Bloodstains on a "Code of Honor": The Murderous Marginalization of Women in the Islamic World

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**BLOODSTAINS ON A “CODE OF HONOR”: THE MURDEROUS MARGINALIZATION OF WOMEN IN THE ISLAMIC WORLD**

*Kenneth Lasson*

*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.*

The right to life of women . . . is conditional on their obeying social norms and traditions.

In early February of 2009, the decapitated body of Aasiya Zubair Hassan was found in Orchard Park, New York, an upstate suburb of Buffalo. The dead woman had recently filed for divorce from her husband, Muzzammil Hassan — whom police promptly arrested and charged with murder. There was widespread speculation that the gruesome death was an “honor killing” based on Islamic religious or cultural beliefs.

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As unfathomable as it is to Western minds, “honor killings” occur frequently. A vestige of traditional patriarchy, its condonation can be traced largely to ancient tribal practices. Justifications for it can be found in the codes of Hammurabi and in the family law of the Roman Empire. In the real world of the twenty-first century, deep biases against women are prevalent in much of Muslim society. Although there is no explicit approval of honor killing in Islamic law (Sharia), it remains part of the fundamentally patriarchal culture. 4

In that tradition, “[a] man’s honor consists of two main components: [h]is reputation is determined by his own actions in the community . . . and the chastity or virtue of the female members of his family.” When the latter is threatened because of the perceived sexual misconduct of a female member of the family, many believe its honor can be regained only by murdering the miscreant. Family elders usually sanction the decision to kill. A relative of the woman who “sullied” the family does the deed — a husband, brother, uncle, father, or son. 5

For some the practice of honor killing represents a kind of social umbrella that allows for a wide range of other often violent acts against women and girls, including torture and female infanticide. 6 It should go without saying that such behavior violates virtually all established norms of legal and civilized society. But the phenomenon of honor killing is not rare, nor is it exclusive to the predominantly Islamic countries. It also occurs in Western nations, including Britain, Canada, Germany, Italy, and the United States. As waves of people from the Middle East have emigrated to Europe and America over the past generation, honor killings have increased exponentially. 7

How can and should one respond to this kind of assault on basic human rights? Since much of the non-Islamic public is ignorant of the existence and scope of honor killings, broad dissemination of information would seem to be a logical first step. But knowledge itself has its limitations:

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5 Rebecca E. Boon, Note, They Killed Her for Going out with Boys: Honor Killings in Turkey in Light of Turkey’s Accession to the European Union and Lessons for Iraq, 35 HOFSTRA L. REV. 815, 816-17 (2006).


People are primarily concerned about their own lives and families. Data readily available on the Internet is often lost in the sheer immensity of cyberspace. Newspapers, magazines and other media coverage of honor killings have been relatively limited. Scholarship on the subject (especially the occasional law-review article) goes widely unread.

Perhaps even more frustrating for those who care about this ancient/modern atrocity is the difficulty of trying to cure the problem by litigation or legislation. Although various international declarations, treaties, conventions, and laws have been passed, they sometimes fail for want of ratification or — more frequently — for lack of effective enforcement.

This Article explores honor killings from historical, cultural, religious, and legal perspectives, examines responses to date from the international community, and suggests remedies that might be more effective.

INTRODUCTION

International human rights are the subject of many treaties, conventions, books, and articles, and have come to be regarded as important and enforceable norms of modern civilized societies. The equality of rights regardless of race or gender is looked upon as a noble and inalienable principle whose pursuit and maintenance are fundamental.\(^8\)

The enforcement of international human rights law is the responsibility of each sovereign state. There is currently no international court with exclusive jurisdiction over such matters. (The International Criminal Court deals with crimes against humanity, war crimes, and genocide; although the European Union has established the European Court of Human Rights, which enforces European human rights law on a regional basis.)\(^9\) In practice, many human rights are difficult to enforce legally, largely because of the absence of consensus on the application of certain rights, and the lack of relevant national legislation or bodies empowered to take legal action to enforce them.

In particular, however, the rights of women — while generally progressing in America and some other Western nations — appear to be regressing among many countries that are predominantly Islamic. In the past, for example, women in Iraq were relatively free of traditional restraints: they could choose whom they married, obtain a divorce, attend school, and work. Over the past five years, though, women in many Islamic nations, including parts of Iraq, have lived in constant fear both for their safety and lives and for that of their families. The primary cause of this backlash is the absence of strong central governments in whose stead

\(^8\) See, e.g., Universal Declaration of Human Rights, supra note 1.

are a growing roster of countries controlled by tribal leaders and warlords.\textsuperscript{10}

In 2008, religious clerics and tribal chieftains controlled a number of Islamic nations. There is virtually no separation of church and state. Grossly discriminatory religious and tribal views are imposed upon women, regardless of whether they share in the beliefs and practices of the religion.\textsuperscript{11}

Although many Islamic women become victims of gender-based violence simply for having been born female, they are marginalized and discriminated against in a variety of other ways as well. Strict standards are set for how they shall dress and act, including to whom they may speak and whom they must marry. They are often forced into arranged marriages, some at as young an age as nine years old. They are raped, physically abused, and mutilated. Women who work as teachers are given placements at schools that require a daily commute of several hours. Many die while traveling to work as a result of the poor road conditions, traffic jams, heat, and violence. Further, afraid of being forced to marry an undesirable spouse, or simply in fear because she is too young to be married, the suicide rate among Islamic women has increased dramatically over the past five years.\textsuperscript{12}

The most barbaric of the crimes against them, however, are honor killings.

I. SOURCES OF ISLAMIC LAW

The primary sources of Islamic law are the Koran (considered to be divinely inspired word transmitted to the Prophet Muhammad); the Sunnah (traditions and practices of Muhammad); Ijma (“the consensus of . . . legal scholars within the community” in the absence of specific rulings in the Koran or Sunnah); and Qiyas (reasoning by analogy).\textsuperscript{13} Islam itself recognizes an inextricable link between government and religion, which


\textsuperscript{11} See, e.g., HONOUR KILLINGS, supra note 2.

\textsuperscript{12} Terri Judd, Women Are Being Beheaded For Taking Their Veil Off: Honor Killings on Rise in Iraq, ALTERNET, Apr. 30, 2008, http://www.alternet.org/story/83710/. According to the Saudi Traffic Department, during 2007, there were around six thousand people who died in a traffic accident in Saudi Arabia, a country with about 27.6 million people. Thus, there were about twenty-one deaths per 100,000 people, compared to the fourteen traffic related deaths per 100,000 people that occurred in the United States in 2006. In November 2007, six female teachers were killed in a single accident, as well as the family of four in the car they hit. Female teachers who commute to their jobs are fifty percent more at risk of being injured or killed in car accidents than average Saudi citizens. Associated Press, Female Teachers Dying in Large Numbers on Dangerous Saudi Roads, FOXNEWS.COM, Apr. 29, 2008, http://www.foxnews.com/story/0,2933,335125,00.html.

\textsuperscript{13} Huda, Sources of Islamic Law, ABOUT.COM, http://islam.about.com/od/law/a/sources.htm (last visited May 7, 2009).
necessitates the codification of Islamic law as the law of the country, proclaimed and administered by national governments.\textsuperscript{14}

The Koran is "not a traditional legal text," but a document that sets forth tenets for "living faithfully." Early on, scholars examined the Koran to "formulate rules based on the principles and injunctions within the revealed source." Once this interpretative period ended, the law was subsequently codified. The rules reflected the prevailing view of women when the Koran was revealed, during the Seventh Century in Arabia — that they are generally inferior to men.\textsuperscript{15}

As different Islamic countries evolved over time, the law relating to crimes against women took different forms. In Iran, the secular government established by Reza Sha Pahlavi in the early twentieth century and ceded to his son, Mohammed Reza, during World War II, was denounced by Ayatollah Khomeini in 1979. This was the beginning of the Iranian Revolution (1978-79), when ascendant religious clerics rejected the Shah’s adoption of western culture, which they claimed "robbed Iranians of their own identity."\textsuperscript{16}

If the revolutionaries were to succeed in overthrowing the Shah, the popular support of Iranian women was vital to their success. While many women were opposed to the creation of a theocracy, others believed it would provide women with greater opportunities. In fact, though, after the revolution, the government’s policies towards women became more repressive. Secular women holding positions in government were forced to leave these positions. Female judges, who tended to be secular, were forced to resign and were effectively confined to their homes. When in public, they were required to conform to a state-enforced dress code, covering their hair, and avoiding makeup or adornment. Iranian women who committed adultery were subjected to death by stoning.\textsuperscript{17}

The tradition of the veil was not adopted until after the death of Mohammad. "$[S]ay unto the believing women that they cast down their gaze and guard their private parts and they display not their adornment ... and to draw their veils over their bosoms, and ... display not their adornment ... ."\textsuperscript{18} After the revolution, this rule was written into the


\textsuperscript{15} Behrouz, supra note 14, at 156-59.

