement by all women's organizations that it is time to consolidate working with men, and the recognition that there are many motivated men who could be mobilized as advocates for ending GBV.

The final case study addressed the underlying causes for gender inequality and violence in general: Women's organizations were challenged to reconsider their work to eliminate violence against women and to shift their activities to incorporate an examination of the socialization of men. This approach allowed women's organizations to look at men as victims of violence and in turn perpetrators who need to be helped. With this approach, activists can understand how the patriarchal system and laws perpetuate a

form of structural violence which harms both males and females.

Finally, with the case of KAFA and the module developed about engaging men and boys to eliminate violence against women, the suggestion was to incorporate gender mainstreaming in women NGOs both within their programs and within their structure/institutional framework.

These case studies have been validated by Oxfam GB and proven to be successful. However, women's organizations fear that men could hijack their issues or take away resources needed to support women survivors of violence are valid concerns.

The main challenge facing women's organizations is to find the right balance that allows for working with men and boys without compromising their agenda. The other challenge is to continue to monitor their interventions with men to prove that working with men is an effective approach to ending GBV. This requires efforts from women's organization to show that both men and women will benefit when violence is ended, and that only zero tolerance to violence is acceptable.

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* This paper reflects the opinion of the author and the co-author and not the institutions they belong to.

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Structural Violence and Human Trafficking:

Migrant Domestic Workers in Lebanon

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Introduction

Human trafficking and its link to migrant domestic labor in the Arab region is a complex, sensitive, and challenging issue. It raises numerous questions and demands further exploration. Under international law human trafficking consists of the recruitment, transfer, or receipt of human beings by coercive or deceptive means for purposes of exploitation. This legal definition is relevant to migrant domestic workers, and the present analysis seeks to address human trafficking for labor exploitation in particular. The primary objective is to identify and analyze the key factors that make migrant domestic workers vulnerable to human trafficking within the specific context of Lebanon. These key factors include the sponsorship system, the recruitment process, and the lack of labor protection and legal redress; each one will be addressed in turn. In the process, the present analysis will also highlight structural violence that subjects migrant women to systemic oppression and increases their vulnerability to human trafficking.

The Lebanese Context

In a country of over four million people, Lebanon is home to roughly 200,000 or more domestic workers who migrate to work as live-in maids from across Asia and Africa – primarily from Ethiopia, the Philippines, Bangladesh, Sri Lanka, and Nepal. For this analysis, 100 migrant domestic workers were surveyed, and 65 percent reported that they had experienced a situation of forced labor, servitude, or slavery at some point during their time in Lebanon. When labor exploitation of migrant domestic workers rises to the level of forced labor, servitude, or slavery, then human trafficking may be found to exist. As indicated, human trafficking consists of the recruitment, transfer, or receipt of human beings by coercive or deceptive means for purposes of exploitation – including both sexual exploitation and labor exploitation.

In terms of human trafficking, can Lebanon be considered a destination country? Can victims of human trafficking be counted among those who make their way to Lebanon for work? In 2010, five hundred recruitment agencies had official license to operate from Lebanon's Ministry of Labor. Also in 2010, the Ministry of Labor issued or renewed approximately 111,000 annual work permits to migrant domestic workers.¹

* This paper is a shorter and reworked version of the author's study, *Trafficking of Migrant Domestic Workers in Lebanon: A Legal Analysis*, KAFA (Enough) Violence & Exploitation, 2010.

1. Interview with Ali Fayad, Chef de Cabinet, Ministry of Labor in Beirut, Lebanon, 14 December 2010.

This number does not account for thousands of undocumented migrant domestic workers living in the country without official residence or employment authorization. Undocumented migrant domestic workers in Lebanon are caught in legal limbo and face significant obstacles that prevent them from regularizing their immigration status in the country. If apprehended by police, they face immediate detention and substantial fines for immigration violations. Often their precarious legal situation is compounded by the difficulty they face in retrieving their identity documents from previous employers who may never respond or may demand payment in return.

Lebanon signed and ratified the UN Trafficking Protocol in 2005, passed domestic legislation against trafficking in 2011, and is party to relevant international labor and human rights treaties. Relevant national and international legal obligations guide and determine Lebanon's duties relating to the treatment of migrant domestic workers. Under human rights law, the Lebanese government is obliged to comply with both positive and negative duties. With reference to migrant domestic workers, this includes refraining from actions that violate human rights directly. This also includes protecting, respecting, and fulfilling the human rights of migrant domestic workers as well as taking reasonable steps to prevent abuses by individuals and non-state actors. The government's responsibility to develop rights-based policies concerning migration, employment, social welfare, and law enforcement are also essential in this regard.

In one of the only government-sponsored studies on the problem of trafficking in Lebanon, migrant domestic workers were identified as potential victims of trafficking. But the report did not fully analyze the possibility of trafficking as it relates to labor exploitation, and it found only a handful of migrant domestic workers to be victims of trafficking in Lebanon. In what might be a reflection of the report's underlying assumptions, the author found that in Lebanon "domestic workers can report to the Ministry of Labor any type of abuse made by their owners".² This apparent reference to employers as "owners" reflects a level of confusion about the legal status of migrant domestic workers in Lebanon. It may also explain why the report's analysis fell short of identifying migrant domestic workers as potential victims of trafficking on a broader scale.

Although critical mass is still lacking, some non-governmental organizations have already recognized links between human trafficking and migrant domestic labor in Lebanon. In 2010, the Pastoral Committee on Pastoral Care of Afro-Asian Migrant Workers (PCAAM) reported that private employment agencies in Lebanon were trafficking in domestic workers.³ Also in 2010, KAFA (Enough) Violence & Exploitation formed a counter-trafficking unit to address trafficking of migrant domestic workers and other vulnerable groups in Lebanon.⁴ Prior to this, KAFA addressed the trafficking of migrant domestic workers in its 2008 shadow report to the UN Committee on the Elimination of Discrimination Against Women (the CEDAW Committee).⁵ On this basis, the CEDAW Committee then expressed concern that women have been trafficked for the purpose of forced domestic labor in Lebanon, and also in 2008 the CEDAW Committee encouraged Lebanon's government to prosecute such traffickers.⁶ In 2006, Sigma Huda, the UN Special Rapporteur on Trafficking concluded that Lebanon has a significant problem of trafficking in persons that affects in particular foreign women

2. See Republic of Lebanon, Ministry of Justice, *Measures to Prevent and Combat Trafficking in Human Beings: Lebanon Country Assessment* (2008).

3. See *Pastoral Care of Afro-Asian Migrant Workers*, Afro-Asian Migrants in Lebanon (2010), p. 6. Report on file with author.

4. See KAFA (Enough) Violence and Exploitation, KAFA's Shadow Report to the United Nations Committee on the Elimination of Discrimination Against Women (2008).

5. See KAFA's Shadow Report to CEDAW Committee (2008) available at <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/KAFA.pdf>.

6. See United Nations (2008). Convention on the Elimination of all Forms of Discrimination against Women: Responses to the list of issues and questions with regard to the consideration of the third periodic report of Lebanon.

7. See United Nations (2005). Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda, on her mission to Lebanon.

8. Email correspondence with Najla Chahda, Director of Caritas Lebanon Migrant Center, Beirut, 8 February 2012.

recruited as domestic workers.⁷ In 2003, Caritas Lebanon Migrant Center created a multidisciplinary team of accredited social workers and lawyers to serve migrant victims of trafficking.⁸ Since then, the team has handled severe cases of physical and sexual abuse, as well as other forms of maltreatment of migrants deemed to be human trafficking on the basis of international definitions.

The present analysis does not suggest that all migrant domestic workers in Lebanon have suffered abuse at the hands of their employers. Nor does this analysis aim to approximate the number of maltreated domestic workers in the country. Rather, the aim is to identify structural factors that create systemic vulnerabilities for migrant domestic workers during their migration to Lebanon and their work upon arrival in the country. Human trafficking can be one of the worst outcomes of a range of abuses experienced by migrant domestic workers in Lebanon. These may also include violations of labor rights as well as verbal, physical, and even sexual abuse. As found here and in other research studies, domestic workers in Lebanon routinely experience confiscation of their identity documents and restrictions on their freedom of movement and communications.

The vulnerability of all migrant domestic workers to human trafficking in Lebanon can be attributed to various structural factors. As indicated, the structural factors detailed in this analysis include the sponsorship system, the recruitment process, and the lack of labor protection and legal redress. In addition, the Lebanese government's refusal to respect current deployment bans from several sending countries exacerbates the vulnerability of migrant domestic workers to trafficking. These various structural factors foster the conditions where abuse and trafficking of domestic workers often occur.

How does this come about? How does trafficking actually occur in Lebanon? Consider the following situations that involve the trafficking of migrant domestic workers. In one scenario, a local broker, for example, recruits domestic workers by deceptive or coercive means from the Philippines to work as domestic servants in forced labor conditions in Lebanon. To take another example, a private employment agent in Lebanon recruits a domestic worker from Nepal to work with known abusive employers under forced labor conditions in Lebanon. Another scenario might involve a private employment agency in Lebanon forcing an abused Ethiopian domestic worker to "transfer" to another abusive employer under forced labor conditions. Finally, another "trafficking" scenario might occur when an employer in Lebanon deceives a Sri Lankan worker into thinking that her rights will be respected, but instead employs - or receives her into - forced labor conditions (e.g. confiscates identity documents, locks domestic worker inside house, does not give her time off or out for the duration of her service, etc.). The next section of this paper will explore the structural conditions that converge to create this type of vulnerability to human trafficking.

The Sponsorship System

First, the sponsorship system creates an environment where all migrant domestic workers have the potential to become entrapped and exploited. The system links a domestic worker's valid immigration status to one single employer. Under the sponsorship system and under Lebanese law, migrant domestic workers may not leave the house, which is also their place of work, without the permission of their employers.

In effect, employers are legally entitled to confine domestic migrant workers to the house indefinitely, although it is impossible to determine what percentage of employers actually do so.

When domestic workers do find themselves in situations of exploitation, then the sponsorship system typically prevents them from seeking and obtaining help without jeopardizing their legal status in the country. This contributes to human trafficking of migrant domestic workers in Lebanon because it can create conditions of compelled service and forced labor. In essence the sponsorship system puts migrant domestic workers almost entirely at the mercy of their employers unless they are willing to forfeit the legality of their immigration status in the country. As a result, migrant domestic workers may find themselves vulnerable to forced labor and human trafficking as well.

Several Lebanese legal experts interviewed for this analysis reiterated the fact that the sponsorship system is not a legal system rooted in one specific law. They concurred that there is no central, comprehensive repository for all of the relevant regulations and practices related to the sponsorship system itself. Some of these legal provisions may be found in the 1962 Foreigner's Law, the 1949 Labor Law, the Law of Contracts, and the Lebanese Penal Code. But generally speaking the sponsorship system consists of complementary regulations and decrees issued by the General Security and the Ministry of Labor.

The system restricts migrant domestic workers' freedom of movement, their channels of communication, their independence, and their freedoms. According to the 2009 standard work contract for migrant domestic workers enacted by Lebanon's Ministry of Labor, there are only three legally permissible grounds for a domestic worker to terminate her employment contract: (1) physical or sexual abuse demonstrated by medical certification (2) non-payment of wages for a period of three consecutive months or (3) employment in a capacity other than that for which she was recruited and without consent (e.g. being required to do a task that does not fall under the umbrella of domestic work).

