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Department of Language and Literature  
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## Beneath the surface of honour

A study on the interplay of Islam and tribal patriarchy in  
relation to crimes of honour in Jordan

Authors: Hanna Cinthio and Marcus Ericsson

## ABSTRACT

The theme of this study is honour killings in Jordan. It is affirmed that Arab society is influenced by norms of honour and shame, restricting the (sexual) behaviour of the individual in order to protect the good standing of the surrounding group, sometimes resulting in violence and even killings. Focusing on how this phenomenon manifests itself in Jordan, this study will examine underlying social dynamics possibly contributing to the continuation of honour norms and to the acceptance of honour killings, a reality observable in the Jordanian legal system which mitigates the sentences of perpetrators acting in the name of honour. The very concept of honour is analyzed in terms of gender, power and sexuality. The essay then takes on two key factors influencing Jordanian society – tribal patriarchy and Islam – which, after being examined in two of the chapters, are applied in the concluding discussion. Here is asserted that, due to archaic tribal influence, Islam in Jordanian society may be interpreted in a context of honourable/shameful instead of right/wrong, resulting in popular and political attitudes obstructing the attempts to change the lenient legislation and providing indirect religious legitimacy to a custom claiming the lives of numerous Jordanian women every year.

**Keywords: honour, honor, shame, crimes, violence, killings, Jordan, Islam, Muslim, Arab, Middle East, legislation, law, patriarchy, tribalism, tribal, women, feminism**

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# 1. Introduction

Honour violence can be described in short as a violent response to an individual's breach against behavioural norms – mainly concerning gender and sexuality – required to regain the reputation and good standing of the collective to which the individual belongs. During the last decade, the debate on honour violence among scholars and in the political sphere as well as within NGOs has been intense. Jordan has attracted specific attention, much depending on the lenient legislation on honour crimes, but also because the country hosts a political process trying to alter the situation.

## 1.1 Background

On November 18<sup>th</sup>, 2005, Swiss UN ambassador Theodor Winkler presented the results of a 335 pages report on violence against women, carried out by the Geneva Center for the Democratic Control of Armed Forces (CDCAF),<sup>1</sup> which stated that some 200 million women are missing globally due to gender related violence which is one of the four most significant causes of death in the world today. Examples of gender related factors are the abortion of girl foetuses, deprivation of food and medical care, and honour violence, which is mentioned in the report as a specific cause of death and not classified as “general” domestic violence.<sup>2</sup> Although violence against women exists globally, in all layers of society, it can take on different forms of expression depending on cultural context.<sup>3</sup> Honour violence is predominant in collective patriarchal societies where the clan or the family is the smallest unit, where women have a subordinate position and are viewed as commodities, where female chastity and virginity is of immense importance, and where sexual transgressions are conceived as grave violations of the norm.

In the Arab world, family honour, known as *sharaf*, is intimately connected with the sexual status of related girls and women, measured in terms of ‘*ird*’.<sup>4</sup> Many times, violence has its origin in (the suspicion of) a lost hymen.<sup>5</sup> Having an unlawful sexual relation – a pre- or extramarital one – is a serious breach against both religious and traditional rules and values.

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<sup>1</sup> Winkler, 2005.

<sup>2</sup> Winkler, 2005.

<sup>3</sup> Faqir, 2000, p. 65-66.

<sup>4</sup> See for instance Ginat, 1997, p.132 for a model on *Sharaf* and ‘*ird*’, or Kressel, 1981.

<sup>5</sup> Jehl, 1999.

In such structures the individual is inseparable from the family, and if the behaviour of one person creates rumours and bad reputation, this will affect the group as a whole.<sup>6</sup> The good name of the group is of great significance, since it defines the relations to other actors in society. In such a context, honour killings both serve as means of punishing the individual guilty of errant behaviour, thus stating example for the future, and as a logical survival strategy – in order to rid oneself of the burden of a “bad” family member, and to re-instate good standing in the neighbourhood, the person is eliminated and the family honour cleansed by blood. In an overall perspective, the connection between honour and violence is believed to be close,<sup>7</sup> and the offences are somehow related to sexuality.