\textsuperscript{16} Susan Tiefenbrun, The Semiotics of Women’s Human Rights in Iran, 23 CONN. J. INT’L L. 1, 6-7 (2007).

\textsuperscript{17} Id. at 18. Recently, “nationalistic protectionist pride and renewed zeal for anti-Western expressions" have led to a "crackdown on [women’s] dress code" in Iran. Suzanne Levi-Sanchez & Sophia Clavier, Iranian Women’s Rights Regress as Rift with West Heats Up, S.F. CHRON., Aug. 26, 2007, at C-3.

\textsuperscript{18} Koran 24:31.
Iranian penal code, and has been strictly interpreted by the Iranian government to require "Islamic dress," making violations criminal.\textsuperscript{19}

The clerical regime reinstated strict Sharia law, which further subjugated women, especially relating to marriage. The minimum age requirement for girls to marry was reduced to nine; many young girls were forced into early marriage by their parents. In order to engage in sexual relations with women besides their wives, Iranian men can arrange a temporary marriage (sigheh), which terminates upon completion of the sex act. After the revolution, Special Civil Courts authorized the registration of these arrangements.\textsuperscript{20}

Traditional jurists believe that passages in the Koran support the view that men are superior to women.\textsuperscript{21} For example, some understand verse 4:34 to support the claim that men have an "explicit right to rule over their wives."\textsuperscript{22}

\begin{quote}
Men are the managers of the affairs of women because Allah has made the one superior to the other, and because men spend of their wealth on women. Virtuous women are, therefore, obedient: they guard their rights carefully . . . under the . . . watch of Allah. As for those women whose defiance [nushuz] you have cause to fear, admonish them and keep them apart from your beds and beat [daraba] them. Then, if they submit to you, do not look for excuses to punish them: note it well that there is Allah above you, Who is Supreme and Great.\textsuperscript{23}
\end{quote}

The founder of Pakistan (Mohammad Ali Jinnah) held a more moderate view of Islamic law, and his sister (Fatima) played a large role in the development of the nation.\textsuperscript{24} After his death in 1977, General Muhammad Zia-ul-Haq, a fundamentalist, came into power and instituted more restrictive measures.\textsuperscript{25}

In the 1970s, the President of Pakistan implemented ordinances "to bring the laws of Pakistan into 'conformity with the injunctions of Islam.'" Thus a 1979 law criminalizes extramarital sexual relations (zina). A man

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\textsuperscript{19} Tiefenbrun, supra note 16, at 25.
\textsuperscript{20} Id. at 61.
\textsuperscript{21} See Behrouz, supra note 14, at 162-63.
\textsuperscript{22} Id. at 161.
\textsuperscript{23} Id. (quoting Koran 4:34); see generally Mazna Hussain, \textit{Take my Riches: Give Me Justice: A Contextual Analysis of Pakistan's Honor Crimes Legislation}, 29 HARV. J. L. & GENDER 223, 238. Contemporary scholars differ on their interpretation of the words "nushuz" and "daraba." Many interpreters believe "nushuz" means "disobedience, disloyalty, dislike, ill-conduct or rebellion." Others define it as "refusal of sexual access." Classical jurists have interpreted "daraba" as giving a man the right "to hit or strike" his wife. Behrouz, supra note 14, at 170-73.
\textsuperscript{24} Hussain, supra note 23, at 238.
\end{flushright}
and woman are said to commit zina "if they willfully have sexual intercourse without being validly married to each other."26

Zina is subject to punishment if it is committed by a sane adult man "with a woman to whom he is not" married or engaged, or by a sane adult woman "with a man to whom she is not" married or engaged.27 Zina-bil-jabr is punishable if it is "against the will of the victim"; "with the consent of the victim, when the consent has been obtained by putting the victim in fear of death or injury"; or:

with the consent of the victim, when the offender knows that the offender is not validly married to the victim and that the consent is given because the victim believes that the offender is another person to whom the victim is or believes herself or himself to be validly married.28

Proof of either zina or zina-bil-jabr occurs when the accused confesses before a competent court, or when at least four adult male witnesses who are Muslim present eyewitness evidence of the act of penetration.29

When a case lacks the requisite number of witnesses, Pakistani courts often conclude that the intercourse was "consensual" (and therefore charge rape victims with a crime). Likewise, in cases of rape where the court deemed there was insufficient evidence to find that a rape occurred the victim could then be charged with a zina crime.30

Most of Pakistan's population is concentrated in rural areas, which serves as a further impediment to justice for women in Pakistan because tribal councils, comprised completely of men, "are the first, and often final . . . decision-makers" — deferred to by the government.31

The Koran prescribes punishment for those who commit "illegal sexual relations, such as adultery: "[As for] the fornicatress and the fornicator, flog each of them, [giving] a hundred stripes, and let not pity for them detain you in the matter of obedience of Allah, if you believe in Allah and the last day, and let a party of believers witness their chastisement."32

In Pakistan, the family's honor is associated with the "virtue of its women," and an accusation of zina is considered one of the most egregious dishonors. When women are charged with committing zina, their friends

26 Id. at 288 (quoting Offense of Zina (Enforcement of Hudood) Ordinance No. VII of 1979, Pmbl. [hereinafter Zina Ordinance]).
27 Id. at 289 (quoting Zina Ordinance §§ 4-5, supra note 26).
28 Id. (quoting Zina Ordinance § 6, supra note 26).
29 Id. at 290 (quoting Zina Ordinance § 8(b), supra note 26).
30 Id. See also Hussain, supra note 23, at 238.
31 Hussain, supra note 23, at 233.
32 Koran 24:2. See also Quraishi, supra note 25, at 293-294. ("The adulteress and adulterer should be flogged a hundred lashes each, and no pity for them should deter you from the law of God").
and family often will not visit them in prison. In some instances, the alleged offenders are encouraged to commit suicide.33

Punishment for zina is harsh. Stove burning is a common occurrence in Pakistan. In the typical scenario, the victim is doused with kerosene and set afire from the stove.34

As in other Islamic countries, honor killings in Pakistan can be traced to ancient custom among desert tribes, where women and their chastity symbolized honor for their families, which men had a duty to preserve, even if it meant killing female relatives for acts they deemed "dishonorable."35

In Jordan, the Ottoman Empire ruled from the Fourteenth century to shortly after World War I. When the Ottomans lost power in the region, Jordanian law retained a number of Islamic principles. The current Jordanian Penal Code reflects those of Turkey, France, Lebanon, and Syria.36

It suggests a "defense of honor" in certain crimes, under which those convicted are treated leniently. Thus one who catches his wife or another female relative committing adultery and injures or kills either of them is exempt from any penalty.37 That provision is "rarely used as a defense for premeditated [h]onor [c]rimes," however, in view of its requirement that the "husband be surprised."38

The Turkish Empire, evolved from the Ottomans, began in 1923. Although it adopted the Swiss Civil Code in 1926, the Turks maintained elements of Islamic law that oppressed women.39 For example, a woman who became a widow or was divorced or had her marriage annulled cannot remarry for 300 days following the passing of the husband, divorce, or annulment decree.40 The code contained no comparable provision for Turkish men; though it has been revised many times since 1926, the waiting requirement has not been abrogated.41

In early Egypt marriage required an offer and acceptance, and the husband was obligated to pay a dowry. Once the wife received the dowry,
she then moved to her husband's home; in exchange, she agreed to provide "conjugal society." The wife was entitled to daily support from her husband, but she would lose that entailment if she were "disobedient" — which included "leaving the house without his permission or without good reason, or deny[ing] him sexual access."