Yet any one of these three criteria would be difficult to prove by migrant domestic workers under most circumstances in Lebanon. This is especially difficult without the help of witnesses, forensic medical experts, and qualified lawyers – not to mention communication and literacy skills in Arabic, French, or English which migrant domestic workers often lack. So although the standard work contract provides three escape hatches on paper, they are only nominal at best.

If domestic workers leave (or “run away” from) their employers – even under abusive conditions – then they automatically jeopardize their immigration status in the country because the sponsorship system legally binds them to their sponsor. For domestic workers who want to remain within the boundaries of the law, they are left with very little choice when it comes to leaving abusive employers. As a result, these constraints may trap domestic workers in exploitative situations.

The sponsorship system assigns disproportionate legal power to the sponsor. In turn,

this sponsor may then utilize various control mechanisms to dictate the relationship with the migrant worker. These control mechanisms may include withholding identity documents, confining the worker to the household, or threatening the worker with the possibility of “returning” her to the employment agency, denouncing her to the authorities, or immediately repatriating her back to her country of origin without reasonable notice.

As some commentators have noted, the sponsorship system enables the government to delegate to individual citizens the responsibility for matters related to the presence of foreigners on national territory. In effect, the sponsor becomes the mediator between the migrant domestic worker and the government. In other words, instead of the state regulating immigration matters related to migrant domestic workers, the employer is the one who largely monitors the foreign worker while she is in the country.

The Recruitment Process

Second, in addition to the sponsorship system, the recruitment process is another factor that increases vulnerability of migrant domestic workers to trafficking. Domestic workers may be misled or deceived about the conditions that await them in Lebanon. Frequently they are not properly informed in advance about employment terms and working conditions including working hours, wages, contract duration, restrictions on freedom of movement and communications, and lack of access to legal help or assistance – especially in cases of physical abuse and non-payment of wages. Likewise, the recruitment process increases the vulnerability of domestic workers to trafficking when the Lebanese government issues work and entry visas to domestic workers from countries with deployment bans against Lebanon. As a result, the recruitment process often involves taking illicit routes, bribing corrupt officials, and paying middlemen for escort services. The recruitment process is critical to the migration of domestic workers into Lebanon. During the pre-departure, departure, and transit phases, the recruitment of migrant domestic workers may involve multiple sub-agents, intermediaries, and auxiliaries. Recruiters may sub-contract local brokers to escort, accompany, disguise, or steer migrant workers across international borders. Local sub-agents or brokers generally arrange for requisite travel logistics and transit visas as necessary.

Deployment bans imposed by several countries in recent years have increased the complexity of the recruitment process into Lebanon. At least four governments (the Philippines, Ethiopia, Madagascar, and Nepal) have each imposed bans preventing their nationals from coming to serve as domestic workers in Lebanon. The primary reason stems from recognition of the vulnerability and lack of protection that migrant domestic workers encounter in Lebanon. Several of the Lebanese employment agents and migrant community leaders interviewed for the present study, however, emphasized that deployment bans do not stop domestic workers from migrating to Lebanon – whether legally or not. Lebanese recruitment agent “H”, for example, said: “They will still keep coming despite the bans. You should see all of the messages I get every day from Filipinas or their friends and families begging for work.”⁹

In the face of these deployment bans to Lebanon, many migrant domestic workers deal with local brokers engaged in illicit recruitment and transport practices. This process inevitably involves fake itineraries, circuitous travel routes, several bribes, and a

9. Interview with agent “H” in Beirut, Lebanon, 9 December 2010.

considerable amount of “monkey business” in the middle. Local recruiters in sending countries take precautionary measures to dodge authorities in order to evade sanctions for their criminal conduct.

Immigration authorities in the Philippines, for example, recently detained six women at the Manila airport after they were caught trying to circumvent the ban to Lebanon. The women were dressed as nuns, and they were pretending to be on their way to Hong Kong for a religious seminar. In fact, the six disguised women were planning to work as domestic workers in Lebanon where their employers were presumably preparing to meet them at the Beirut airport. Authorities in the Philippines, Ethiopia, Madagascar, and Nepal monitor departures carefully in order to prevent local brokers from “coaching” migrant workers across transnational borders en route to Lebanon.

In addition, local brokers in origin countries sometimes charge migrant domestic workers substantial recruitment fees. Such practices were reported by some of those interviewed for the present study. Workers from Nepal, for example, reported paying local brokers anywhere from \$300 to \$700 in order to secure a job in Lebanon, and this did not include airfare or additional salary deductions by the recruiting agency in Lebanon. Such recruitment fees amount to several months of an average Nepalese migrant domestic workers’ salary of \$125-\$150 per month. When migrant domestic workers pay recruitment fees in advance or when they borrow money to do so, then this leaves them indebted upon arrival – even before they start their work in Lebanon. With reference to human trafficking in Lebanon, the question here is whether agents and brokers utilize coercive means during the recruitment process. Several means of coercion are enumerated in the UN Trafficking Protocol, but two of these are particularly relevant to the situation of migrant domestic workers en route to Lebanon. They include 1) deception and 2) abuse of a position of vulnerability. Both of these are relevant because migrant domestic workers generally seek employment in Lebanon freely and of their own volition. They know in advance that they are migrating to Lebanon for employment as domestic workers. But nevertheless they are not always prepared for the conditions and the constraints that await them at their destination, and often they are misled during the recruitment process.

Lack of Labor Protection and Legal Redress

Third - in addition to the sponsorship system and recruitment practices - lack of labor protection and legal redress can be another factor that increases the vulnerability of migrant domestic workers to trafficking. In Lebanon, domestic workers have experienced long-standing exclusion from protection under the country’s labor law. In addition to the other contributing factors discussed in this analysis, migrant domestic workers are vulnerable to human trafficking due to the lack of labor protection and legal redress in Lebanon. There are few – if any - credible checks on the mistreatment migrant domestic workers may experience. As a result, unbridled exploitation has the potential to become the norm in many households.

In general, migrant domestic workers in Lebanon have very little recourse for dealing with abusive employers. In addition migrant domestic workers are often isolated within the household and confined to it. Many domestic workers are prohibited from communicating with other people in person or on the telephone. They do not have

access to formal legal information about their rights, and they are not necessarily aware of the pro-bono legal service sometimes available to migrant domestic workers in Lebanon. In most cases, these workers would jeopardize their immigration status by initiating any sort of legal complaint against their sponsors.

Even when they do manage to contact or enlist legal services, migrant domestic workers face significant evidentiary challenges. Documenting abuses, collecting evidence, and contacting forensic medical experts all require time, language skills, and resources that migrant domestic workers do not typically possess. They also face the threat of retaliatory charges brought by employers - generally for allegations of stealing money or jewelry.

A government official in the Ministry of Labor asserted that migrant domestic workers do not generally contact the Ministry with complaints or problems. This, she contended, is because they have their embassies to “take care” of them. In reality though, only the Philippines and Sri Lanka have diplomatic presence at the embassy level. Even Ethiopia, with the largest number of domestic workers in the country, has only one labor attaché with quite limited capacity. When asked to comment on the situation, the Ethiopian Consul General said: “I have a small staff and no time for all of the problems we have here”.¹⁰

Meanwhile, Ministry of Labor officials reported withdrawing the operating licenses of two employment agents in 2009. However, these agents’ licenses were not revoked, for their mistreatment of migrant domestic workers, but revoked for taking payment from clients without guaranteeing arrival of the domestic worker. The head of the inspection unit at the Ministry of Labor said that disgruntled employers complain the most concerning migrant domestic workers. Employers typically complain because agencies recruit workers who are sick or because they take too long to arrive in Lebanon.

The Ministry of Labor also maintains a blacklist of abusive agents and employers to whom work permits for migrant domestic workers will no longer be issued. Ministry of Labor officials shared information about only one such employer on the list. In this “blacklisted case” the employer beat the worker in front of the chief of the inspections unit at the Ministry of Labor. In this case, the Labor Minister personally blacklisted the abusive employer. Officials in the Ministry of Labor have pledged to maintain strict scrutiny in order to prevent this particular blacklisted employer from hiring another domestic worker again. But no specific details were forthcoming about the actual implementation of the blacklist or how it works in practice.

The Lebanese government has taken some recent steps to address the vulnerability of migrant domestic workers to abuse. These measures include a draft law on domestic workers, a standard employment contract for domestic workers, and an emergency hotline in the Ministry of Labor. In early 2011 Lebanon’s Labor Minister proposed a draft law on domestic workers, but by late 2011 the draft law appeared to be dormant with the change in government. In any case, the draft law still omits critical legal protections. Significantly, Article 11 of the draft law gives employers the discretion to restrict domestic workers to the house – even on their days off. This situation

¹⁰. Phone call with Ethiopian Consul General in Beirut, Lebanon, 17 January 2011.

is compounded by the fact that few credible mechanisms exist for responding to instances of abuse.

Conclusion

Further initiatives in Lebanon will have to tackle root causes in order to decrease the vulnerability of migrant domestic workers to labor exploitation and human trafficking. Meanwhile, the vulnerability of domestic workers to human trafficking arises not only during their recruitment and transit to Lebanon - but also during the employment stage once they have arrived in Lebanon. More specifically, domestic workers employed in Lebanon may be vulnerable to exploitation in the form of forced labor, servitude, slavery or practices similar to slavery. Coercive practices used by employers and agents in Lebanon include physical maltreatment, verbal harassment, threats of deportation, non-payment of wages, excessive working hours, confiscation of identity documents, restrictions on communications, and forced confinement to the workplace. When employers and agents subject domestic workers to such exploitation, then both the employers and agents, as well as the migrant workers, enter into the realm of human trafficking.

Even employers who treat migrant domestic workers humanely take advantage of the inherent vulnerability of this population to human trafficking. Participants in any system reinforce that system unless they are actively working to reform it. As such, even the most benevolent and generous of employers in Lebanon are providing cover for human traffickers to fly below the radar screen while conducting an unscrupulous business with no measure of accountability.

This analysis points to direct links between human trafficking and the situation of migrant domestic workers in Lebanon. The situation is complex, ongoing, and multi-layered. As a result, questions remain. Future work and research is needed in this area. It is urgent that recognition be paid to migrant domestic workers in Lebanon who are vulnerable to human trafficking. Research will serve to diagnose the precarious situation of migrant domestic workers in Lebanon from a human rights angle. Accordingly, such efforts may also enable the use of relevant legal frameworks and instruments that Lebanon has already endorsed - and could develop further - vis-à-vis human trafficking, in defending and protecting migrant domestic workers from this point forward.

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Violence Against Women in Morocco

Moha Ennaji

One of the most alarming issues in Muslim societies appears to be gender-based violence. The violence directed at women linked to their womanhood is gender-based. It is violence intended to establish or reinforce gender hierarchies and perpetuate inequalities. Violence against women seems to be a cause and a consequence of gender perceptions. Gender-based violence affects men's and women's perceptions of each other.

In a speech made by King Mohammed VI in 2008, Morocco withdrew all its reservations with respect to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). The aim of the withdrawal of reservations was to enhance the legal position of women on the basis of the principle of equality of opportunity and the application of international instruments and declarations ratified by Morocco. This decision may be regarded as an important indication that Morocco is committed to gender equality and to combating violence against women.