The violence is by nature collective – it is planned and carried out with the sanction of the group, it is understood and accepted in a greater context as a necessary act in a situation of crisis and it is often supported by tradition as well as in legal systems through the mitigation of sentences for honour crimes in both penal and customary laws. Honour violence occurs in many parts of the world, mainly in the Middle East, Afghanistan, India, Pakistan, Bangladesh, Africa and some Mediterranean countries<sup>8</sup>, and among ethnic groups such as Romas and Kurds.<sup>9</sup> It is not linked to any certain faith, but is practiced among members of different religions. Most victims of honour violence are female, even if men can also be subjected to it, and the perpetrators are often related males, although women may play quite a significant part in the acts as well.<sup>10</sup> The UN classifies violence against women into different categories, one of them being “Harmful Traditional Practices”. Honour violence is labelled as one such practice; dowry murders, female genital mutilation, and early marriages being examples of others. According to the sources of Amnesty International and the UN, some 5 000 women fall victims to honour killings each year. The number is said to be on the rise.<sup>11</sup>

Jordan is one of the countries where honour violence is an acknowledged problem. The Hashemite Kingdom has been getting quite a lot of international attention, both for its

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<sup>6</sup> See Amnesty International at <http://web.amnesty.org/actforwomen/scandal-5-eng> or Human Rights Watch 2004, p. 5.

<sup>7</sup> See for instance Bourdieu, 2001, p.49-53. Also Sen, 2005.

<sup>8</sup> [http://www.unifem.org/gender\\_issues/violence\\_against\\_women/facts\\_figures\\_4.php](http://www.unifem.org/gender_issues/violence_against_women/facts_figures_4.php).

<sup>9</sup> For examples of honour violence among Kurdish communities, see [www.kwahk.org](http://www.kwahk.org) On honour violence within the Roma population, see for example the pilot study by The Bulgarian Gender Research Foundation at [http://www.bgrf.org/en/download/plot\\_study\\_on\\_hrv.pdf](http://www.bgrf.org/en/download/plot_study_on_hrv.pdf)

<sup>10</sup> Abu Ras, and Glazer, 1994. See also [http://www.gendercide.org/case\\_honour.html](http://www.gendercide.org/case_honour.html) .

<sup>11</sup> See for example United Nations Population Fund, <http://www.unfpa.org/swp/2000/english/ch03.html>, statement by Ms. Asma Jahangir, UN special rapporteur on extrajudicial, summary and arbitrary executions.

relatively high prevalence of honour killings (55 % of all female killings in Jordan are reported to belong to this category)<sup>12</sup> and for the ongoing national campaign to deal with the problem – a struggle, supported even by the Hashemite royal family, which is mainly directed towards changing the current legislation. This, in combination with a fairly open climate of discussion of the issue and possibility for international human rights organizations to perform activities in the country, including the compilation of statistics, makes Jordan a suitable country for illustrating the problem.

## **1.2 Aim**

The Jordanian campaign movement against honour violence, characterized by the effort to toughen the legislation and influence popular attitudes in order to counteract the incidence of honour killings, is no recent or marginal phenomenon. In comparison to other countries with a similar problematic, the country demonstrates a relative consciousness and openness, and the aspiration to change the situation emanates not only from the grass roots level but also from the highest formal rank in Jordanian society. This active movement has made frequent use of religious arguments in the debate. Yet these arguments do not seem to have affected neither public opinion nor the religious and tribal representation in the parliament in direction towards genuine change. A survey conducted by *The Jordan Times* disclosed that 62 % of the Jordanian population was against changing the legislation regarding honour killings since they feared “moral corruption in society”.<sup>13</sup> We will investigate the phenomenon of honour violence concentrating mainly on the interaction of two aspects: tribal patriarchy and religion. This essay will examine how these two structures reinforce one another and to what extent they contribute to the survival and the persistence of honour violence in spite of the efforts to counteract it. Even though it is clear that Islam has not been a neutral power in the definition of gender in the Arab world, we believe that the underlying collective structures, primarily those outdating Islam, are necessary to consider in order to understand the social context of the religion in question, as well as the patterns of gender roles and gender relations specific to the region. In other words, patriarchy as a dominant system needs to be examined in relation to religion in order to draw any conclusions about Jordanian society and the way that concepts such as shame and honour influence the lives of many of its citizens.