The jurisprudence in modern-day Egypt originates from an Islamic legal system known as the Taqlid, which was adopted in 1948. Under that system both parties to a marriage retain the rights to property they owned before marriage. The husband could easily obtain a divorce, often simply by "uttering a legally accepted formula." The divorced wife would then spend a waiting period in her husband's residence, during which time the husband could cancel the divorce without the wife's permission.

A national Egyptian Code was passed, and various reforms abrogated sections of the laws on disobedience.

II. HONOR KILLINGS IN THE MODERN WORLD

In a traditional honor killing, "the males and post-menopausal females of the clan convene a council," which, if it determines that the woman in question should perish for her sins, conspires to kill her. If the community regards that determination as acceptable, or at least as private business, it may actively or tacitly support the actions of the family. Moreover, such collective decisions are generally not reversible.

Unfortunately, honor killings in the twenty-first century are not isolated incidents, nor can they be regarded as mere relics of a primitive past. Instead they are part and parcel of an ancient culture with strong roots and an ever-increasing population — a tribal custom where family honor is determined largely by its women's compliance with accepted standards of propriety. Their pre-marital virginity is considered to be the property of their male relatives, who are duty-bound to guard it. Even suspicions of infidelity — whether consensual or coerced — may be punished by beatings, torture, or execution. Usually the punishment is meted out by a male member of the family who, like the alleged paramour, seldom faces recrimination.

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43 Id. at 1064 (quoting JASIR, supra note 42, at 98).
44 Id. at 1062-65 (citations omitted). That system is comprised of four principal Sunni schools of law: the Hanafi, the Sha'fi, the Maliki, and the Hanbali. "Each school developed its own distinct legal doctrine, or madhhab, as well as its own gendarme of jurists, muftis, and students." Id. at 1055.
45 For example, a working woman is no longer disobedient for leaving the house without her husband's permission. See id. at 1089, 1126-1131.
46 Stop Honour Killings, supra note 4.
Thus, grounded in religion and involving sexual relationships, the sensitivities brought to bear in honor killings are so great and nuanced that the slightest offense to an exceptionally strict norm elicits harsh responses. Many honor killings occur based on suspicion or rumor of illicit sexual relations.  

Unlike any other deprivation of human rights, honor killings are brought to the fore in all their grisly detail, their sheer brutality available for all to witness via the Internet. Viewers may watch an actual murder take place, meet the victims and their killers, and observe the culture that spawns such conduct via the clerics who excuse it. The evidence is available with the click of a few buttons. For example, Cable News Network ("CNN") broadcast the murder of a nineteen year old Muslim girl that was captured on a cell-phone camera. Her offense: dating a non-Yazudi boy. The crime took place in Mosul, Northern Iraq. A report of the same incident was carried on Arab Television. A subsequent story was aired by journalist Wolfe Blitzer on CNN, which later carried still another investigative report. The British Broadcasting Corporation ("BBC") reported the execution of a sixteen year old Iranian girl. The Public Broadcasting System offered a chilling interview with a Muslim cleric who justified such conduct.

Although "four witnesses must testify that a sexual act took place" in order to prove infidelity, and punishment for this offense is "[a hundred] lashes if the woman is single and death by stoning if she is married," a United Nations study reports that "at least [five thousand] women worldwide each year are murdered in honor killings for alleged infidelity."
That is an astonishing figure, but "the true number of honor killings occurring worldwide remains unknown," largely because they often "remain a private family affair." Most take place in predominantly Muslim countries. In Jordan, for example, "honor killings may account for one-third of all violent deaths each year." "Since 1998 more than 2,000 cases of honor killings have been reported" in Pakistan. But such murders have also occurred "in Australia, Brazil, Britain, Canada, Ecuador, Italy, Sweden, and the United States."57

A. A Country-by-Country Examination of Honor Killings Reveals Both Their Ubiquity and Differences

In Jordan, although there is some evidence that courts are working to stem the tide of honor killings — which currently result in the death of around twenty Jordanian women per year, each killed by their own family members — until very recently, honor crimes were punishable by as little as six months in prison.58 Courts frequently invoke Article 98 of the Penal Code to such crimes because it provides discretionary sentencing for crimes committed in a "state of great fury." In addition, Jordanian courts allow the victim’s family to waive the complaint against the murderer.59

In one case a Jordanian man, after learning of his twenty-two year old sister’s extra-marital affair, beat her and drowned her in the Dead Sea. He was charged with premeditated murder. Also charged with murder were the victim’s parents and another brother.60 In November of 2006 a Jordanian man severely beat his married daughter with a baton, and then electrocuted her, because she had had an affair out of the wedlock. He was subsequently sentenced to just six months in prison.61

In July of 2008, a sixteen year old Jordanian boy was charged with killing his twenty-three year old sister by stabbing her ten times in the heart. Police said he confessed to the murder, which he committed because his sister had disappeared from home for a month with a boyfriend. It was the seventh reported so-called honor killing in Jordan in 2008, according to

57 Id.
58 See, e.g., The Associated Press, Jordanian Court Sentences Student to 10 Years in Jail for Killing Sister, May 13, 2008, AP ALERT - CRIME 14:52:03. One such example of harsher sanctions attached to honor crimes involved a twenty-three year old student in Amman, Jordan, whose sister (according to his brother-in-law) had extra-marital affairs. Her brother stabbed her fourteen times and repeatedly shot her until she died. While the criminal court originally sentenced him to death, it later reduced the sanction to a term of ten years so that he’d have the opportunity to repent for his sins. Id.
security officials.  

Rape also engenders honor killing of the victim. A seventeen year old Jordanian girl was molested by a family friend. After the family was unable to procure an abortion for the girl, the father and brother bought a gun to kill her. She survived; her brother received a seven-year sentence for his part in the crime (seven years less than the fourteen year statutory minimum for the offense); her father received no punishment for the attempted murder. The victim is currently imprisoned for her own protection, the government fearing that her family will continue its attempts to kill her.

In Pakistan, the incidence of honor killing annually has reached epidemic proportions. Killings under the guise of honor also occur when a daughter seeks a divorce from her husband. For example, Samia Sarwar was entered into an “arranged marriage at the age of seventeen.” Her husband physically abused her for ten years. When she told her parents that she was seeking a divorce, they were overwrought with shame and threatened to kill her if she persisted. In spite of the threats, Samia left her husband and sought refuge in a shelter. At an arranged meeting with her mother and uncle to obtain consent for a divorce, she was shot by a man posing as a chauffeur whom her mother had hired to kill her.

It is unknown how many women are maimed or disfigured for life in attacks that fall short of murder. Punishment for such crimes is rare. In another case in Pakistan, a man, with the help of his mother-in-law, set his pregnant sixteen year old wife on fire for disobeying him. A brother set his seventeen year old sister on fire after tying her to a bedpost. A religious figure at a local mosque bound his wife to the bed and thrust a red-hot iron bar inside her.

Honor killings occur for more trivial reasons as well, such as when a wife is slow to serve a meal or when her husband dreams that she has betrayed him. In Pakistan, where only men decide upon matters of religion and culture, such crimes are likewise seldom punished.