Morocco has also ratified other international treaties and conventions relating to human rights which protect women from violence, inter alia: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child and its two Optional Protocols; the Convention on the Elimination of All Forms of Racial Discrimination; and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

At the regional level, Morocco has been a state party to the African Charter on Human and Peoples' Rights

since 1983. Article 18(3) of the African Charter provides that states must ensure the eradication of all types of discrimination against women as well as the protection of women's rights "as stipulated in international declarations and conventions".

The Constitution of Morocco recognizes the primacy of international laws which supersedes domestic legislation, although such laws and conventions do not have pre-eminence over the Constitution itself without a revision of the latter.

Considerable efforts have been made by the state to improve the situation of women in Morocco in recent years. In 2003, Morocco passed its Family Law, a watershed in guaranteeing women equal rights within the family, especially by ending the custom of male "guardianship." Other signs of progress included the election of a record number of women to political office, making Morocco a reference point for progressive women's movements across the Middle East and North Africa region. The government counts seven women ministers. The adoption of a gender approach in all ministries is a testimony to the commitment of the government to combat discrimination against women and to improve their representation in politics. As a result of the quota system, Morocco has 35 women members of parliament and 3428 women elected in the municipalities.

But discrimination against women still persists, and laws need to be modernized. Two groups that continue to suffer severe exclusion and discrimination are single mothers and girl domestic workers (see Ennaji & Sadiqi, 2011).

Under the new labor code, women can start their own business and sign trade agreements without the

consent of their husbands. The code stipulates that there shall be no discrimination against women in employment and wages, and considers for the first time sexual harassment as a serious crime.

Significant demographic changes have also led to the improvement of women's health, such as a decrease in fertility rates and a rise in the age of women contracting their first marriage (average 26 years).

The *Dahir* (royal decree) of 1958 concerning Nationality and the Penal Code of Morocco have been recently revised. The new penal code allows a wife to directly sue her husband without the authorization of the court, unlike the case in the previous provisions. According to the new Nationality Code passed in 2007, a Moroccan mother can pass on the Moroccan nationality to her children of a non-Moroccan father automatically, unlike in the 1958 law which required residence in Morocco and a formal application for granting the nationality to the child. This new code puts an end to the suffering of thousands of Moroccan women married to non-Moroccans.

The recent legislative reforms will in the long run have a very positive effect on gender relations. Nevertheless, these changes will only become truly significant if they lead to a change in the mentalities of all Moroccans and if they benefit the daily lives of Moroccan women of all ages. This remains a major challenge, for Morocco is a Muslim society where modernity and tradition compete. It is also a country which is transitioning toward democratization, integration into the global economy, and urbanization.

Despite these positive changes, women still face violence in private and public spheres alike, as well as societal discrimination in the many dimensions of their lives. Gender discrimination persists, and inequalities between Morocco's urban and rural populations in terms of access to education, employment, and health care are flagrant (Ennaji & Sadiqi, 2011; Ennaji 2010).

Serious Challenges

Despite remarkable headway made towards gender

equity, there are setbacks and serious challenges like fighting illiteracy and poverty. For instance, illiteracy is very high among women in Morocco despite government and civil society efforts to reduce it. Only 36 percent of adult women know how to read and write, against 62 percent of men. The illiteracy ratio among the young is 41.7 percent for girls and 23.9 percent for boys (percentage of people aged 15-24). Literacy ratios showcase the discrepancy between the educational level for women and men. The general primary schooling rate is 94 percent for both girls and boys, and the net primary schooling rate is 77 percent for boys and 64 percent for girls. According to the United Nations Development Programme, only 40 percent of those registered in the first, second, and third levels of education are girls.

It was only in the year 2000 that elementary school education became compulsory. While the ratio of schooling at the primary education level (children 6 to 11 years of age) increased from 68.6 percent in 1997 to 90 percent in 2007, significant progress has been made in girls' education in rural areas. An estimated 22 percent of rural girls do not benefit from any formal education.

According to the government, only 26 percent of girls aged 14 to 16 years in rural areas were attending school in 2007 (CRC/C/28/Add.1, para. 60, 2007). Sexual stereotyping of women and girls in officially assigned textbooks is common place. Despite the National Charter of Education and Training that imposed reforms in the educational system since 2000 and stipulated equal opportunities in education for both girls and boys, women and girls are depicted as housewives, maids, cooks, cleaners, secretaries, and as minors in many Arabic textbooks at the primary level of education (Belarbi, 1987).

Significant measures have been taken by the state to promote gender equality in the educational system through the National Program for Promoting Human Rights Culture in schools. The government, however, has not taken any actions against parents who do not send their daughters to school. Moroccan human rights non-governmental organizations (NGOs)

endeavor to reduce gender inequalities in education through projects enhancing girls' education in rural areas and through surveys and reports on discrimination, violence, and sexual harassment in schools.

Due to the literacy campaign launched by the government since 2002 and government commitment, girls' enrolment in primary schools increased within one year by more than 10 percent. The secondary school enrolment ratio is 44 percent for boys compared to 34 percent for girls. It should be noted that there exist great disparities in school enrolment between rural and urban areas. NGOs make considerable effort to teach literacy to girls and women and to rehabilitate schools and other public infrastructures.

About one fifth of the population suffers from poverty, which is more prevalent in the countryside. Several factors make women more vulnerable to poverty than men. Widows and divorcees are more exposed to poverty. Women-headed households are likely to be large and poor. Women in rural areas are affected by other difficulties linked to poverty, such as widespread illiteracy; poor access to education; poor health care; lack of amenities like running water, hygiene, and electricity; poor access to land, information, training, and bank loans.

Women's NGOs and human rights organisations have multiplied actions to improve the situation of women and the conditions of the most vulnerable populations. These NGOs have initiated extremely important projects for women in the areas of literacy, microfinancing, and microcredit. Moroccan NGOs have also established many centres where women can obtain training, information, and legal aid.

Nevertheless, government efforts to protect and upgrade women's economic rights remain inadequate. The government's annual development budget is rather incomplete and fails to reduce women's hardships especially in rural areas (Naciri, 2003).

Since the promulgation of the new family law, violence against women has been largely mediatized

and brought on the Moroccan social and political agendas, mainly due to the work of women's NGOs (Sadiqi, 2009). Headed by a woman, the Ministry of Social Development, Family, and Solidarity, has adopted a new strategy to combat violence against women, guaranteeing gender equality. In 2007, a unit for women victims of violence was established in a few hospitals and police stations across the country.

Nevertheless, domestic and sexual violence continue to be considered as a private matter which does not represent a human rights violation or a crime that needs serious investigation and analysis. Violence against women continues to be surrounded by silence. As a consequence, violence against women is under-documented. The following section examines the condition of domestic workers in Morocco.

Violence against Housemaids: Facts and Reactions

Section 4 of the 2003 labor law specifies the recruitment and employment conditions regarding domestic workers. Despite these changes, the status of domestic workers is still not well defined, because the labor code applies only to salaried men and women.

According to ADFM, one of four wage earning women in urban areas are employed as helpers who are often under the age of twelve. These young girls work under appalling conditions, are deprived of their basic rights, and are over-exploited, as they work between 10 and 14 hours a day (cf. Schneider, 1999). The government has recently taken measures to reduce the exploitation of maids, but the new law has not been enacted yet.

According to the 2001 survey conducted by the Moroccan League for the Protection of Children and UNICEF, 45 percent of domestic workers under the age of 18 were between the ages of 10 and 12, and 26 percent were under the age of 10. In 2002, the legal age for work was raised from 12 to 15. Underprivileged parents oblige their daughters to work as maids so that they can benefit from their earned wages. These young girls are sent by their families from rural areas to work as domestic workers in urban homes. Over 80 percent of the child

domestic workers are illiterate and over 75 percent are from rural areas.

These domestic workers are particularly vulnerable to exploitation. They are usually lonely, with hardly any opportunity to see their relatives or meet new people and consequently have no one to turn to for assistance. These young girls are often beaten up by their employers. Many of these cases have been tried in court and covered by the media. In 2009, a judge and his wife battered their maid, Zineb, aged 12. The wife was sentenced to three years in jail, and her husband suspended from his job (see the Moroccan Arabic daily *AlMassae* of 30 October, 2009).

In a 60-page report entitled *Inside the Home, Outside the Law, Abuses of Child Domestic Workers in Morocco*, New York-based Human Rights Watch cited the cases of girls as young as 5 working 100 hours per week with no rest break or day off for 6.5 Moroccan Dirhams (\$0.71) per day.

There are thousands of cases of under-age girls from the countryside given away by their parents to work in homes in big cities. Here are a few examples. Six years ago Fatima's mother sent her 9-year old daughter to work as a housemaid in the city, where her first employer beat her. "In the city my daughter will dress well and eat well," said Khadija of her decision. She is paid 500 Moroccan Dirhams (\$60.56) monthly for Fatima's work. "My husband and I cannot look after her and the other 4 children". Fatima is one of tens of thousands of girls working as live-in maids in Morocco who, according to a 2006 Human Rights Watch report, face physical and psychological abuse as well as economic exploitation (Abdennebi, 2007).

No official numbers exist, but one non-governmental organization called Bayti has counted 23,000 girl domestic workers in Casablanca alone. Amina Lmalih, Bayti's director, says the vast majority come from the countryside, where people have little income and a lot of kids. If they send a girl away, not only it is one less mouth to feed, she can also send money home. "And the parents," she says, "think they're doing something good for their daughter, that they're saving her from the tough conditions in the countryside where there

is no electricity and so on. The parents think that at least their daughter will be fed in the city." (A radio story broadcast by PRI's *The World*, 2009).

The government, the Ministry of Social and Family Affairs in specific, has passed laws to limit the exploitation and the violence against child maids by regulating the work of housemaids so that no girl under the age of 15 can be employed as a domestic servant. The Minister set a target date for eradicating the problem of young maids by 2010. However, this depends on all partners working together.

This law was especially important considering that eight out of ten cases of violence against maids who come to the centres are perpetrated by their employers. Although there are no estimates as to how many children are employed in domestic service due to the hidden nature of the work, United Nations agencies and most NGOs underline the prevalent abuse of young girls working as household maids, which is one of the major issues confronting Moroccan children.

Since 2002, the Ministry of Women's Affairs worked with government departments and Moroccan women's NGOs to fight against violence in general, and violence against domestic workers in particular. While reforms of criminal laws have provided some protection for women against violence, violent practices against women in the public and private spheres continue to occur, including sexual harassment and violence against domestic workers. Moroccan women's NGOs have endeavored to break the silence surrounding violence and other mistreatments undergone by women using radio and television campaigns on violence against women. Several Moroccan and international NGOs advocate for the prevention of violence against women and for the protection of women victims. Centers like Solidarité Féminine, Initiatives, Bayti, Annajda, Chourouk, Annakhil, and many others provide support services, shelter, legal aid, and information.

Conclusion

Girl domestic workers are the most frequent victims of violence in Morocco. However, these housemaids

rarely approach the Moroccan police for assistance because they believe that the police are often biased against women.

In light of the new reforms enacted since the implementation of the new family code, the Moroccan police are engaged in activities to try and encourage women to report more to the police, but such measures may take a significant amount of time before they lead to results at the local level. Whilst Moroccan police has shown a reforming zeal in announcing its intention to appoint thousands of new female police officers, it will take time to recruit, train, and integrate them.