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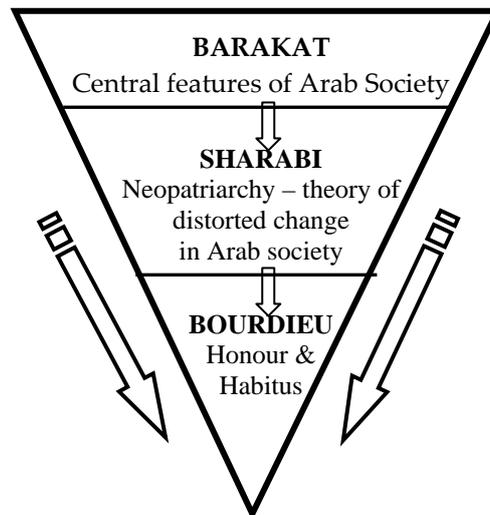
<sup>12</sup> Nasser, and Atiyat, 1998. p. 18.

<sup>13</sup> *The Jordan Times*, 1999 November 9<sup>th</sup>.

In Jordan, the connection with Islamic history is evident. From our point of view, Islam, being the dominant religion in the Middle East and governing much of the social relations both on a macro and a micro level, should not be ignored when dealing with issues of law, violence, female sexuality and gender relations in the region. If we presume the concepts of honour and shame to be determining factors in Jordanian society, then it is quite logical to analyze the mechanisms and interpretations of Islam in the light of this assumption. Islam has many different faces worldwide, something which can be explained by the fact that no religion has ever been the original value system of any society but is understood, interpreted and formed to complement and interact with the dominant social norms and beliefs preceding it. Thinking of Islamic principles as being understood and used in the context of honourable/shameful rather than right/wrong might provide us with a clue as to why Islam has a part to play in the problematic of honour violence in Jordan. In our essay we use the example of Jordan and the political process of altering the legislation concerning honour crimes in the country. Our aim is to analyze how ancient tribal and patriarchal patterns interact with religious beliefs. Does Islam per se stand in opposition to the desired change, or is there an underlying socio-cultural explanation to why certain religious principles are stressed before others?

### ***1.3 Theoretical framework***

During the last two decades, honour crimes have attracted widespread attention in science as well as in the media. However, the topic is much debated and standpoints range from a feminist view claiming that male violence towards women is a universal phenomenon to a culture-oriented discourse, which sometimes blames Islam, claiming that honour violence is the result of a misogynist religion that has penetrated society mentally, producing an honour culture which in its most extreme form allows or excuses honour killings. The application of parameters such as culture and Islam provokes strong reactions when they are used in contexts of simplification. We therefore find it necessary to establish a socio-theoretical background that transcends generalizations, from a broad interpretation of Arab society to an explicit theory on honour. To achieve this, we have turned to Halim Barakat, Hisham Sharabi and Pierre Bourdieu. The theories of these three researchers, as well as works by J. G. Peristiany, Julian Pitt-Rivers, Joseph Ginat and others, will help us to establish both a general theoretical background, as well as an explicit theory on honour.



Regardless of the degree or influence of honour culture in society, the Arab world can to some extent be considered as one, based on the fact that Islam and the Arabic language and culture have such a great impact on Arab society.<sup>14</sup> Barakat suggests that contemporary Islam expresses a reductionism because of its preoccupation with the critique of Western-imposed innovations. As such, democracy, secularism and gender equality are dismissed due to a lack of authenticity and as phenomena alien to Islamic and/or Arab culture.<sup>15</sup> The Arab world is described as patriarchal – a definition frequently used and quite undisputed. Like many other countries in the Middle East, Jordan has seen a massive urbanization. In this process, as well as in the overall modernization, we see the relevance of Hisham Sharabi’s idea of *neopatriarchy*. Sharabi argues that Arab society is neither modern nor traditional.<sup>16</sup> Instead, patriarchy has met modernization, with an outcome of a reliant or even false modernization, where external values and ways of life appear modern. Modernization has not been truly internalized. Instead, an internally patriarchal mindset prevails, which is relevant when it comes to honour killings. The connection appears to be even more evident considering Sharabi’s stress on vertical relations, and coerced consensus within the family.<sup>17</sup> We will examine the nature of this patriarchal order by applying a theoretical structure to the Jordanian context.

<sup>14</sup> Al-Khayyat, 1990. p. 10. Also Barakat 1993. pp.12, 13, 33, and 41.

<sup>15</sup> Barakat 1993 p.42.