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63 Arnold, supra note 47, at 1345-46.
64 Waheed, supra note 34, at 944-45.
66 Waheed, supra note 34, at 943 (citation omitted).
68 Waheed, supra note 34, at 943 (citations omitted).
69 Id. at 945-46.
Moreover and to the contrary, women who pursue their claims in court frequently lose because of the inherently male-biased judicial system in Pakistan.\(^70\) Victims of domestic violence are frequently told they will bring dishonor to their families by reporting such crimes and are discouraged from contacting the police. Worse, victims who have reported the crimes are often subjected to further abuse at the hands of the very people who are supposed to protect them; sexual assault by the police is a frequent occurrence. Women do not report these crimes because, if they cannot prove rape, they are viewed as willing participants and, therefore, are promiscuous and liable for adultery. In these cases, a woman must prove rape “beyond a reasonable doubt.” Unable to substantiate such a charge against the police, a large number of rape victims are charged with adultery.\(^71\)

Somewhat ironically, “Pakistan is one of the few [countries]” to maintain and publish substantial data on honor killings. According to the Human Rights Commission of Pakistan, over “1,500 cases of honor killings were reported there between 2000 and 2005”:

Of the victims: 97 percent were female, 63 percent were married, 37 percent were single, 26 percent were minors, and 2 percent were male. Of those accused of committing the crime: 35 percent were the victims’ brothers, 26 percent their husbands, 24 percent were in-laws, relatives, neighbors, or employees, 9 percent were their fathers, 5 percent were their sons, 52 percent were reported to police, and 17 percent were held or arrested.\(^72\)

Last year in Iraq, a nineteen year old girl was murdered by her family in order to regain the family’s honor, something they believed she had taken away. Her crime: she was said to have a number on her cell phone that was “unrecognizable.” Upon learning of this, her in-laws took her to a picnic ground in Dokan, where they “shot her seven times.”\(^73\)

The same year, a seventeen year old from Basra was beaten, stabbed, and suffocated by her father for having become “infatuated” with a British soldier serving in southern Iraq. A friend said that all she’d done was talk to the soldier, that she took pride in her virginity, and that she had never engaged in any sexual relations with him. The father, “a government

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\(^70\) Id. at 964-65. Some modern Islamic scholars argue that the Koran itself does not advocate violence against women. Id. These scholars contend the Koran has been interpreted by male Islamic scholars who created a patriarchal system of government. Id.

\(^71\) Id. at 954-55.

\(^72\) Edler, supra note 47 (citation omitted). In July 2008 a man in a small Pakistani town killed his Danish sister-in-law because he suspected her of having a “bad character.” See Stop Honour Killings, supra note 4.

\(^73\) Judd, supra note 12.
employee, was [ ] arrested [after the murder], but released after [only] two hours.”

Acts of violence against women are increasing worldwide, especially in those countries where militias are in power. Specifically on the rise are crimes such as “[b]eheadings, rapes, beatings, suicides through self-immolation, genital mutilation, trafficking and child abuse masquerading as marriage of girls as young as nine years old.” According to police reports in Basra, fifteen women per month are reported to be killed “for breaching the Islamic dress codes.”

Another teenage Iraqi girl allegedly fell in love with a boy outside of her tribe. In this case, unlike most others, the girl’s father had in fact condoned the relationship. But she was forcibly taken by family members and stoned to death in front of a crowd of two thousand men. Images of her broken body were filmed on mobile phones and transmitted over the Internet. Although many viewers were apparently shocked by the footage, the victim’s father reported a year later that not a single person responsible for her death had been prosecuted.

Subsequent to this honor killing the Internal Ministry unit was established “in Kurdistan to combat violence against women.” Despite efforts to criminalize honor killings, however, religious fundamentalists often succeed in defending them as justifiable and non-criminal.

Under the Kurdish and Iraqi governments, power is ultimately ceded to the tribes, whose culture of honor killing is implicitly condoned. Dozens of other girls and women are killed every month; few perpetrators are punished either for murder or for aiding and abetting murder. In 2007, in the city of Sulaymaniyah (with a population of about one million people) there were 407 reports of threats, beatings, beheadings, and other deaths — all related to “family problems.”

A particularly heinous case involved a sixteen year old girl who had fled her family with a man she knew they would not accept. Aware of the risk involved, she’d asked the local police for protection and was referred to a “Department to End Domestic Violence” — which in return for a bribe.

74 Afif Sarhan & Caroline Davies, My Daughter Deserved To Die For Falling in Love, THE OBSERVER (ENGLAND), May 11, 2008, at 8, available at http://www.guardian.co.uk/world/2008/may/11/iraq.humanrights/. The police reportedly congratulated the father for his deed; in response he was quoted as saying, “They are men and know what honour is.”

Id.

75 Judd, supra note 12.

76 See id.; Sarhan & Davies, supra note 74.

77 Judd, supra note 12.

78 Id.

79 Id.; See Nazaneen Rashid, Roundup of reports of honour-based violence and violent incidents involving women in Kurdistan Region, KURDISH WOMEN’S RIGHTS WATCH, May 26, 2008, http://www.kwrw.org/index.asp?id=133. Since most women are too afraid to report incidents of rape, at least twenty-five rapes reported in 2007 were not included in the total. Stop Honour Killings, supra note 4.
returned her to her father. The family elected to kill her by stoning. A local women’s organization alerted the authorities, but they refused to intervene in what they called a “tribal issue.” Kurdistan Aziz was subsequently found crushed to death.80

Advocacy groups are viewed with suspicion. Houzan Mahmoud, an activist “who has had a fatwa on her head since” petitioning “against the introduction of Sharia law in Kurdistan,” says of the Kurdish government: “If before there was one dictator persecuting people, now almost everyone is persecuting women.”81

B. Perhaps Less Understandable are Honor Killings in Countries with Western Alliances, Where One Might Expect Human-Rights Sensitivities to be Exercised More Firmly

In Saudi Arabia, ostensibly a close ally of the United States, a young woman in Riyadh was murdered by her father for chatting online on “Facebook.” Caught in the midst of a conversation with a man, she was beaten and shot. Led by Saudi preacher Ali al-Maliki, over 6,500 people have joined in the movement to ban access and use of Facebook on all local Internet servers in Saudi Arabia.82 Official protestations from American foreign-policy makers are hard to find.

One might expect to hear at least some discussion of the Saudi Arabian practice of wife beating, which (as in other Islamic nations) is both culturally accepted and often even encouraged. In 2007, for example, when “a prominent Saudi cleric” appeared on television to teach “Muslim men how to properly beat their wives” he made certain to instruct them never to beat the face: “[That] is forbidden . . . even if you want your camel or donkey to start walking, you are not allowed to beat in the face. If this is true for animals, it is all the more true when it comes to humans.”83

The Arab community in Israel makes up about twenty percent of the country’s total population. In the past few years, dozens of young women have been victimized by honor killings as a result of having offended their families’ strict Islamic code of behavior. In the Arab town of Ramle, seven women, part of the same extended family, were killed over the past seven years in one neighborhood alone. As explained by the local police superintendent:

81 Judd, supra note 12.
If a woman spoke to someone on a cell phone or laughed with a man, that is sometimes a violation of the family honor, from their perspective. They plan how the murder will take place, who will carry it out and even find an alibi for the murderer. From the moment someone is marked, there is no way out.  

In Germany, a twenty-three year old woman, born in Turkey but raised in Berlin, was forced at age sixteen to marry her Turkish cousin. But wishing to follow “Western ways,” she “discarded her Islamic head scarf, enrolled in a technical school . . . and began dating German men.” She received a telephone call from her relatives and went to a bus stop in Berlin, where she was shot to death, leaving behind her five year old son. Her three brothers were arrested and charged with her murder. At their school, the brothers were applauded; their classmates were quoted as saying, “she only had herself to blame” and “she deserved what she got — [t]he whore lived like a German.”

In the United Kingdom, many young Arab women are similarly faced with issues of forced marriages and honor-related violence. Some women choose to commit suicide rather than submit to marriage with a stranger. The situation appears to have worsened over the past five years.

In the predominantly Asian town of Stoke-on-Trent, fear consumes girls as young as fourteen who are forced by their families into marriages against their will. The only offenses which can be brought against a victim’s family are assault or kidnapping.

Abuse of and discrimination against Muslim women occurs in virtually all democracies with growing Muslim populations, including the United States. Although there are currently “no solid statistics on the rate of domestic violence within the Muslim-American community, and it is difficult to determine whether Muslim women are victimized” at a different rate “than women in the general population,” some cases present

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84 Simon McGregor-Wood, Despite Inroads Into Women’s Rights Honor Killings Continue, ABC NEWS, Feb. 11, 2008, available at http://abcnews.go.com/International/story?id=4271093&page=1. Some critics believe and have accused the police of being unwilling to investigate these crimes too forcefully in an effort to avoid creating “tension with the Israeli Arab minority.” Id. In March of 2008, however, an Israeli court sentenced a man to sixteen years in prison for assisting in the honor killing of his sister. “The case was unusual in that the women of the family broke their code of silence and testified against the [brother].” 16-Year Sentence in Honor Killing, N.Y. TIMES, Mar. 5, 2008, at A3.