The state has yet to develop a comprehensive policy and legislative response to the problem of domestic violence. This legislation should be drafted in such a way as to cover both physical and psychological violence and provide for protective mechanisms

including restraining orders. There is also the necessity of training law enforcement officials and members of the judiciary regarding the investigation, prosecution, and punishment of cases of family-based violence.

Economic development and better public education are key tools to discourage the use of child maids. Tougher laws are also badly needed to reduce the intensity of this phenomenon. The government and charities must consider strict legislation if they are to change the mindsets of Moroccans, who still do not see the employment of girls under fifteen years of age as a crime against humanity, despite the numerous public awareness campaigns. What's needed is for those who employ young girls to realize that their actions are a crime punishable by law.

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Awareness Guide for Female Domestic Workers in Lebanon

What Should I Know?

This guide was prepared by the Institute for Women's Studies in the Arab World at the Lebanese American University in 2010. It was funded by a grant from the Foundation to Promote Open Society. The content of the guide is based on information compiled by IWSAW and on an ILO publication titled Did You Know? Frequently Asked Questions And Answers About Live-in Domestic Workers In Lebanon (August, 2009).

What Should I know upon my Arrival?

General Blood Test

- The employer will ask me to take a general blood test including HIV and Tuberculoses.
- If the results come out positive then I should leave the country and return to my native country at the expense of the agency.

In Case of Pregnancy Before or Soon after my Arrival

- I am requested by the health insurance company to take a pregnancy test.
- If I am pregnant, the Lebanese Ministry of Labor requests that I leave the country and return to my native country at the expense of the agency.

If I Do not Get Along with my Employer

- I should inform the agency within the first three months of my employment (probation period).
- The agency should provide me with a new employer.
- If the agency does not take any action, I should inform the embassy of my country.
- I should never run away, as I could be trafficked or arrested by the police.

What Should I know about Work and Residence Permits?

- The Lebanese Ministry of Labor sets the basic rights and duties for the worker and the employer.
- The employer, through the notary public office (*kateb al-'adel*), must issue a contract in my native language as required by the Lebanese contract law.

- The duration of the contract is 3 years, to be renewed year by year.
- The employer must obtain for me a work and a residence permit at his/her own full expense.
- I must never leave the house of the employer without having the original copies of both the work permit and residence permit, otherwise I risk being arrested by the police.
- The employer must keep a photocopy of both documents and safeguard the originals upon my return from the outing.

What Should I know About My Work Conditions? Working Hours

The unified standard contract for domestic workers in Lebanon stipulates that I have the right to:

- Work at an average of 10 inconsecutive hours a day at the most.
- Rest for at least 8 continuous hours at night.
- A weekly rest of not less than 24 consecutive hours.
- Discuss with the employer and agree on the timing and conditions of this rest.

Accommodation and Other Benefits

I am entitled to:

- A Clean, safe, and healthy space.
- A bed with a mattress, a blanket, sheets, towels, and other hygiene necessities.
- Appropriate clothing for the season and a place to put my belongings.
- Regular and sufficient food every day.
- Make one phone call per month at the expense of the employer.

- I should pay with my own money for any additional calls.
- Receive telephone calls and correspondence from my family.

Payments and Salary

I should:

- Receive by the end of each working month a full monthly wage as indicated in the contract.
- Receive the wage in cash or ask my employer to transfer it to a bank account in my native country.
- Ask for a written receipt to be signed by both my employer and me.
- Inform the agency or the embassy if my employer withholds my wage.

In Case of Sickness My employer should provide for:

- Medical care and doctor's visits as needed.
- An insurance policy from a recognized insurance company in Lebanon in accordance with the conditions prescribed by the Lebanese Ministry of Labor.

The insurance policy should cover hospitalization and repatriation in the event of death. Dental and eye care are not covered by this insurance.

When Can my Employer Terminate my Contract?

If I commit:

- A deliberate mistake, neglect, assault or threat, or cause any damage to the interests of my employer, or a member of his/her family.
- An act that is punishable by Lebanese laws.

In these cases, I am obliged to leave Lebanon and pay the cost of my return ticket home.

When Can I Terminate the Contract?

- If my employer does not honor the contract and fails to pay my monthly salary for a period of three consecutive months.
- If my employer or a family member of his/hers or any resident in his/her house beats, assaults, sexually abuses or harasses me. Evidence of violence perpetrated on me should be recorded through medical reports given by a forensic physician and investigation records provided by the Judicial Police or the Ministry of Labor.

- If I am asked to perform other jobs and duties than what I have been initially hired to do (for example, work outside the house or perform duties other than domestic work).

In such cases the employer is obliged to cover the cost of the return ticket home at his/her own expense.

What Should I know If I Am Arrested Or Detained?

If I am Arrested by the Police

I have the right to:

- Contact a person to let him/her know of the situation (Embassy, a friend, any family member, or any of the emergency numbers provided in this guide).
- Not to be subjected to any kind of physical or verbal abuse.
- Not to remain arrested for more than 48 hours.

If I am Detained in any Prison

I have the right to:

- A clean, safe, and healthy space.
- A bed with a mattress, a blanket, sheets, towels, and other hygienic necessities.
- Appropriate clothing.
- Sufficient food.
- Medical treatment in case of sickness.
- Ask the director of the prison to secure a permission to contact a family member, or the embassy, or any of the emergency numbers provided in this guide to ask for legal assistance.

Emergency Numbers and Hotlines

Organizations:	Name	Phone number
	Caritas	01-50 25 50 ext. 117 or 118 03-09 25 38
	KAFA	01-39 22 20 03-01 80 19
	Restart	01-38 53 58
Embassies:	Country	Phone number
	Philippines	01-21 20 02 01-21 20 03
	Sri Lanka	05-95 47 63 05-95 47 66 05-92 47 65 05-92 46 02
	Nepal	01-38 66 90 01-39 60 02
	Ethiopia	01-38 87 86 01-38 89 23

Women and Security:

Findings from an Assessment on the Security Perceptions of Palestinian Women and Girls

Stephanie Chaban

Despite being uniquely affected by insecurity and violence in conflict-affected and post-conflict regions, the perspectives of women and girls are rarely brought into the security debate. The Palestinian Territories are no different. Yet, Palestinian women and girls have much to relay about the way conflict and insecurity impact their lives.

With this in mind, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) released a report titled "Palestinian Women and Security: Why Palestinian Women and Girls Do Not Feel Secure"¹ (Chaban, Daraghmeh, & Stettler, 2010) in February 2010. The report documents women and girls' perceptions of their personal security, the security sector, service providers, and violence against women.² It was based on 35 semi-structured focus group discussions and eight in-depth interviews with Palestinian women and girls in seven governorates in the West Bank and the Gaza Strip between June and November 2009. Occupied East Jerusalem was not included in the report.

The report's findings revealed that Palestinian women and girls face very specific forms of insecurity. Perceptions of insecurity were largely related to the ongoing conflict, society's tacit tolerance of violence against women, women's own lack of awareness of service providers,³ and women's distrust of the services currently available. This paper intends to present a brief overview of the report's main findings, with a sampling of the voices of Palestinian women and girls.

Military and Factional Violence

The report begins with the following quote from a university student near Hebron: "Whenever I think that there are Israeli soldiers around us, I don't feel secure, and as long as there is an internal conflict between the Palestinian political parties, I also don't feel safe..." (Chaban, Daraghmeh, & Stettler, 2010, p. 18). This observation highlights the insecurity Palestinian women and girls feel as captives of an Israeli-led occupation that is now coupled with an internal factional divide. Such violence and insecurity increases current struggles for gender equality in the domestic sphere. For example, a working woman from a refugee camp in the Gaza Strip was compelled to alter her perception of insecurity with the onset of Operation Cast Lead:⁴ "... now the war has created an even more difficult situation. Women have become less concerned with [domestic] violence practiced against them" (Chaban, Daraghmeh, & Stettler, 2010, p. 19). In other words, the violence experienced in the public sphere has taken precedence over the violence women face within the local community, in general, and inside the household, in specific. Another working woman from a refugee camp in the Gaza Strip said: "...we, as women, do not have a role in this struggle. On the contrary, women are afraid for their children if they are from different political factions..." (Ibid.:21). Concerns voiced by Palestinian women and girls focused on the security of the community and the family's exposure to violence rather than on their own vulnerability.

Other forms of insecurity and violence involved

mechanisms of control directly linked to the Occupation. Women and girls who lived in close proximity to Israeli settlements and checkpoints expressed specific fears of violence against them by soldiers and settlers, especially sexual harassment perpetrated by Israeli soldiers. Others lamented how pregnant Palestinian women were denied access to medical services and some had to give birth at checkpoints.⁵ Fear of checkpoints also extended to the home environment: some women and girls made a connection between the violence and abuse faced by Palestinian males at checkpoints and the likelihood that these men will take their anger and frustrations out on female loved ones, resulting in domestic violence. These voices serve as a reminder that there is not a clear demarcation between the conflict zone and the home. For Palestinian women and girls, insecurity persists and violence occurs in multiple forms and in multiple locations, as is shown below.

Perceptions of Insecurity in the Public Sphere

Perceptions of insecurity in the public sphere were strongly linked to the larger society's perception of female modesty and morality. Women and girls mostly feared accusations of improper behavior when attempting to access masculine (public) spaces. This fear, whether justified or not, increased their feelings of insecurity. A housewife from a refugee camp near Ramallah explained: "If any one of us goes out of her home too many times during the week, the community starts talking about her; people at our camp do not like to see women outside their homes..." (Chaban, Daraghmeh, & Stettler, 2010, p. 24). Reports of women and girls having to quit work or drop out of school were also mentioned due to the consistent belief that it was scandalous for a female to go out during odd hours.

On the streets, unwanted attention, verbal harassment, and touching were considered the norm. Young men acted with impunity. A university student from a refugee camp near Ramallah shared her experience by saying the following: "Young men harass me in the street; not only verbal harassment, but also they touch our bodies. This leads to the insecurity of women on the street" (Chaban, Daraghmeh, & Stettler, 2010, p. 23). Such

behavior sends a clear message to women that the public sphere is off limits and that accessing it has negative consequences for them.

Perceptions of Insecurity in the Home

Research and anecdotal evidence show that family violence, sexual violence towards female family members, and murder in the name of honor have all been on the rise since the start of the second Intifada in 2000 (Amnesty International, 2005; Erturk, 2005; Human Rights Watch, 2006). Increased violence in the home was partly explained by the current economic situation in the Palestinian Territories and partly by society's tacit tolerance of violence against females within the family.

According to a former female prisoner from a city in the Gaza Strip:

Poverty leads to a lot of violence inside our homes. The husband is not able to provide basic necessities, so he will take out his anxiety on his wife and children. If my daughter asks for something from her father, he will beat her because he is not able to provide it... (Chaban, Daraghmeh, & Stettler, 2010, p. 29)

In contrast, some said that verbal and physical violence was common, like this housewife from a camp near Ramallah:

The first type [of violence against women] is verbal violence. To hear verbal abuse within a family is a normal phenomenon. There are some men who don't have the slightest respect for their wives. They treat them as servants who are only there for housework and childbearing. There is a lot of physical abuse at home. (Chaban, Daraghmeh, & Stettler, 2010, p. 33)

In many of the focus group discussions, all family members were implicated in promoting abusive behavioural patterns, including fathers, brothers, sons, and even mothers-in-law. However, what young women and girls were especially keen to share were the limits placed on them as they tried to access educational and career opportunities – limits which they viewed as abusive, as a university

student from a camp near Jenin explained: "[Families] compel girls to choose certain fields of specializations, such as education. But few families accept [that their daughters choose] fields like engineering" (Chaban, Daraghmeh, & Stettler, 2010, p. 31).