<sup>16</sup> Sharabi, 1988. p. 4, 35.

<sup>17</sup> Sharabi 1988, p.7.

In parts of the Arab world, honour constitutes a fundamental means of control as well as a structural paradigm with tremendous impact on social life. The patriarchal order has been reinforced by the power of Bedouin social values but also by a dominant interpretation of Islamic ideology that focuses on a continued subordination of women. In Arab society, the focus on female chastity and virginity has resulted in a legislative and social order that encourages men to exercise power over the female members of the family. The Arab concept of honour in this context is implicitly linked to the sexual behaviour of women,<sup>18</sup> and the honour of a family, clan, or even village, thus relies upon the sexual conduct of the female members of the family. In the case of Jordan, Bedouin as well as Islamic influence have constituted a formidable political force that historically is described as a key alliance to the Hashemite Monarchy. Hussein's Jordan can be described as traditional, a concept that rests on two basic sources of legitimacy, tribalism and religion.<sup>19</sup> According to John G. Peristiany and Julian Pitt-Rivers there is an aspect of honour that is clearly connected to religion, although the connection has more to do with grace and holiness than with formal religion.<sup>20</sup> Pitt-Rivers is one of the more recognized scholars discussing the topics of honour and shame. He has sometimes been criticized for his assertion that honour and shame are synonymous.<sup>21</sup> Others, like Joseph Ginat, argue instead that the two must be separated, since honour in Arab societies can be measured in terms of both *Sharaf* and *'Ird*, where only the latter is clearly denoted to sexual behaviour. Referring to the Arabic concept of *Baraka*, Pitt-Rivers and Peristiany express that the interpretation of honour has developed from a purely social construct to a notion that touches the spiritual and the sacred.<sup>22</sup> This is not an Arab phenomenon but a relation between honour and grace that is present in several societies and cultures. To be honourable means to be close to the divine and the blessed, which is of great importance when it comes to status and power.

Honour has had an effect on a number of different cultures around the world throughout history, but as we turn to Pierre Bourdieu we receive an apt and thorough analysis on the significance of honour particularly in Middle Eastern societies. Bourdieu's in-depth and brilliant analysis of the social processes around honour has provided us with a necessary theoretical framework. Bourdieu has performed extensive empirical studies in the field of

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<sup>18</sup> Peristiany & Pitt-Rivers, 1992, p.4-5.

<sup>19</sup> Barakat, 1993, p. 159.

<sup>20</sup> Peristiany & Pitt-Rivers 1992, p 2-3.

<sup>21</sup> Ginat, 1997, p 130.

<sup>22</sup> Peristiany & Pitt-Rivers 1992, p 3.

honour. Starting in Kabylia, Algeria, he executed anthropological research which, alongside the studies of Pitt-Rivers and others, resulted in a novel interpretation that emphasized the more negative implications of an otherwise positively connoted term.<sup>23</sup> Honour is clearly linked to a patriarchal (or, as Bourdieu puts it, androcentric) society that in many ways is described as universal, but nevertheless relative and in different shapes. As we understand it, Bourdieu's concept of *androcentricity* is a prerequisite feature for an established order of male domination, something we interpret as synonymous with patriarchy. This is described as *La Domination Masculine*, a male supremacy over women, in no need for justification because the patriarchal order is unconsciously organised as cognitive schemes in our mind.<sup>24</sup>

As such, male domination is a social construction with a long historical record. The characteristic feature is the circumstance that the masculine is always held in higher regard than the feminine, with male supremacy as an outcome. The unconscious nature of these schemes has the result that people view this order as something natural and eternal, an order that is never in need of questioning or altering. Bourdieu illustrates this by addressing sexual metaphors and the mystical-ritual contradictions that serve to prove the higher value of the masculine.<sup>25</sup> He stresses that this established truth has the character of doxic acceptance, in no need of reflection or questioning, implying that a person's act of cognition in reality "... 'makes' the symbolic violence which it undergoes."<sup>26</sup> Present in his analysis are contradictive pairs that transcend from the sexual to the social with the intent to legitimize the patriarchal order. Virility is central, connected to an image of men conquering and dominating women sexually, socially and psychologically, resulting in a heroic view of man, a man of honour.<sup>27</sup> This symbolic constructivism emphasises the supremacy of the masculine and legitimizes a relation of dominance by making it part of a biological nature, which is in itself a social construction. This can be described as identities that are embodied in *habitus*, a system of dispositions that permits man to act and think in and around the social world. Bourdieu speaks of symbolic violence to illustrate the fact that women are prisoners under an androcentric vision of reality that renders the biological and social reproduction the objectivity of public meaning.<sup>28</sup> The result is a world observed through the lenses of these androcentric dispositions, *habitus*, which shape the daily lives, routines and rituals of both

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<sup>23</sup> Wyatt-Brown, 2002.