85 Infidelesto, 3 Brothers Charged With Honor Killing in Germany, INFIDELS ARE COOL, May 3, 2008, http://infidelsarecool.com/2008/05/03/3-brothers-charged-with-honor-killing-in-germany/. In May of 2008, an Afghani woman named Morsal Obeidi was murdered in Hamburg by her brother, Ahmad, who stabbed her twenty times to “protect the family’s honor.” He said he felt “no regret.” Stop Honour Killings, supra note 4.


87 Teenagers Fear Being Forced Into Marriage, supra note 86.
compelling evidence of heightened abuse of Muslim women. For example, a young Pakistani immigrant in Dallas, Texas, was forced into an arranged marriage with a violent husband; she was routinely beaten and forbidden from going out into the public without her husband. In 2006, she escaped after being physically abused by her husband, who threatened to kill her for not cleaning the kitchen.\(^{88}\)

On New Year’s Eve of 2008, two sisters, seventeen year old Sarah and eighteen year old Amina Said, were found dead in a taxicab outside a hotel in Irving, Texas. The vehicle belonged to their father, Yaser Abdel Said, an Egyptian-born cabdriver who reportedly was upset by his daughters’ westernized habits, and who quickly disappeared. A capital murder warrant was issued for his arrest; he remains at large.\(^{89}\) The victims’ great-aunt labeled their murders “honor killings” because they brought shame to their family. Since the Muslim-American community veils these acts in secrecy, the extent of such crimes is believed to be a much bigger problem than reported.\(^{90}\)

In July of 2008, a twenty-five year old Jonesboro, Georgia woman was murdered after telling her father she wanted out of an arranged marriage. Police said their primary suspect is her father.\(^{91}\)

Exacerbating the problem, immigrant women who are fearful of being deported from the United States and facing death at home in the name of family honor must undergo a difficult process in order to win asylum. Besides needing a sympathetic and knowledgeable immigration lawyer, the applicant often must also supply testimony from an expert witness.\(^{92}\)

Human trafficking is likewise on the rise in the Islamic world. In the poor villages of northern Nigeria, for example, young girls ranging in age from twelve to seventeen are being trafficked in order to work as domestic

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\(^{88}\) Kirtz, supra note 83.

\(^{89}\) By early June 2008, a $10,000 reward for information leading to the arrest and indictment of Mr. Said, accused of killing his two daughters in January, had been extended six months. Rachel Slade, Reward Extended in Case of Cab Driver Accused of Killing 2 Daughters, DALLAS MORNING NEWS, June 3, 2008, available at http://www.dallasnews.com/sharedcontent/dws/news/localnews/stories/060408dmetsaid.598a9a66.htm.


\(^{91}\) Dad Charged With Murdering Reluctant Bride, CNN.Com, July 9, 2009, http://www.cnn.com/2008/CRIME/07/08/honor.killing/. Police investigators said that Ms. Kanwal had been married to a man living in Chicago. The father “told a judge that he had done nothing wrong.” Jacoby, supra note 89.

\(^{92}\) Edler, supra note 47.
help for meager wages. They are paid the equivalent to about thirteen U.S.
dollars each month and the money is usually sent directly to their parents.
These meager wages provide more money for the teenage girls’ parents, as
well as one less mouth for the family to feed. While the parents reap the
benefits of having extra cash on hand, some of their daughters have become
victims of rape or other types of physical abuse such as beatings by their
employers.93

Although Nigeria’s National Agency for the Prohibition of Traffic in Persons (“NAPTIP”) has made human trafficking more difficult by hampering traditional transportation methods, the more that law­
enforcement agencies perfect strategies to stop it, the more the traffickers
find sophisticated ways of running their trade. NAPTIP has a dormitory
where these girls can go to escape. However, it serves to help only after
they’ve been victimized; it does not prevent the abuse beforehand.94

A woman from Pakistan was transported with her three year old son
over the border to Afghanistan, where they were handed over to an Afghan
man who raped her and subsequently beat her child to death before her
eyes.95 The man who murdered her son was sentenced to twenty years in
jail; and the mother was also sent to jail for four years for committing
adultery and “escaping her house” in Pakistan, even though she had been
trafficked and raped.96 The prosecutor in the case declared, “She spent
several nights with the man. She committed adultery. It was rape, but the
woman is also guilty.”97

According to one UN human rights officer, in seventy to eighty percent
of the cases she has seen that involve a woman’s complaint of domestic
violence, the victim is charged as a criminal.98 Many victims are forced to
marry their attackers or be sent to jail for having committed adultery.99
Proving rape is almost impossible.100

Marginalization of women primarily in Islamic regimes is also
manifested through strict enforcement of restrictive dress codes in the
workplace. The requirement of long, loose clothing and a veil during the
hot summer months can cause sickness and even death. In Iran, the

94 For example, NAPTIP took custody of two girls who had been raped by their masters. One of
them was four months pregnant; the other had ground chili pepper poured inside of her genitals by her
mistress, because she had not washed a plate well enough. Id.
95 Associated Press, Woman Raped, Saw Son Die - Then Jailed, LONDON DAILY TELEGRAPH, May
Woman Raped].
96 Id.
97 Id.
98 Id.
99 Id.
100 Woman Raped, supra note 95.
government recently launched a new crackdown on women who offend the dress code, especially in small companies, in order to “prevent social damage.” If an office fails to uphold the dress code requirement, it can be closed down. For repeat offenders, the punishments are more severe. A woman who commits a second offense and violates the dress code again may be held at the police station much longer than for a first offense, or even be taken to court. Repeat offenders may also be forced to take “guidance classes.”

III. MORAL IMPERATIVES AND REASONED RESPONSES

If we are to accept the fact that honor killings violate international law and should be considered repugnant to modern civilization, what meaningful and effective responses can be provided by Western democracies? A number of social, economic, and political issues complicate and limit the range of options.

Countries with large Islamic communities — such as, Australia, Britain, Canada, Germany, Italy, and the United States — are often constrained by domestic considerations. For example, a recent wave of honor killings in Germany, accompanied by extremist preaching in German mosques, has led government officials to speak out against various multi-cultural initiatives, and there have been moves in the Legislature to expel Islamic extremists who condone such activity. However, the high concentration of Islamic migrant workers, combined with their poor economic conditions, make the situation tense and fluid. Among Germany’s prominent political figures who have spoken out against multi-culturalism is its federal chancellor, Angela Merkel. The situation could become volatile if Germany moves ahead with plans to deport Islamic extremists.

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Other international issues — above all, the oil trade — likewise serve to deny Western nations the full political and economic leverage required to deal most effectively with human-rights abuses in the Islamic world.

A notable exception — which could serve as an example of how such leverage could work — is the relationship between Turkey and the European Union ("EU"). Because Turkey seeks admission into the EU, its member states are in a position to press for reforms in Turkish human rights policies — including the outlawing and enforcement of laws against honor killings. Turkey would thus be obligated to accept the "Copenhagen Political Criteria," whose regulations include the "requirement to respect judgments of the European Court of Human Rights guaranteeing the full enjoyment of human rights and fundamental freedoms by all individuals without discrimination and irrespective of... sex."104

Leverage against Turkey in this matter seems to have yielded results. A 2005 European Constitution Progress Report notes that "violence against women" "remains a matter of serious concern," but acknowledges that "greater attention is being paid to women's rights...."105 A more recent report from the Feminist Majority Foundation suggests that some changes are taking place: Turkey, facing pressure from both women's groups and the European Union, has begun a media campaign aimed at condemning all violence towards women. The government also plans to set up hotlines, rescue teams, and town meetings in the Kurdish southeastern part of the country, where honor killings occur most frequently. Conservative Prime Minister Recep Erdogan has spoken out strongly against the practice.106

Unfortunately, such overt reforms are rare in the Islamic world.