In discussing instances of violence, whether forced/early marriage, battery, or murder in the name of honor, Palestinian women and girls confirmed that an aura of secrecy and intimidation pervaded the household and the community. According to a working woman from a village near Nablus: "Women are afraid to share and talk about their situation because it will be used against them" (Chaban, Daraghmeh, & Stettler, 2010, p. 31). This fear of discussing or talking about the violence inflicted on them perpetuates the violence and makes it hard to put an end to it.

Perceptions of Response Mechanisms

Women and girls believed that the use of service providers tasked with assisting them during moments of insecurity negatively affected their safety and their family's honor. This was primarily due to the belief that service providers were unable to provide any protective services. As a housewife from a refugee camp near Ramallah put it bluntly, "There are no organizations that will totally support women; no one dares to stop a violent husband" (Chaban, Daraghmeh, & Stettler, 2010, p. 40).

There was also little trust in the police and security forces, the main individuals tasked with protecting citizens. Going to the police to solve a problem of family violence was equated with bringing shame upon the woman's family and possibly inciting even greater violence. As for public and non-governmental services, such as hospitals, shelters and women's organizations, they were commonly avoided due to a perceived lack of confidentiality, unfamiliarity with the services offered, a belief that staffers were unprofessional, or a combination of all three. Many Palestinian women and girls were unaware of the existence of any shelters, although two such shelters existed in the West Bank at the time of the interviews. While women's and human rights organizations are many in the

Palestinian Territories, women and girls did not notice their presence in their communities. As a working woman from Jenin said: "... I cannot think of any party [non-governmental organization or government institution] that seriously and effectively cares for women who are subjected to violence and who need treatment and follow up" (Chaban, Daraghmeh, & Stettler, 2010, p. 46). Women and girls were skeptical about and distrustful of the women's rights organizations they did know, as explained by a university student from Nablus: "Not all people believe in these organizations; they are not convinced of their role" (Chaban, Daraghmeh, & Stettler, 2010, p. 46).

Finally, the current legal framework in the Palestinian Territories is unable to provide gender-specific security. It is a patchwork of laws from the Ottoman period and British Mandate, as well as from neighboring Jordan (West Bank) and Egypt (Gaza Strip). Recent decades have added Israeli military laws and Palestinian Authority civil laws. As a housewife from Jenin explained, "Palestinian women do not feel secure because the law is unfair... Concerning the personal status law, we depend on the unjust Jordanian law that is not fair to women" (Chaban, Daraghmeh, & Stettler, 2010, p. 47). It is believed that the ongoing Israeli occupation, the paralysis of the parliament, and the historically low priority placed on women's issues have made gender-sensitive legal reform extremely difficult in recent years.⁶

Recommendations

Recommendations by Palestinian women and girls sought to fill institutional gaps, increase female participation in the security, justice and political spheres, and increase the capacity of service providers in rendering services to those in need. In specific, women and girls recommended an increase in confidential services among core security and justice providers, including an increase in the number of females on the police force and in the Palestinian parliament. Women and girls demanded legal reform, especially gender-sensitive legal reform of the Penal Code and the Personal Status Law. Enactment of a family protection law that penalizes violence against women and crimes

in the name of honor was also requested. Women and girls demanded psychosocial services in hospitals and an increase in the number of shelters. Stronger networking and communication between service providers and greater outreach by women's and human rights organizations was requested in order for marginalized women and girls to benefit from their services.

It is obvious that Palestinian women and girls are knowledgeable about and have a serious investment in security; not just their own security, but that of their community. While women and girls did not explicitly state it, many of these recommendations are in-line with international conventions such as

the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). They lay the foundation for gendering peace and security as echoed in the UN Security Council Resolution 1325. Thus, it is clear that women and girls do have a significant contribution to make to the security debate. These recommendations serve as a confirmation that the active participation of women and girls is vital for developing a holistic form of security that addresses the unique needs of women and men, girls and boys.

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ENDNOTES

1. The report can be found online in Arabic and English at: <http://www.dcaf.ch/Publications/Publication-Detail?lng=en&id=112812>
2. DCAF was motivated to examine the perceptions of Palestinian women and girls with regard to security after having conducted an earlier public perception study in 2006. That survey revealed that a majority of those polled, 57 percent were not satisfied with the way Palestinian law enforcement agencies responded to violence against women (Bocco, De Martino, Friedrich, Al Hussein & Luethold, 2006, p. 36).
3. In the context of this paper 'service provider' refers to any local organization or institution tasked with providing services to Palestinian women and girls so that they feel more secure in their lives. This may include a diverse range of actors including, but not limited to the government, the police, human rights and women's organizations, religious institutions, and the judiciary.
4. Operation Cast Lead is the name given to the 23-day war on the Gaza Strip that took place between 27 December 2008 - 18 January 2009. The Palestinian Ministry of Health in the Gaza Strip reported that 1,440 Palestinians were killed (including 114 women and 431 children) and 5,380 Palestinians were injured.
5. None of the organizations document the number of checkpoint births, though there is agreement that the numbers have waned. In 2010, the Palestinian Central Bureau for Statistics (PCBS) estimated that 7 percent of pregnant Palestinian women experienced delays at Israeli checkpoints when accessing maternal health care.
6. The Palestinian government has taken steps in recent years to address violence against women and gender inequality. In its Program of the 13th Government, the Palestinian Authority formally committed itself to "enable women's participation in policy and decision-making processes" and to "fight violence against women." On 8 March 2009, President Mahmoud Abbas ratified Presidential Decree No. 19 concerning the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) viewed by many as a symbolic signing of CEDAW. The Ministry of Women's Affairs, with the help of UN WOMEN, has developed an eight-year National Strategy to Combat Violence against Women (2011-2019).

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Salwa's Guide to Fighting Sexual Harassment

Farah Kobaissy

The Adventures of Salwa Campaign was launched online by a group of young and independent feminists working on raising awareness about sexual harassment in Lebanon. Salwa is the young female mascot and the image of their anti-harassment campaign aimed at creating a society free harassment. This short personal piece by Farah Kobaissy explains the reasons behind starting this campaign.

We started out the campaign because we couldn't take it anymore. There's a certain reality that a woman has to live with all her life, and it is called sexual harassment and this made us really angry. Whenever we sat together or with a group of friends and started talking about sexual harassment, each one of us had many stories of harassment to tell.

This is how Rania Ignatius, one of the founding members of *The Adventures of Salwa Campaign*, expressed what drove her and 3 other feminist activists to start a campaign to end sexual harassment in Lebanon especially when they realized that the anger they felt was shared by many women in Lebanon.

According to Rania, it all started online. The idea was to tackle the issue not in the traditional sensational way that the mainstream media usually uses when talking about similar issues. Rania explains: "we wanted to expose this reality while eliminating all the myths that surround the issue. The animated videos of Salwa were the perfect tool to do that". These videos were watched and shared by thousands of people inside and outside of Lebanon. They have been used by women rights NGOs in Malaysia, Sudan, Egypt, and Tunisia as a teaching tool in their activism.



Cover: Salwa's Guide to Fighting Sexual Harassment

These online animated videos of Salwa, an ordinary girl that faces sexual harassment at university, in the office, while walking in the street, or riding in a taxi were well received by people and many women admitted that what Salwa faces is what they experience themselves on a daily basis.

The main message behind these videos is to encourage women to talk about their experiences of sexual harassment and to start breaking the taboo that surrounds this topic and to fight back. In addition to the videos a blog was designed whereby people could share their experiences and recount their stories. According to Ignatius, “the blog also gave us the opportunity to map where the incidents were taking place” (<http://qawemeharassment.com/>).

We discovered that sometimes sexual harassment occurs in sites that are supposed to be some of the safest places for women (i.e. the family home) and that the culprits are often relatives or friends. It also occurs in universities, in the workplace, in public transportation, and on the streets.

Usually there are myths that justify sexual harassment and help normalize it. It was a challenge for us to debunk them one by one. We usually hear that women get sexually harassed “because of the way they dress” or that sexual harassment is the consequence of “sexual frustration” in our society and it occurs only in our “oriental traditional cultures”. These are myths that help justify the act of sexual harassment by blaming the women first and foremost. The reality is that the uneven gender balance of power in our society is the main reason behind sexual harassment. Usually women get harassed because they are seen as “inferior”. Men have more legal rights, they are in positions of power in the government as well as in private and public institutions. In short, they control the public space. So the existence of an environment where men have control over women allows sexual

harassment to happen without any accountability by men or protection for women. Indeed, the absence of legal protection from sexual harassment in Lebanon at the level of the labor law or the penal code makes the act go unpunished.

We tried to challenge many of the myths surrounding sexual harassment and to provide a more in-depth analysis of sexual harassment in a booklet we issued lately called *Salwa's Guide to Fighting Sexual Harassment*. As a society that wants safety, justice, and equality for everyone, we thought that by breaking the secrecy and taboos surrounding the subject, we will be able to confront and end sexual harassment. The message we want to deliver through this campaign is that sexual harassment is not Ok, and that it is Ok to fight it back with all means possible. We want to say that women have the right to feel safe from any kind of sexual assault and that it should be clear that threatening a woman's privacy, her body, her self-esteem and her sense of security is unacceptable. We want to challenge the widespread tolerance towards this phenomenon because only then will we begin to deal with sexual harassment as a serious and pervasive problem that affects the majority of women in Lebanon. Finally we want to change the idea that women are weak and vulnerable and show that women can also be courageous and militant and that they can work together in order to fight sexual harassment that affects their choices in life. So women: Speak Up!

For more information about *The Adventures of Salwa* visit www.adventuresofsalwa.com
You may have a copy of the booklet for free from Nasawiya House in Ashrafieh.
Email: salwa@adventuresofsalwa.com
Facebook page: www.facebook.com/salwa.adventures
Support line: 76 67 63 68

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Responses to the Draft Law to Protect Women from Family Violence

In July 2007 Kafa (Enough) Violence & Exploitation, a civil society organization calling for gender-equality, non-discrimination, and the advancement of the human rights of women and children, took the initiative of drafting a law that criminalizes family violence. The draft law was later adopted by 41 women and human rights organization that formed “The National Coalition for the Protection of Women from Family Violence”.

The draft law was approved by the former Council of Ministers on April 6, 2010, and referred to a special parliamentary committee for further study before being submitted to voting in Parliament. However, since May 2010, nothing has been done to that effect due to the havoc the draft law created and the political crisis within the government.

The draft law aims at criminalizing all forms of family violence against women in Lebanon namely physical, mental, and sexual abuse as well as marital rape, and so-called honor crimes. It assigns a public prosecutor in each of Lebanon's six governorates to receive complaints and investigate cases of violence. The draft law also requires the establishment of specialized family violence units in police stations and within the internal security forces to process complaints. It enumerates the types of punishment the offender receives, including fines and prison terms. The draft law considers the reporting of abuse a sufficient factor to launch a legal complaint against the violator. Moreover it ensures the full privacy of the victim throughout the reporting process. It also allows any witness (family members, neighbors, social workers, etc.) to report family violence. The draft law requires public and private healthcare centers to report cases in which they treated women who

bore evidence of abuse. It also allows a woman and her children to seek a restraining order against an alleged abuser and requires the public prosecutor for each governorate or court to make a decision with respect to the reported abuse within 48 hours.