<sup>24</sup> Bourdieu, 2001, p. 9, 22-24.

<sup>25</sup> Bourdieu, 2001 p. 30-31.

<sup>26</sup> Bourdieu, 2001 p. 34

<sup>27</sup> Bourdieu, 2001 p. 12, 19, 49-53.

<sup>28</sup> Bourdieu, 2001 p. 33-34.

men and women. Rituals are important since they “establish consensus as to ‘how things are’ and thus they fix legitimacy”<sup>29</sup> and function as the “guarantor of social order”.<sup>30</sup> Women’s acceptance or even reinforcement of their subordination is not a deliberate action based on logic, but rather the result of the symbolic violence inherent in the dispositions.<sup>31</sup> The result is a world that divides the social room or world into different spheres, where women and men play different roles.

## **1.4 Method**

We have performed a phenomenological case study in an essay that is theoretically qualitative in its mode of analysis, principally because qualitative analysis is based on an explicit outlook of the social world that is subjective rather than objective. In contrast to the more quantitative fields of discipline, the aim of human sciences is not to measure or to estimate number or size.<sup>32</sup> Reflective reasoning around the phenomenon of honour killings thus represents a core criterion of social science that we find better qualified to meet the challenges of this essay at the expense of the ordering and categorization of encounters. However, quantitative measures and statistics are used to support our analysis. We will analyze the processes surrounding honour killings and the legislature regulating them through a systematic collecting of written sources, ranging from dailies like the *Jordan Times* to campaign speeches from organisations fighting honour killings. The chosen topic – the interaction between Islam and social structures in relation to honour violence – will be analyzed via statements, opinions and declarations from individuals as well as groups whose motives, thoughts and ideas constitute the empirical data of the study. These data are clearly subjective and therefore preferable to analyze in a qualitative manner. A verbalised analysis of opinions and experiences is synonymous with one of the core criteria of phenomenology as it is “focused on subjective, practical and social conditions of experience.”<sup>33</sup> The scope of analysis has a clearly interpretive mode which further emphasizes the need for qualitative analysis.<sup>34</sup>

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<sup>29</sup> Peristiany & Pitt-Rivers, 1992, p 2.

<sup>30</sup> Peristiany & Pitt-Rivers, 1992, p.2.

<sup>31</sup> Bourdieu, 2001, p. 33-34.

<sup>32</sup> Boeree, 1998.

<sup>33</sup> Woodruff-Smith, 2003.

<sup>34</sup> Mason, 1996, p. 4. See also Bryman, 1999, for a discussion on the qualitative/quantitative distinction.

Our essay can be described as an outcome of classic hermeneutics as our intention is to interpret people's opinions and to analyse reported courses of events, actions and results. In addition, Interpretation of texts is often mentioned as the original background to the school of hermeneutic research.<sup>35</sup> Hermeneutics share focus on the intentional with other disciplines, which, from our perspective, is very important since the perpetrators, in contrast to those guilty of "regular" assaults or murders, openly confess and demonstrate the deeds, thereby reinstating honour. We have dismissed interviews due to the availability of first-hand reporting from validated sources. The analysis will show an interpretable interaction between the partial and the complete,<sup>36</sup> something that correlates to the hermeneutic circle. The choice of phenomenology is based on its preoccupation with people's opinions and intentions. By adopting a conclusive integration of phenomenology and phenomenography, we seek to understand, explain and examine the *essential* as well as the *differential* concerning public opinion, a stance that is both pragmatic and necessary.<sup>37</sup> Phenomenology differs from phenomenography in that the latter seeks *diverse* opinions in an overall descriptive manner.