A. CEDAW

The United Nations Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW") is the only international treaty guaranteeing women's human rights. Often described as an international bill of rights for women, it was unanimously adopted by the United Nations General Assembly on December 18, 1979, and became effective in 1981. CEDAW defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of

105 Boon, supra note 5, at 827 (quoting EUROPEAN COMMISSION, TURKEY: 2005 PROGRESS REPORT 32 (2005)).
106 Feminist Majority Foundation, Turkish Government Taking Unprecedented Steps Against "Honor" Killings of Women, FEMINIST DAILY NEWS WIRE, JAN. 11, 2007, http://feminist.org/news/newsbyte/uswirestory.asp?id=10089. The same source notes that in 2005, the Turkish government opened "the first legitimate women's shelter" and that in 2006 it increased jail sentences for honor killing and made it more difficult to get such sentences reduced. Id.
equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.\textsuperscript{107}

Although the United States was instrumental in drafting CEDAW and President Jimmy Carter signed it in 1980, it has never been ratified by the Senate. The United States is thus the only industrialized nation that has not ratified the treaty.\textsuperscript{108} Some of the opposition to CEDAW emanates from what is perceived as its pro-choice orientation.\textsuperscript{109}

Nevertheless, legal scholars and others have questioned why the United States has yet to ratify CEDAW, some twenty years after that document was endorsed by other Western powers.\textsuperscript{110} Indeed it is difficult to see how ratification of CEDAW would run afoul of either the foreign or domestic policy of the United States, which has a long record of endorsing international human rights treaties.\textsuperscript{111} In fact, United States law is already in substantial compliance with CEDAW. Similarly, there have been numerous calls for more rigorous enforcement of a United Nations Convention on Women’s Rights,\textsuperscript{112} as well as for immigration reform that


would make it easier for victims of "Sharia violence" to gain asylum in the United States. 113

Members of the Senate Foreign Relations Committee have pointed out that the "[f]ailure to ratify CEDAW . . . undermines [America's] credibility as a leader in international human rights. How can we demand . . . that India and Pakistan work harder to stop . . . honor killing of women by their families?" 114

B. Limitations of International Human Rights Legislation

International law could pose significant challenges for advocates seeking to abolish honor killings. One challenge is the quest for universality: voices of women in the Islamic world have noted various theoretical discrepancies in feminist analyses relating to the cultural determination of rights. 115 Another is the "formalism, which characterizes both substance and procedure in international law and the workings of the United Nations," especially the length of time between initial reporting of abuses and remedial actions. The dissonance between formal declarations of rights and actual reform is loud and disheartening. 116

Women must move beyond this quagmire, which:

increasingly distorts the discourse and thwarts significant programs that have a potentially transformative capacity to improve women’s lives . . . to promote and engage in a human rights discourse that recognizes multiple identities and multiple agendas . . . . Feminism needs to embrace a discourse that envelops a nuanced sense of the articulation of rights. 117

Those who teach international human rights find it frustrating to tell students that, although many acts, treaties, conventions, and declarations exist, enforcement of them is often at best illusory. 118 Whether it is indeed realistic to demonstrate how human rights advocates can deal effectively with the inherent dilemmas remains largely to be seen.


116 Andrews, supra note 115, at 920.

117 Id. at 936-37.

118 The frustration has been likened to being caught between "the pristine fervor of the idealist" and "the destructive enthusiasm of the critic." Peter Rosenblum, Teaching Human Rights: Ambivalent Activism, Multiple Discourses, and Lingering Dilemmas, 15 HARV. HUM. RTS. J. 301, 304 (2002).
1. Primacy of the Internet

Legal scholarship and its influence on the issue of honor killings are inherently limited. Few people (much less policy-makers) read law reviews. Nations move slowly, particularly in agreeing upon international laws. Little more progress is likely to take place without raising public awareness at the grassroots level, and creating an environment in which a highly motivated electorate demands action by its chosen representatives.

The best forum for raising and keeping the issue before the public may well be the Internet. Indeed information about honor killings, exhortations to prevent them, and other acts of violence against women, are offered by a variety of articulate sources, particularly on websites of non-governmental organizations.

At least one organization on the Web is devoted exclusively to the subject of honor killings: The International Campaign Against Honor Killings ("ICAHK"), which provides a variety of links in its "Take Action" section, as well as several resources for Islamic women who fear they may become victims themselves.

Similarly, Women Living Under Muslim Laws ("WLUML") has begun a global campaign to "Stop Killing and Stoning Women!", which addresses "the persistent misuse of religion and culture to justify killing women as punishment for violating the ‘norms’ of sexual behavior as defined and imposed by vested interests." Human Rights Today recently distinguished itself with several important stories about honor killings. Gendercide.org posted a notable study focusing on honor killings that have

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120 See International Campaign Against Honour Killings ("ICAHK"), http://stophonourkillings.com/ (last visited May 12, 2009). The ICAHK routinely reports on honor killings around the globe and on responses to them. A recent posting described a heroic act in Yemen:
   One morning last month, Arwa Abdurrahman Ali walked out of her husband’s house
   up and ran to a local hospital, where she complained that he had been beating and
   sexually abusing her for eight months.
   That alone would be surprising in Yemen, a deeply conservative Arab society where
   family disputes tend to be solved privately. What made it even more unusual was that Arwa
   was 9 years old.
   Within days, Arwa — a tiny, delicate-featured girl — had become a celebrity in Yemen,
   where child marriage is common but has rarely been exposed in public. She was the second
   child bride to come forward in less than a month; in April, a 10-year-old named Nujood Ali
   had gone by herself to a courthouse to demand a divorce, generating a landmark legal case.
taken place in Pakistan, Jordan, Palestine, Israel, and the Balkans since 1994. In Iraq, the Organization for Women’s Freedom in Iraq ("OWFI") runs a clandestine operation which helps smuggle young women out of danger. The Swiss charity WADI maintains a number of shelters and educational programs in Kurdistan, locally staffed. Numerous smaller websites also address the subject.

In the United States, the National Organization for Women ("NOW") has posted articles about honor killing and other forms of serious violence against women in the Islamic world. However, NOW’s primary focus

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123 See Gendercide Watch, supra note 65.
remains on domestic issues, not international relations and United States foreign policy.128

Perhaps the most vociferous Internet analyses and condemnations have come from individual American commentators. Of them, Phyllis Chesler is among the most prominent. She is an academic, author, and psychotherapist and she includes on her website a section on Islamic Gender and Religious Apartheid, which includes several dozen articles that explore the problem — many of which strongly criticize the failure of Western feminism in this regard.129

In a recent book review, Chesler chided what she views as feminist hypocrisy, asserting that mainstream feminism appears to be more concerned with Israel’s alleged “occupation” of Palestine, or the United States’ incursions into Afghanistan and Iraq, than with the Islamist persecution of women. “Incredibly, those same Western feminists who condemn Western patriarchal institutions of marriage, biological motherhood, heterosexuality, and religion now view Islamic veiling, the hijab (head scarf), purdah, arranged marriage, and polygamy as sacred religious rights.”130

Western feminists and leftists are major supporters of “the Islamization of America,” says Chesler, and generally do not feel it is their place to condemn Muslim-on-Muslim violence. They come to the defense of pro-Islamist, anti-American, anti-Israeli, and anti-Jewish hate speech, as protected on American campuses by academic freedom and the First Amendment. They take seriously false and often paranoid allegations of “Islamophobia,” while stridently denying the radical Islamic war against infidels, Western values of freedom and tolerance, and women’s rights. In so doing they push doctrines of multi-cultural relativism and unspoken, often unconscious fears about “death by lawsuit” or by more physical acts of terrorism, making it difficult for anyone (scholar or citizen) to state their own honest (and negative) views about radical Islam.131


Chesler observes the strict control exercised by many Islamic men over their wives:

I'm not saying every Muslim family does it or that every Imam encourages it or that only Muslim men beat their wives, but Muslim men have control over their wives. And monitoring the chastity of their women is an obsession, because if she loses it, or has a boyfriend or wants to marry who she wants to marry, this could be a death sentence.\[^{132}\]

The conservative columnist Debbie Schlussel addresses the issue of honor killing as it is treated by Hollywood. She points to the film *Crossing Over*, in which a scene depicting an honor killing was deleted from the script under pressure from an Islamic Iranian group. “No worries, though,” she says, “about the anti-Semitic scenes in the movie. Those remain.”\[^{133}\]

Such an omission from pop culture may sway American public opinion from the idea that honor killings are not a problem than an abstruse political argument on the virtues of United States ratification of CEDAW or the efficacy of the UN Convention on Women’s Rights.