Article 3 of the draft law singles out those who are sentenced for committing family violence crime:

1. Any member of the family who coerces any female family member to beg is imprisoned from three to six months and is fined from five hundred thousand Lebanese pounds (around 335 US dollars) to one million Lebanese pounds (around 635 US dollars).
2. Any member of the family who coerces any female family member to practice immorality and depravation acts or facilitates such acts for them, is subject to imprisonment with hard labor for three years at least.
3. Any member of the family who makes his living, whether fully or partially, by relying on the prostitution of one female family member is subject to imprisonment with hard labor for five years at least.
4. Whoever forces his wife into sexual intercourse, using violence and threat, is subject to imprisonment from six months to two years.
5. Whoever forces his wife into sexual intercourse, while the wife is unable to resist because of any physical or psychological handicap, or because of the means of deceit used against her, is subject to imprisonment from one to three years.
6. Every member of the family who has killed, with premeditation a female family member is subject to imprisonment with hard labor from twenty to twenty five years. It is noteworthy that he does not benefit from the provisions of

Article 562 of the Penal Code.

7. Every member of the family who has killed with premeditation, a female family member, and has mutilated her body after killing her, or if the victim is below fifteen years, is subject to life imprisonment with hard labor.

8. Every member of the family who has killed, with premeditation, a female family member, or practiced acts of brutality and violence against her before killing her, is subject to the death penalty.

9. Every member of the family who has injured, with premeditation, a female family member is subject to the sanctions provided for in Articles 554 to 559 in the Penal Code.

10. Every member of the family who practiced emotional and psychological violence, using coercion and threat, against a female family member, with the intention of controlling her, restricting her freedom or forcing her into marriage, is subject to imprisonment from six months to one year.

The draft law created a public outcry and generated a lot of negative responses by both Dar al-Fatwa (p. 78), the country's highest Sunni Muslim authority, and the Higher Shi'a Islamic Council. They opposed the draft bill on the grounds that Islamic *shari'a* law already protects the role and status of women and includes provisions governing legal issues related to the Muslim family.

The Response of Dar al-Fatwa to the Draft Law on Domestic Violence

The Grand Mufti of the Lebanese Republic Sheikh Mohammad Rachid Kabbani chaired a meeting at Dar al-Fatwa that was attended by imams and mosque preachers, and by the secretary of Dar al-Fatwa in Lebanon, Sheikh Amin al-Kurdi. Also present was the Mufti of Rachayya Sheikh Ahmad al-Ladan, a number of religious judges, and the Chairman of the *shari'a* college at the Beirut Islamic University, Dr. Anas Tabbara.

The participants discussed the draft law to protect

On June 29, the Coalition issued a statement in response to Dar al-Fatwa's published rejection of the draft law (p. 81), asserting that the bill is far from being a foreign imposition and affirming that it is a product of the local environment in which we live and does not oppose any religious group. The Coalition also noted that religious courts, which oversee issues related to personal status laws such as marriage, divorce, custody, and inheritance, are not mandated to protect women from violence. For example, in cases of divorce or separation, the religious courts may consider an act of violence by the husband as justification to grant the wife a divorce, but these courts are not mandated by the state to prosecute criminal cases and punish the abusers.

It is important to note that Article 26 of the draft law was expressly put in order to deal with potential conflict with personal status codes: "All the texts contrary to the provisions of the present [draft] law are repealed. In case the provisions of the present [draft] law go against those of the Personal Status Code and the rules of jurisdiction of the religious courts, the provisions of the latter shall prevail in every case".

IWSAW Staff

Full text of the draft law is available at <http://www.kafa.org.lb/FOA.aspx?code=1&Dcode=13&title=The%20law%20to%20Protect%20Women%20from%20Family%20Violence>

women from domestic violence that had been approved by the Council of Ministers in Decree No. 116 and then referred to Parliament for voting. They objected to this draft law given its serious infringements on the provisions of *shari'a* law – and the fact that it might lead to the dismantling of the Muslim family in Lebanon and to a generation of children who lack discipline because they are not raised according to the principles of Islam. Other objections related to the ensuing overlapping of power between religious and

civil courts, as well as to a potential conflict of prerogatives.

After debating the draft law from the *sharia'a* point of view as well as from the legal points of view, the participants released the following statement:

Islam in general is very keen on treating women well, and pays particular attention to mothers, wives, daughters, sisters, paternal and maternal aunts. Islam has warned against the abuse of any person in general, and of women in particular. In this respect, the following saying by the Prophet Mohammad is quite informative: "Only a man of noble character will honor women, and only a man of base intentions will dishonor them".

So Islam is quite aware of and concerned with resolving the problems related to the mistreatment of women, but this should not happen by copying Western laws that encourage the demise of the family. These laws deal with domestic issues in such ways that they only suit Western societies. They are unfit for the Muslim society, and laws should be adapted to the society they stem from. So the participants of Dar al-Fatwa's meeting chaired by the Grand Mufti of the Lebanese Republic decided to reject the draft bill aiming at protecting women against domestic violence for the following reasons:

1. The draft law on domestic violence is detrimental to the Muslim woman whether she is wife, or mother, or daughter, or sister, because it denies her many of the rights granted to her by the Islamic religious courts. If a woman has recourse to this draft law, she will automatically be stripped of her financial rights should her husband submit a complaint to the religious courts that his wife is threatening him with this new [civil] law. Thus the draft law was not meant to improve women's status, but rather to break up the family and to turn the social pyramid upside down, in compliance with Western ways which do not suit our society's principles and values.
2. It denies the Muslim father the right to educate his own children, and in particular his daughters who are mostly in need of their father's protection, advice, and education.
3. The draft law undermines the prerogatives of the

Islamic religious courts in its Articles 15 and 18.

4. The draft law causes confusion in the legal system and leads to a judiciary mess, especially with regards to the definition of the family in Article 2, and the discrimination between males/females with respect to sanctions, not to mention the introduction of new concepts such as the concept of economic violence.

5. It invents new types of crimes: such as the heresy (*bida'a*) of marital rape i.e. accusing the husband of rape and criminalizing him for it.

6. It introduces penalties that are not consistent with the penal code. It inflicts punishments "for threats" in contradiction with Articles 573 to 578 of the penal code; and makes verbal threats, which are dealt with in the penal code, a misdemeanor the moment they are uttered, as stated in clause 10 of Article 3.

7. The draft law paves the way for reporting abuse in cases related to domestic violence, although judicial jurisprudence has restricted reporting abuse to cases where the harm incurred renders the person unable to work for a period exceeding 10 days by virtue of Article 554 of the penal code. This will lead to legal problems if the charges were dropped, and attempts were made to solve the dispute amicably.

8. It authorizes the Public Prosecutor to demand alimony for the wife although he/she is not entitled to do so, as it is totally outside his/her prerogatives.

9. It transforms the social institutions as well as the public and the private healthcare centers into places where complaints are received and forwarded to the Public Prosecutor, which is a radical departure from their original responsibilities. Such a shift puts their humanitarian mission in jeopardy.

10. It transforms judicial institutions into reporting units that denounce alleged cases of family violence. This would preclude any possibility for amicable reconciliation between the different parties.

11. The draft law violates the principle of judicial evidence when using the children's testimony by virtue of Article 13.

12. The choices which are left after the intervention of the judicial police are: either providing the victim with an alternative shelter or issuing a restraining order against the alleged abuser by virtue of Article 15, which hinders any attempt at reconciliation.

13. *Sharia'a* law deals with domestic violence appropriately by urging guidance, counseling, and other measures meant to preserve the family

integrity. In case of divorce, *sharia'a* law includes provisions governing legal issues such as alimony, custody, guardianship, right of visitation, as well as keeping the family members in touch, in compliance with the principles of kinship and family cohesion cherished by Islam.

It should be noted here that some feminist secularist organizations promoted distorted interpretations of Western laws that only conform to the aggressive capitalist and individualistic values, and are in defiance of the religious principles, the moral values, as well as the oriental and Islamic customs and traditions.

14. This draft law allegedly aims to achieve equality between men and women in rights and duties, but in fact this is not the case, because this bill is fundamentally based on gender segregation, as it deliberately omitted the protection of the weak members of the family, such as the children, the handicapped, the elderly persons, regardless of their gender.

15. As stated in the draft law, increasing the punishment is neither going to prevent abuse nor even halt it, just the opposite. Overreactions will lead to clashes which won't come to an end by the mere use of the law as a measure of intimidation. This is well-known in psychology.

16. Getting the children to testify against their father would have a negative impact on Muslim children, who are the future fathers of the next generation.

Communiqué issued by The National Coalition for the Protection of Women from Family Violence in reply to Dar al-Fatwa's refusal of the draft law

The National Coalition for the Protection of Women from Family Violence considers that the recent objections to the Protection of Women from Family Violence bill are unjustified because this draft law stems from our own environment, as well as from women's urgent need to be protected from the violence perpetrated by some men and women within the family. In no way does the draft law interfere with the noble religious concepts, because all religions agree on rejecting violence, but religious laws are not supposed to tackle the punishment issue (i.e. impose

Also, seeing their mother threatening their father with prison, in defiance of patriarchal authority which is guaranteed by *sharia'a* and by law, will undermine the father's authority in the family and shake his moral status as well.

To conclude

According to Article 9 of the Lebanese Constitution that protects the personal status and religious affairs of all communities, the Muslim community has the absolute right to reject any draft law that might undermine such independence in its personal status affairs and affect family bonds.

Therefore, the Grand Mufti of the Lebanese Republic and all Muslim dignitaries and ordinary citizens stress on the necessity to abide by the *sharia'a* law that governs the Muslim family matters in society. They also warn against any transgression concerning religious rules and jurisprudence. They strongly object to any draft law that violates *sharia'a* under the cover of slogans such as protecting women and combating violence, as Islam guarantees the right of the weak members of the society whoever they might be, and calls for protecting them and caring for them religiously and morally.

Press release issued by Dar al-Fatwa on June 23, 2011. For more information visit <http://www.darfatwa.gov.lb/>

Translated from Arabic by Rada Soubra

sanctions on the perpetrators). The point is: how do we combat domestic violence? What hurts (ruins) children's education and leads to the disintegration of the family is witnessing violence happening inside the family on a daily basis as if it were an unavoidable fact of life.

The Prophet Peace be Upon Him said:

"Only a man of noble character will honor women, and only a man of base intentions will dishonor them." So, who is going to face this person of

base intentions in case he attacks a woman? Does advocating that persons of base intentions be deterred from their wrongdoing constitute a crime, and make those who are asking for it people who reject religious concepts, and moral values, and the oriental and Islamic mores and customs? The bill on the Protection of Women from Family Violence protects women from any one with base intentions be it a man or a woman. Does this constitute a denial of the Islamic principles and ethics?