Phenomenology, on the other hand, has the ambition to enlighten the *common* feature of the object of study, generally through an explanatory and reflexive approach. Explicitly, phenomenography will be used when different opinions regarding Islam's role are presented and discussed. The *motif* of the latter is to prove one of the key assumptions that permeate this essay – explicitly that there is no one Islam. The overall analysis of opinions points at phenomenology, as phenomenography in large describes or account for a *number* of opinions; explicitly, the different opinions constitute the result. In addition, the latter almost exclusively relies on data collected via interview, which is not a method used in this essay. Edmund Husserl's ideas on phenomenology, especially regarding intentionality as the essence of consciousness,<sup>38</sup> are closely related to Bourdieu's discussion on habitus as both try to detect the delicate manner in which people's conscience, intentions and actions are governed. Husserl's phenomenology focuses on the defining trait of intentionality, approached explicitly in the first person. The first person view is however accompanied by collective views in the form of organisations and/or its representatives such as spokespersons, clerics, presidents etc.

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<sup>35</sup> Ramberg, & Gjesdal, 2005.

<sup>36</sup> Ramberg & Gjesdal, 2005.

<sup>37</sup> Mason, 1996, p. 5

<sup>38</sup> Dreyfus, 1993, see also Woodruff-Smith, 2003.

## 1.5 Material

Research on the mechanisms of honour killings has, despite the widespread debate in media, been quite scarce. Most articles refer to the classic *Honour and shame- the values of Mediterranean society* (1966) edited by J.G. Peristiany. Here, the phenomenon of honour is discussed by several scholars who examine honour through sociological, historical, and anthropological perspectives. Current research has yet to establish a modern comprehensive image of the phenomenon of honour and honour killings. Contemporary scholars have produced a number of articles that entail both a sociological and criminological outlook, but even though these articles are often elegantly written, they lack a discussion on causality, and a thorough analysis of the catalysts of these crimes. In 2005, Lynn Welchman and Sara Hossain edited a longed-for anthology. In *Honour – Crimes, Paradigms and Violence against Women*, several scholars contribute with essays that pertain to the concept of honour, somewhat resembling the editorial work of John G. Peristiany and Julian Pitt-Rivers. The articles might seem geographically and scientifically disparate, but the essential focus is distinct. For us, the articles have constituted valuable background reading as well as adequate material for the study. For this essay, Hassan & Welchman’s article “Changing the rules? – Developments on ‘Crimes of honour’ in Jordan” (2005) has been helpful in substantiating both sources and facts. In 2005, Karin Helweg-Larsen performed a study that, at a first glance, seemed applicable to this study. In *Database* (2006)<sup>39</sup>, Helweg-Larsen focuses on family oriented violence in Jordan, but the concept of honour is absent in the material. The study establishes some generalizations that have been interesting from a general standpoint but we have dismissed Helweg-Larsen’s extensive investigation, mainly because we do not find it relevant to a thesis that focuses on honour, tribalism and Islam. A quantitative study that can substantiate the nature and *modus operandi* of honour crimes is presented by Anahid Devartanian Kulwicki. Kulwicki performed a forensic analysis with the assistance of Doctors Mu’men Hadidi and Hani Jahsan. In “The Practice of Honour Crimes: A Glimpse of Domestic Violence in the Arab World” (2002), honour crimes carried out in 1995 in Jordan were examined.<sup>40</sup> Kulwicki’s focus is on honour crimes and thus she has provided us with apt material related to the cultural context and the legal implications of these crimes.

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<sup>39</sup> Download available at <http://www.redbarnet.dk/Default.asp?ID=4720>

<sup>40</sup> 16 of the 23 court files were available for review.

An author and scholar recognized for her in-depth coverage of Jordan's political life is Laurie A. Brand. In her study of Jordan she covers honour crimes and the political and legislative processes surrounding them. Brand's focus is not the crimes *per se* but they are present as part of a wider discussion that aims at analyzing and illustrating political life and its effects on women in Jordan. This is accomplished in Brand's *Women, The State and Political Liberalization* (1998) and to some extent in *Jordan's Inter-Arab Relations* (1994).

Some sources show a clear ideological engagement in the debate and/or political arena. These have nevertheless been useful, although some of the content has been disqualified when arguments have failed to meet academic standard. An example is Fadia Faqir's article "Intrafamily femicide in defence of honour: the case of Jordan" (2001) which has contributed with a systematic and extensive analysis of honour killings in Jordan. Her article has helped shedding light over the central mechanisms of honour killings.