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Cinnamon Stillwell is a San Francisco blogger who has focused on honor killings among Islamic immigrants in Western countries. She laments the “Islamophobia” label that inevitably comes from the political left, the unwitting complicity of multi-culturalists who ignore the problem or seem to excuse it, and the inadequacy of feminist groups like the National Organization for Women (“NOW”).

Stillwell and others suggest that a primary reason this grave threat to women’s human rights goes largely unaddressed is that liberal advocacy groups fear being branded “Islamophobic.” “[L]aw enforcement [officials], journalists, social workers, government officials and — most of all — Western feminists” appear to have abandoned basic principles of human rights in favor of political correctness. The “pursuers of multiculturalism — an ideology that holds that all cultures or religions are equivalent and none (save for the dominant, or Western, culture) worthy of condemnation — have rendered the West incapable of addressing evils where Third World cultures are” culpable. Feminist groups like NOW, which put out occasional press releases decrying honor killings, should make the issue a higher priority.

Defending abortion rights and protesting “glass ceilings” may be worthy endeavors, but are they more important than confronting the reality of the oppression of women in Muslim culture?

Although the Internet contains a variety of valuable resources for learning about the objective realities of honor killings, it also has several Leftist sites that apologize for Islamic radicalism and seek to place blame elsewhere.

For example Aimee Chew calls for “greater feminist intervention in the anti-imperialist and anti-war movement” and discusses how the U.S. invasion and occupation of Iraq, instead of liberating Iraqi women, has resulted in the worsening of their living conditions: “[t]he international anti-war and anti-occupation movement was largely unable to deliver an adequate response to the immediate issue of daily sexual violence at the hands of Iraqis — how has it failed to tackle issues particular to Iraqi women, and what is at stake?”

134 Cinnamon Stillwell, Honor Killings: When the Ancient and the Modern Collide, S.F. CHRON., Jan. 23, 2008, available at http://www.sfgate.com/cgi-bin/article.cgi?f=/g/a/2008/01/23/cstillwell.DTL. Throughout the United States, Canada, and Europe, young Muslim women are being targeted for violence. Lest it be thought hate crimes are to blame, it is, in fact, their own relatives who are the perpetrators. So-called honor killings, whereby a Muslim male family member, typically the father, murders his daughter in order to defend the family’s honor, is a growing problem.


Similarly, leftists blame American foreign policy for the oppression of women in the Middle East: "[b]oth the ‘crime of passion’ and the term ‘honor killing’ communicate the perspective of the overwhelmingly male perpetrators, and thereby carry an implicit justification." 137

Some Muslim writers exonerate Islam and its principles altogether. For example, Abu Abdur Rahman says:

Islam . . . and its divine origins ensure that it is completely fair and just towards everyone, in all instances — men and women; workers and capitalists; the rulers and the ruled; and so on. Islam’s justice and fairness would be absolute. Sad that the reality is so different — but then the blame for that is with us as Muslims, is it not?” 138

Still others attempt to “dissociate honor killings from a particular [religion] and place[ ] them on a continuum of [traditional] patriarchal violence against women.” 139 Such analyses from the Left have not come without strenuous rebuttals from the Right. Chesler is most notable, but others are not far behind. Christina Hoff Sommers likewise bemoans the failure of feminists to adequately confront the problem:

Accounts of lashings, stonings, and honor killings are regularly in the news, and searing memoirs by Ayaan Hirsi Ali and Azar Nafisi have become major best sellers. 140 One might expect that by now American feminist groups would be organizing protests against such glaring injustices, joining forces with the valiant Muslim women who are working to change their societies. This is not happening. 141

an Iraqi dissident who had been imprisoned during Saddam Hussein’s regime but who opposes the current U.S. occupation.


139 Aysan Sev’er & Gökçeçicçek Yurdakul, Culture of Honor, Culture of Change: A Feminist Analysis of Honor Killings in Rural Turkey, 7 VIOLENCE AGAINST WOMEN 964, 964 (2001) (emphasizing the contradictory forces in a culture of change). The authors “discuss conflict orientations in understanding violence against women, starting from some of the assertions and assumptions of the Marx/Engels hypothesis and socialist feminism, and comparing and contrasting the radical feminist orientation with the materialist orientation.” Id. Examples are given “of honor killings in Turkey that have been recorded in recent years, specifically highlighting the common threads among these heinous crimes.” Id. The patterns observed are more supportive of the radical and socialist feminist orientations than the Marx/Engels hypothesis. Id. The article ends with modest suggestions about breaking the cycle of violence against women, emphasizing the “personal, social, structural, and global links in engendering positive change.” Id.

140 See generally AYAAN HIRSI ALI, INFIDEL (2007); AZAR NAFISI, READING LOLITA IN TEHRAN (2003).

141 Sommers, supra note 128.
Even more biting is Gabriel Garnica, who notes:

Any superficial review of feminist and liberal drivel regarding women’s rights will reveal that they typically champion those rights as long as their efforts are consistent with their other agendas, including such things as attacking Christianity and defending abortion. As soon as defending women’s rights crosses paths with some other liberal pet project, such as defending and favoring Muslims over Christians, these liberals and so-called women’s groups will run like water in the opposite direction or close their eyes and usually active mouths.142

Rob Taylor, a Canadian commentator, asks:

When will [American feminists] begin to speak out about the creeping Islamism that threatens to steal if not their freedom, the freedom of their daughters and grand-daughters?

... .

My bet is never. The modern left, ‘feminists’ included, are so deeply enmeshed with Wahabbism that they’ll gladly don Hijabs themselves, or force others into them. As long as they can fight ‘the real enemy.’143

2. The Mainstream Media

Although a great deal of information could be generated via the Internet, reporting in the mainstream media on honor killings has been relatively sparse. In the mid-1990’s, the Jordan Times published an investigative report on such violence against women, which until then was a taboo subject rarely addressed by the Arab media.144 Although the report provoked severe criticism from conservative elements, it triggered a campaign to fight the killings. The royal family threw its weight behind the effort, and the religious establishment issued fatwas prohibiting the killing of women by male members of their families for alleged acts of dishonor. But the Jordanian parliament, still essentially traditional, aborted

a government initiative to amend laws that were lenient to the perpetrators of these crimes.\textsuperscript{145}

In 1999, \textit{Time Magazine} reported on the cultural origins of honor killing and the situation in Jordan:

For women under threat, there is little recourse. Running away is nearly impossible since Arab societies are close-knit and few women have the means to live alone. Jordanian authorities have a bizarre remedy: they jail endangered women. [A woman named] "Rafa," 20, was locked up in an Amman prison after her uncles and brothers vowed to murder her for having had a three-day affair with a co-worker. At any one time, Jordan's prisons may house seventy (70) such women. Sometimes they are released after their families promise not to harm them, though that is no guarantee.\textsuperscript{146}

Women's rights are compromised further by a section in the Koran, Sura 4:34 ... interpreted to say that men have "pre-eminence" over ... or ... are "overseers" of women. The verse [says] that the husband of an insubordinate wife should first admonish her, then leave her to sleep alone, and, [if she still refuses to obey, to] ... beat her. Wife beating is so prevalent in the Muslim world that social workers who assist battered women in Egypt, for example, spend much of their time trying to convince victims that their husbands' violent acts are unacceptable.\textsuperscript{147}

In 1999, in addition to the CNN report noted earlier, Diane Sawyer of ABC interviewed a Jordanian man celebrated in his village as a hero for shooting his sister four times in the head — because she had been raped.\textsuperscript{148}


In August of 2005, a brief article on honor killing in Afghanistan appeared, recounting the story of an Afghan woman who had been

criticized for her career in television before she was fatally shot in her home.\textsuperscript{150}

The honor killing in Dallas noted earlier in this Article has occasioned relatively little reporting by the mainstream press. But a story in the \textit{Dallas Morning News} highlighted relevant passages in the \textit{Koran}:

Men are the maintainers of women because Allah has made some of them to excel others and because they spend out of their property; the good women are therefore obedient, guarding the unseen as Allah has guarded; and [as to] those on whose part you fear desertion, admonish them, and leave them alone in the sleeping-places and beat them; then if they obey you, do not seek a way against them; surely Allah is High, Great.\textsuperscript{151}