Below is an illustration of all the fallacies surrounding the draft law and for its rejection:

1. Violence inflicted on Muslim women as well as other women, whether wives, mothers, daughters, or sisters, is the real cause of harm, and not the draft law that is intended to be a relief measure. The religious courts consider the minutes of the proceedings presented by women as evidence of abuse in the case of divorce or separation. This is an acquired right for women under civil law. A woman cannot obtain a *shari'a* or other religious sentence penalizing the domestic violence perpetrated against her because such a decision is the prerogative of a civil court and not a religious one.
2. Although we have some reservations with respect to associating education with violence, the bill does not hinder the fathers from raising their children, especially that minor girls are not concerned by this draft law, but rather they are subject to juvenile law. Only adult females are concerned by this law. And this is mentioned in Article 1 of the draft law.
3. There is no such thing as overlapping of prerogatives or eroding them. The draft law was very clear in its first article that stated that the prerogatives of the *shari'a*, Christian, and various religious courts should be preserved. Articles 15 and 18 of the bill are proof that the prerogatives of the religious courts should be maintained.
4. Where is the judicial mess? This [draft] law is a specific one that applies to a particular situation defined in time and space. And there is no gender differentiation with respect to punishment. The text is general with respect to those who abuse females inside the family, whether the abuser is male or female. Increasing punishment and accentuating it is part of the protectionist legal policy.

5. Criminalizing the one who forces his wife, using violence and threat, into sexual intercourse, (Article 3, Paragraph 4), is not heresy. Even Islam does not permit the husband to use violence in order to obtain his marital right (to sex). According to Islam, a wife who refuses herself to her husband is considered to be disobedient, and she might be stripped of the rights conferred to her by *shari'a* law. But this does not give the husband the right to harm her in order to get his marital right (to sex). The crime to be punished by this draft law is the abuse occurring from sexual intercourse, and not the sexual relationship itself.
6. Increasing the degree of punishment is not in contradiction with the penal code which increases punishment in case the crime is committed by one of the victim's relatives or by those who have authority over her (Article 511 of the penal code), because it is easy for the abuser to repeat the abuse when he/she is part of the victim's family circle.
7. Lawyers criticize the bill for superfluously tackling the issue of reporting, which is already stated in Article 28 of the Law on Criminal Proceedings. Indeed, mentioning the act of reporting is not something new, but is meant to stress the fact that domestic violence needs to be included in the draft bill because the abovementioned Article 28 is general and has not specified the type of abuse that should be reported.
8. We have already mentioned in a clear reference to the draft law that Article 18 and Article 1 particularly maintain the exclusive prerogatives of *shari'a* and Christian religious courts with respect to alimony, custody, and guardianship.
9. It is the duty of the healthcare centers and of the social institutions to report the cases in which they treat women who bear evidence of abuse to the Public Prosecutor. (In case unintentional harm occur, such as a car accident for instance, then it is incumbent on each hospital to report the case to the Public Prosecutor for investigation). Therefore, reporting is not an act of spying, but it is part of laws aiming at combating violence, and is adopted as a moral duty first before becoming a legal one.
10. Seeking protection does not hinder reconciliation. The terms of negotiations suppose that no party is in a weaker position than the other, otherwise negotiations are to the detriment of the weak party. The bill does not transform the legal institutions into

reporting centers. These institutions complement each other and must unite in order to ward off violence and prevent its exacerbation.

11. Listening to the testimony of a minor child does not constitute a violation of the principles of judicial proof. It is actually possible to take the testimony of a child as a way of collecting information, as long as all other necessary conditions are met, such as the presence of a social worker, as stipulated in the draft law.

12. When the severity of abuse is such that life in common is not possible anymore, then there should be a way to keep the abuser away from the victim and to allow her to take her own decisions freely, either by continuing to live with the abuser or leaving him. Thus, the possibility for reconciliation remains throughout the stages of the investigation. However, the abuser should be aware that his act is not going to remain unpunished.

13. The choice of resorting to the religious courts and abiding by their suggested solutions for the conjugal disputes does not contradict the bill. However, those women who belong to a religious community which is incapable of dealing with the issue of domestic violence are entitled to seek the help of state institutions. We should keep in mind that domestic violence is in no way limited to conjugal violence. It is violence perpetrated against women by a family member (male or female), regardless of the conjugal relationship, and this is not within the competence of the *shari'a* courts.

14. Equality means equal people. Therefore, the draft law means that all abused women are subject to the same law, because they have experienced the same aggression as well as its effects. As for the children, they already have an adequate law that protects them. In case they were covered by the draft law, then we would have an overlapping of prerogatives between the two laws.

15. Abolishing violence needs a comprehensive national strategy and not a draft law. But if the fear of the aggressor's reaction becomes the reason for not promulgating laws that inflict punishment as a deterrent, then the whole penal code should be revised, in anticipation of the criminals' reaction. The victim should then accept her status as an abused person as well as all the harm inflicted on her without complaining or asking for protection, because she

dreads the reaction of the abuser. The state is not allowed to interfere between her and her abuser, until she is killed. Then the state interferes and the criminal is sentenced to capital punishment. In this case, the father's image in the mind of his children is not shaken, and the family is not broken up!

16. The psychological effect on Muslim as well as on non-Muslim children who have witnessed the abuse of their mothers is greater than all other effects on their psyche. Therefore, in case a woman resorts to the law to defend herself from violence, she is not defying the paternal authority upheld by both religious and civil laws. In any case, by practicing violence rejected by both religious and civil laws, the abuser is misusing his authority and transforming it into authoritarianism. As for saying that threatening the father with prison defies his paternal authority and shakes his moral status, we ask the following: is not sent to prison he who fails to pay alimony to his family? The undermining of paternal authority results from the violence a father perpetrates against his family, and it is better for the fathers-to-be to be aware that he who misuses his paternal authority and abuses his wife and children is going to be punished by law.

To conclude,

The National Coalition for the Protection of Women from Family Violence, while respecting all religions and the Lebanese Constitution, urges all national authorities as well as the *shari'a* and Christian religious courts to treat this draft law objectively, and to consider it as complementary to the personal status law and not in contradiction to it. Domestic violence and the necessity to combat it are no glittering slogans. Domestic violence is an undeniable phenomenon, and the state has to assume its responsibilities vis-à-vis the citizens by providing them with basic rights, i.e. protecting them against violence in both the private and public spheres. Nothing justifies the abuse of women in the domestic sphere, and nothing should prevent the state from interfering and putting an end to this violence before it leads to murder.

Translated by from Arabic by Rada Soubra

The Communiqué was issued on June 29, 2011 and is available on the following website: <http://www.kafa.org.lb/News.aspx?Newscode=29&title>

Domestic Violence

Bishop George Khodor

It appears that we are witnessing a debate taking root between Muslim scholars or “propagandists” and the state over the issue of domestic violence which is a form of violence. These brothers see the proposed draft law to be at odds with Islamic law and use the latter to ensure that a woman is obedient to her husband. This is what little I read in the press. In the absence of the integral text refuting the law, you cannot take a position, especially if you are a non-Muslim. I expect there will be major divisions not only among the various religious communities, but also within one and the same religious community.

There is no doubt that violence is only exerted by someone who has power. This is expressed via the means at his disposal, such as his muscles. Modern society emphatically speaks of dialogue, but dialogue is not always a meeting of equals except superficially, because the strong often show kindness in order to assert themselves. Violence of different degrees is rooted in nature, but it must be superseded by the justice and equality that God wants to be universal among us.

Violence is sanctioned by laws or social structures that the strong person uses and benefits from. Divine words, regardless of the source, are always invoked to justify a husband's violence until one discovers equality in dignity, and that compassion is stronger than physical force or force derived from the law. This brings us back to the ego once again. Am I an agent entrusted with power, or a monster in disguise taking advantage of the authority I am entrusted with in order to crack down on citizens, who according to me, break the law? The one who holds power is tempted by the mere fact of possessing it, but in reality he has only received it in order to fulfill God's commands, God's justice. Going back to the issue of the family, Christianity demands from the wife full submission to her husband, but it mitigates this command by asking the husband to love his wife as much as Christ loved the Church, i.e. to death. But I have rarely come across a man who is satisfied with having

an obedient wife. People read the Scriptures and discard the parts that do not serve their interest. What about Islam? Verse 34 of Surat an-Nisa' says the following: “As to those women on whose part ye fear disloyalty and ill-conduct, admonish them [first], [Next], refuse to share their beds, [And last] beat them [lightly]”. I asked the late Sheikh Sobhi as-Saleh about the beating issue, may God have mercy on his soul. The problem is that I have no witnesses to what he said, now that he is dead. His answer was that the beating should be light, which is corroborated by *Tafsir al-Jalalayn* (the Qur'anic interpretation by the two Jalals). This means that the beating is intended to be a warning, not an act of real violence. As for Sayyed Muhammad Hussein Tabataba'i, he deals with the issue of beating by considering it to be a type of admonishment because Surat an-Nisa' (the Quranic related chapter) does not have anything that can be understood as promoting violence. What also downplays the beating issue is the content of verse 187 in Surat al-Baqarah: “Permitted to you, on the night of the fasts, is the approach to your wives. They are your garments and ye are their garments”. In philosophic jargon this is called oneness, i.e. symmetry in love, which absolutely precludes violent beating.

I do not see in the Holy Qur'an anything that justifies domestic violence at all. How are we going to deal then with tens of verses of mercy that allowed for the labeling of Islam as the religion of mercy? Mercy is necessary everywhere and not just at home. The problem is how to reconcile our modern times' perception of things with God's commands. How are we going to face modern civilization with issues of non-violence? Is achieving peace all over the world a heresy? Are religious interpretations limited to a specific period, or are they suitable for all times? Does the current attempt to secure safety in the household dissatisfy God?

Is it true that the country is going to be divided?

But this time people will not fight on a sectarian basis. In my opinion, we will witness the emergence of a category of people who consider this positive law to be against the Islamic *shari'a*, and another Lebanese community that will include all Christian and Muslim liberals who, while being strong believers, will pay no attention to those who accuse them of going against religious dogma because they are against domestic violence. Indeed, religious liberals believe in the equality between husband and wife when managing the affairs of the family. There is traditional and conservative thinking on the one hand and a modern approach asking for renewal in Islamic thought and is closer to contemporary civilization on the other hand. This reformist school of Islamic thought exists in Syria, Lebanon, Egypt, Tunisia, as well as in other countries.

Women's journey to achieve equality with men is a big phenomenon in modern Islam and is not about to stop. It raises the banner of an Islam that is true to itself, and in tune with the development of civilization in our world today. Within this civilization, no one accepts violence, be it inflicted by a man or a woman. Domestic violence works against both of them. I have previously witnessed a woman's cruelty to her husband and her ruthless behavior. The idea behind a law promoting domestic safety is to lift any oppression that might affect any of the parties. Obedience to the man is recommended by religion but does not include his right to discipline the woman. He cannot be a party to the dispute and the judge at the same time. And this is for sure incompatible with being merciful towards one another. Neither of the two can in any way subjugate the other. Union is not subjugation. It is a mutually exchanged love. The woman does not just receive affection from her spouse, she also gives it and expects her life companion to be responsive, until they both become one being.

One does not eliminate the other. Both of them develop together within the family unit. Children can only develop if they witness mutual respect

between their parents. Their love for their parents grows stronger and stronger when sons and daughters see this complementarity between the mother and father. You welcome your wife's abilities and wit, and complete them with your intelligence. There is no melting here. This is called facing, and in linguistics, this means that the faces should be facing each other, and the souls as well. My dream is for those with strong muscles and those with wealth to understand that the other might be greater spiritually and culturally and that they will reap what they sow. This leads me to say that we cannot live together if we remain divided between traditionalists and reformists. I know that all societies are divided along those lines. However, if we remain divided between the people of the text and the people of the spirit, the country will have a long wait before it sees its revival. However, what makes me rejoice is that the disagreement is not between Christians and Muslims, but rather between conservative people on the one hand and those who are interested in development, growth, and the future on the other. The two groups exist in both religions. A true civil society will slowly take shape alongside an old, outmoded society, until the society that progresses toward truth is victorious, tomorrow or the next day. There is no doubt that human reality is spiritual and is shaped by lived circumstances that force human beings to shun inaction and delusion.

One should examine the issue of violence, be it domestic or else, in light of a profound reform of humanity. If there is no unity based on true understanding, we are going to remain in the realm of courtesy, compliance, and fake peace. In the absence of any pact based on traditions as well as on righteousness, love, tranquility, and confidence in the others' ability to advance, we have no life.

Translated from Arabic by Rada Soubra

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What do Lebanese Female Writers Think About the Draft Law to Protect Women from Domestic Violence?

Fatima Abdallah

The year 2011 is coming to a close and the legislative and executive branches of the government are still hesitant about tackling pressing issues that cannot be further delayed. At the top of the list is the draft law for protecting women from family violence which was opposed, to varying degrees, by the clergy, politicians, and society in general. *Adab, Fikr, Fann* probed the opinions of some Lebanese female writers and intellectuals with respect to this issue.

Azza Charara Beydoun (researcher and university professor)

If procrastination is one aspect that characterizes the legislative process in our parliament, then the pace of passing laws related to women is even slower, especially when taking into consideration the urgent aspect of the issues dealt within these laws, i.e. women's security and safety. "The National Coalition for the Protection of Women from Family Violence" is doing its best to provide this safety and security via the bill proposed to the government. What is a matter of concern to me in this situation is the cause of this delay, i.e. waiting for the religious courts to give their feedback on the draft law. So I wonder: what has the clergy got to do with legislating for a civil law concerning Lebanese women's security and safety? Are we citizens of the religious communities or of the state? And why should we need the clergy for an issue that concerns exclusively our security and our safety? Is parliament also going to consult with them on the "Defense Plan" (that is to be debated by the Commission of National Dialogue) and ask them to give their opinion and amend it in order to preserve all Lebanese citizens' security and safety?

We do not know exactly what is going on inside the special commission that has been assigned by parliament to study the draft law on violence against women. But from what has been leaked from the MPs' debates, there seems to be a "fear" that passing this law would break up the family and violate its

intimacy. And I wonder again: dear MPs, what does that reveal about your attitude towards women if you agree that a *sine qua non* condition for preserving the unity of the family is giving those who have power in it the right to abuse women without being held responsible?

Yusra al-Muqaddem (writer and researcher)

It is a sad thing that only the law can deter the perpetrator of violence from committing his crime. Have we forgotten that we are human and that we are capable of reason and logic? The law on domestic violence and on any other type of violence should be an established right. It is just one right like any other human right and there should be no distinction in this respect between women and men. A human being, every human being, has the right to live in peace, and no one has the right to abuse another individual.

Why do the civil society organizations need to enact a civil law to prevent violence against women? Raising such a question is a source of indignation and anger, as well as ambiguity and confusion according to the party that is leading the debate, especially the religious groups, who have always stood against such laws, refuting them on the basis of the religious texts themselves.

The clergy insist on interpreting the religious scriptures literally and in their original context, as if we are still living in the early period of Islam. The real problem lies in the religious interpretations as well as in the authority that the clergy are vested with – an authority that is only matched by the machismo and the tyranny of the harsh, male-dominated society. Trying to eradicate violence is a matter of evolution of both the attitudes and the mentalities. If the gap between the two is huge, then discrimination, racism, and violence of course will remain deeply rooted.

Khalida Saïd (writer and researcher)

Those who disapprove of the law on domestic violence by invoking either a strict application of the religious texts or the respect of the old (but not obsolete) traditions, are in fact, and perhaps without being aware of it, not keen on safeguarding the family, the human dignity, or the mental health of the family members. They are not particularly interested in many possibilities that the interpretations and the meanings of the religious texts offer. Those people use religion to legalize anger, harm, and humiliation inside the intimate social nucleus that constitutes the family. By doing so, they disregard the concepts of “love and mercy” that are clearly stated in the Scriptures.

By objecting to enacting this law of deterrence, those “eager persons” are paving the way for an even worse violation of the religious texts that is not confined to breaking up the family, but that would lead the victims of violence and humiliation (wives, or daughters, or sons) to the paths of misery, despair, rebellion, and loss, as everybody knows. And those paths are not quite different from the most sacrilegious religious taboos, social problems, and crimes that humanity is suffering from.

Hoda Barakat (novelist)

The issue of domestic violence and the right of Lebanese mothers to pass the nationality to their children are the two issues that I follow most closely. This last issue was debated inside the Cabinet and then rejected. The parent is either the father or the grand-father. What does the mother have to do with it? These two issues are the two sides of the same coin. The one who is abused, beaten, insulted, raped, repudiated, while the abuser is not even being held accountable for his actions, is the same woman who is unworthy of passing her nationality to her children. Violence is the most obvious way of punishing the one who deviates from the right path. However the adequate response to this “violence”, i.e. a total separation of the civil from the religious, is subject to a unanimous refusal. Therefore, all alibis against the draft law are insolent distortions of reality; and this insolence has its masters in Lebanon. In this context, the term “masters” is not used in the

figurative sense. These people make decisions and issue *fatwas* (religious edicts) about very sensitive matters without referring to a superior authority that should evaluate their decisions, or being accountable to the public.

The Lebanese government has denied the Lebanese woman the right to give her nationality to her children, and the successive governments keep on rejecting the draft law aiming at protecting women from domestic violence. Neither women’s voices nor any other voice for that matter were heard, because in their majority, women share the views of the anti-bill religious groups that they belong to. Some of them go as far as saying that this issue is of minor importance compared to the major challenges the country or the community is facing. These who want to fight this fatal injustice do not weigh much. Our country resembles us: a “civilized” Lebanon is the Lebanon who defends the “oppressed”, it is all one.

Elham Kallab Bsar (researcher and university professor)

So many important issues need to be regulated and happen to be related to women. And so many obvious issues require continuous struggle and happen to be related to women. The issue of combating violence against women is one of them.

This draft law which was the outcome of a follow-up and lobbying for nearly two decades is still making its way with difficulty and perplexity in the male decision-makers’ milieu. Don’t they see and hear? Do they think that women’s issues are marginal, or private, or unworthy of a proper debate in their meetings?

Anyway, they are experiencing “domestic violence” in their political meetings, giving the ugliest example to our children, in whom we are doing our best to inculcate the principles of logical debate and mutual respect. How are they going to understand that human relationships and family relationships, if built on violence and oppression, destroy households? How are they going to realize that their violence is wrecking the country? They resort to religious teachings and to social traditions

and customs when confronted with any issue concerning women. Since when does religion mean violence and not mercy? And since when do traditions allow the infringement of human dignity?

There is a big gap between the mind and the heart, and a long way before decision-makers can understand that what women are aiming for is not a threat to men’s status, and that dignity in the public sphere means also dignity in the private sphere. Domestic violence whose victims are usually women is bound to increase due to social, economic, and psychological conditions. It might get even worse in the absence of a law that criminalizes domestic violence and protects family members (women, children, and men) from any injustice that might affect them.

Hala Kawtharani (novelist)

Under the guise of emancipation, the bare and shocking truth is crystal clear. The truth is that we are slaves in a sectarian system that is only defended by those who benefit from it, and who invoke the necessity of taking into consideration the religious factor in our society. We are all prisoners, but women prisoners suffer more. The beneficiaries of such a sectarian system are the men of course, and they are not willing to let go of the privileges and dominance they enjoy thanks to the prevalent macho way of thinking. Society is crumbling under the stories of women who are victims of violence committed by their husbands. The facts reveal that women are the victims while men are the abusers, and not the opposite. A law promoting the protection of women from family violence does not contradict belief in gender equality. It simply aims at protecting women. Such a situation supposes enacting a law that deters the abusers, reminding them, with the force of law, that human life, and in particular that of women, is not at all cheap. The fears some have expressed regarding any amendment of the *shari’a* law provisions confront us with their particular understanding of religion. Religion prohibits putting women’s lives in danger, and forbids various forms of mistreatment such as beating or offense. Unfortunately, insisting that there is a contradiction between the law on domestic violence and the provisions of *shari’a*

on the one hand and a conflict between the prerogatives of the civil courts and those of the religious courts on the other hand, makes one realize that we are living in a society where sectarian rights have precedence over individual rights, and particularly women’s rights.

So what kind of revolution should women start in such a sectarian society in order to snatch their rights from a past characterized by male dominance and from a present where they have to fight for their lives?

Elham Mansour (writer)

I admit that I am not familiar with the Lebanese laws related to issues of violence, but what I am sure of is that I am totally against any kind of violence, especially among humans whose main quality is supposed to be reason. We are supposed to confront each other by using arguments and not by using force and violence. But generally speaking, I know that our laws penalize those who abuse or kill someone. If this was the case, then this should also apply to the so-called domestic violence. But for a woman to be able to defend her rights, her status should move from that of a “woman” i.e. a person of no importance, to a “person” with full rights. It is only when she reaches the status of a human being that a woman can defend her rights, because she will be aware of them, even if the law does not grant her such rights. And in case the law recognizes such rights, then as a human being, she knows how to ask for its implementation. However, what I notice from some of the demands of the women’s movements is that Lebanese “women” are still not aware that they are full human beings. By asking for a quota system in the electoral law, they are proving their ignorance: so women are sanctioning the kind of discrimination that was initially banned from the Constitution which puts all Lebanese on equal footing when it comes to political rights. In case the women who are lobbying for passing the law against domestic violence are the same women who are advocating for the quota system, I predict their failure. Equality and the elimination of discrimination are not achieved gradually as they pretend. We can either have equality or discrimination.

Sanaa al-Jak (writer and journalist)

It is not unusual in Lebanon, where the basic components of the state are missing, and where the human being does not enjoy his/her main rights as far as the laws are concerned, that a law on domestic violence against women is rejected.

If we start from the point that all of us are citizens of a non-state, we can understand why men in this “non-state” are obstructing the enactment of a law that would provide women with a minimum of social, psychological, and moral security. The reason for the rejection is that such a law does not appeal to our “legislators”, who, although they were convinced of the content of its clauses or they pretended to be so, are still not ready to upset the religious authorities, unless it is in their own interest to do so. Everybody remembers how in the nineties of the last century all religious authorities united to say no to civil marriage which would have contributed to the elimination of sectarianism and to safeguarding women’s rights in the marriage contract. The civil marriage contract would also have meant that the male spouse is not the only one

who can cancel or annul the contract. The weird thing with respect to the draft law on domestic violence is the argument presented by the clergy and endorsed by the “legislators”: it is “the fear of breaking up the family as it is the case in the West”, and “protecting the Lebanese society from the on-going Western conspiracy”, as if society and justice in our part of the world were at their best.

If we give it some thought, we note that the status of women is regressing in Lebanon due to these prevailing backward-looking attitudes. Upon further reflection, we realize that the clergymen are afraid of losing their source of revenue if they give up the privileges they are enjoying by virtue of the current (religious) law. Therefore, despite their ugly sectarian religious disputes, they all agree on blocking all proposals leading to the protection of women and the respect of their dignity.

Translated from Arabic by Rada Soubra

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