In 2005, both the \textit{New York Times Magazine} and the \textit{Wall Street Journal} published several stories on honor killings. The \textit{Times} covered such acts in Germany\textsuperscript{152} and Syria.\textsuperscript{153} The Journal article discusses honor killings worldwide, emphasizing the need for timely action (particularly by the United States and Great Britain) in drafting the Iraqi Constitution.\textsuperscript{154}

In 2006, the case of a thirty-four year old Iranian mother of two who was sentenced to death by stoning for having committed adultery was featured in the \textit{Village Voice}. "The size of the stones used during the execution," wrote veteran human rights activist Nat Hentoff, "are required to be . . . not so large that they would kill a woman too quickly, nor so small that they would fail to cause serious injury or pain." Hentoff inquired if the press would question this state-sanctioned honor killing during the then-impending visit to the United Nations by Iranian President Mahmoud Ahmadinejad: "There will be heavy press coverage. Will any reporter ask him about the stoning of women in his country — and the particular case of Malak Ghorbany?" Hentoff also noted that "while former ‘moderate’ Iranian president Mohammad Khatami has been in the United States, lecturing at Harvard . . . no reporter [ ] asked him to comment on the stoning of women under his successor."\textsuperscript{155}


\textsuperscript{151} Rod Dreher, supra note 90 (quoting \textit{Koran} 4:34).


Only two articles about honor killings appeared in the mainstream media in 2007: the aforementioned piece in Britain's Weekly Standard on the "Fecklessness of American Feminism," and the editorial in the Minnesota Daily News, inspired by television reports on CNN and ABC.

3. Hotlines and Shelters

Perhaps the most direct and salutary response to honor killings is the establishment of hotlines and shelters. In the United Kingdom, in response to the high volume of calls (about fifty a month) to the authorities in Stoke-on-Trent, North Staffordshire, a hotline was set up for women being forced into unwanted marriages. Entitled Karma Nirvana, the service assists distressed women in finding new jobs and homes, getting legal advice, gaining access to healthcare, planning security, and claiming benefits.

In April of 2008 Karma Nirvana launched the Honour Network (based in Derby, U.K.), which acts as a surrogate family and lends emotional and practical support to abused women. In the fall of 2008, the Forced Marriage (Civil Protection) Act was enacted, enabling courts to prevent coerced marriages and adequately protect victims. Partially funded by the government, the Honour Network currently handles nearly 400 cases a year.

Women who call the hotlines often express fear for their own safety, as well as apprehension that reporting their "abuse will shame their families." Many do not comprehend that they are crime victims, "because in their home country," physical punishment and murder of a woman by her husband or father for dishonoring the family is often legal and accepted custom.

In the United States, many domestic-violence shelters have opened for Muslim women, mainly in large cities, advocating the fundamental human-rights principle that acts of domestic violence are unacceptable. Community support is often difficult to come by, especially since some religious leaders adhere to the cultural traditions instilled by their homeland and refuse clearly to reject violent acts against women.

Various advocacy centers around the country offer support for victims. Rafia Zakaria, a professor at Indiana University whose work is focused on "educating Muslims about spousal abuse . . . has launched a legal defense fund." The Tahirih Justice Center in northern Virginia offers shelter for

156 See Sommers, supra note 128.
157 See Flattum, supra note 148.
158 Aly Walsh, Poster's Message to Help Honour Victims, DERBY EVENING TELEGRAPH, Apr. 11, 2008, at 11, available at 2008 WLNR 6846255. The organization also assists males who are forced into marriages against their will. In the past year, Karma Nirvana handled fifty-seven such cases. For example, a ten year old boy was taken away "from his home in Birmingham to Pakistan," where he was engaged to a five-year old girl; "five years later he was forced to" marry her. Id.
160 Kirtz, supra note 83.
161 Id.
battered Muslim women; the Baitul Salaam shelter in Atlanta does the same. DAYA ("compassion" in Sanskrit) provides legal and financial assistance to abused families. In the last five years, it has reported an "increase in distress calls" about twenty times greater than when it began in 2003.162

The World Health Organization reports that one out of every three women in the world experiences violence in her lifetime. The International Violence Against Women Act ("I-VAWA"), proposed in the Senate in 2007 and currently pending in the Senate Committee on Foreign Relations, would address various forms of gender-based violence, including: sexual violence, genital mutilation, forced and child marriage, "honor" killings, dowry-related violence and human trafficking, rape, and domestic violence. The House of Representatives introduced parallel legislation in April 2008163 that is substantively the same as the version that is pending in the Senate.164

In February 2008, the United Nations launched a multi-year campaign designed to intensify action that would end violence against women and girls worldwide. Secretary-General Ban Ki-moon cited many statistics, including the fact that

'[a]t least one out of every three women is likely to be beaten, coerced into sex, or otherwise abused in her lifetime,' . . . [T]hrough the practice of pre­natal sex selection, countless other females are even denied the right to exist. Others suffer from trafficking, sexual harassment, female genital mutilation, dowry murder, honor killings, and female infanticide.165

Noting that in over 100 countries there are "no specific legal provisions against domestic violence," Mr. Ban called on all nations "to review their current laws and to enact new ones, if needed, to ensure that violence against women would be treated as a criminal offense."166

In May 2008, a new advocacy group to empower women was publicly announced called The One Woman Initiative: The International Women’s Empowerment Fund for Justice, Opportunity, and Leadership. "The Fund

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162 Id.
166 Id.
is a public-private partnership" that will provide "$100 million in its first five years" to support "existing initiatives in countries with [large] Muslim populations."¹⁶⁷

Though few protests against honor killings emanate from the Muslim community itself, there are exceptions. One of them is Al Sisiwar, an Arab women's group which recognizes a deeply-rooted double standard in Islamic culture that forbids premarital sex by both genders but seldom punishes men who transgress.¹⁶⁸

Nigeria's National Agency for the Prohibition of Traffic in Persons and Other Related Matters ("NAPTIP") has made human trafficking more difficult by hampering traditional transportation methods; the greater the effort by law-enforcement agencies to develop strategies to stop it, the greater the efforts by traffickers to overcome them.¹⁶⁹

4. The Clergy

Religious leaders, who should condemn honor killings as morally wrong and unjustified by any theological principle, would do well to work more actively and directly with women's rights advocates, particularly if they perceive members of their congregations at risk. Few do so, however: some because they are normally paid by the communities they represent, others because they "tend to maintain conservative and patriarchal viewpoints." Unless the state pays their wages, an idea suggested by French President Nicholas Sarkozy, it would be difficult to change the status quo.¹⁷⁰

Some advocacy groups have pushed for a legal remedy: requiring clergymen who perform marriages involving underage or unwilling women, without having conducted private and non-coercive discussions to ascertain their willingness, to be prosecuted. Forced marriage, they argue, should be treated as a serious crime, utilizing if necessary prosecutions for rape, child rape, abduction, or sex-trafficking. Such arguments to date have gained little traction.¹⁷¹

IV. SUMMARY AND CONCLUSION

There is no justification for honor killings. Yet the practice, which can be traced to ancient tribal traditions, continues unabated to this day in much of the world. Though there is a clear moral imperative to combat violence

¹⁶⁸ McGregor-Wood, supra note 84.
¹⁶⁹ Kal El, supra note 93.
¹⁷⁰ Stop Honour Killings, supra note 4; see also Chesler, supra note 3 (reporting that a leader of the All India Islamic Cleric Association's son murdered his wife).
¹⁷¹ Stop Honour Killings, supra note 4.
toward women, local, national, and international responses to these atrocities have been largely muted and ineffective.

The best approach to combat honor killings worldwide would be to substantially raise public consciousness about it, to enact meaningful measures to prevent and punish it, and to enforce such laws swiftly and with certainty. It is particularly important that police, teachers, and social workers be aware of the connected phenomena of forced marriage and honor-related violence. When a potential case of honor killing is detected, it must be dealt with quickly, forcefully, and publicly.

Until and unless the perpetrators of honor killings are apprehended and brought to swift trial, the murderous marginalization of women will surely continue, and the idea of modern justice in human rights will have been paid little more than tragically apathetic lip service.