When it comes to the discussion on Islam and women, it may indeed be possible to place modern literature concerning this issue into two mutually exclusive and isolated categories. The first type of literature is generated by Muslim intellectuals and advocates living in the West who propose an Islamic standpoint and is read mainly by traditional Muslims and activists. It seldom tackles the challenges, threats and questions to the Islamic view on women's issues posed by the authors representing the second category: literature created by Western academics and feminists and/or Westernized Muslims. The authors belonging to the first category are to some extent restricted by their Muslim conviction and try to redefine Islam instead of making an epistemological and emotional break.<sup>41</sup> These Islamic neo-feminist attempts have been criticized for trying to "empty Islam of its real historical content", and for failing to expose the archaic roots of patriarchal ideals and customs preserved in the Qur'anic text. In the words of Reza Afshari, they even risk "adding a veneer of modern respectability to the discourse of the holy text and religious thought".<sup>42</sup> They do not embrace the secular vision of feminism as a radically transforming social project focused on individual rights and liberties. Dr. Pernilla Ouis, when writing on contemporary feminist currents in the Muslim world, makes a distinction between Muslim feminism ("ordinary, Western-inspired feminism expressed by women that just happen to be Muslims"), and Islamic feminism, represented by confessional scholars who do not enjoy being labelled "feminists" according to

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<sup>41</sup> Afshari, 1994.

<sup>42</sup> Afshari, 1994.

Western secular standards.<sup>43</sup> We have turned to well-known scholars Leila Ahmed and Fatima Mernissi, and also applied quite recent works by writers such as Lamia Rustum Shehadeh and Asma Barlas in order to draw an outline of the current debate.

Literature that discusses theories on the concept of honour particularly recognizes three scholars. Besides Pierre Bourdieu, Julian Pitt-Rivers and John Peristiany have provided sociology and anthropology with a novel and broadened interpretation of the impact of honour in society, also by editing some significant anthologies on the subject. Halim Barakat's classic *The Arab World* (1993) provides a socio-theoretical framework that is useful in order to establish the cornerstones of Arab society. Barakat presents an Arab world that is dynamic and continuously changing. Barakat has contributed to our essay with the distinctions and factors he portrays as central features of Arab society. His description of the modernization and liberalization shortages that plague Arab society carries a thematic relationship with the essay and the problem addressed in it. The identification of Barakat as an Arab scholarly voice may be challenged, however. Some critics argue that the Syrian expatriate has been at Georgetown for too long, thereby losing the internal perspective advantage. However, in our view *The Arab World* provides valuable sociological insights essential for this essay. One remark though, as Barakat has been much appreciated for his attention to dynamics and diversities: we have taken interest in the essentialist feature present in the book, that is, Barakat's appreciation of what constitutes the *Arab* commonality. Barakat's general discussion of Arab society is complemented with late Hisham Sharabi's theory on Neopatriarchy. In his book from 1988, Sharabi portrays an image of a society whose inhabitants are neither modern nor traditional. The "distorted change" Sharabi speaks of is an apt part of the theoretical framework around honour killings and the psychological questions they raise. Sharabi was, just like Barakat, professor at Georgetown University and an Arab expatriate,<sup>44</sup> and is considered one of the leading Arab intellectuals of his time.

Journalist Rana Husseini of the *Jordan Times* is a source that has produced numerous reliable articles on honour crimes in Jordan since 1994. She has received several awards for her in-depth coverage of the problem, and is the one source that has provided most of the information about the crimes as well as on the political process concerning legislation and the national debate around human rights. Husseini is a devoted and courageous journalist whose

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<sup>43</sup> Ouis, 2004.

<sup>44</sup> Hisham Sharabi (1927-2005) was born in Jaffa, Palestine.

in-depth coverage of the topic alongside her frequent participation in conferences world-wide renders her a reputation as one of the most initiated persons regarding honour crimes on the actor-level. Her articles in Jordan Times are often the primary sources for different human rights organizations including Amnesty International and the UN, which should qualify her material as an acceptable source concerning the empirical data of this essay. Her critics have concentrated on her negative portrayal of Jordan as a whole, but another dimension is also evident: Husseini's world wide reputation might have caused some envy as many of the women's rights campaigners have not attracted half of that attention, despite a life-long commitment. Next to Husseini, many journalists and scholars have reported on honour crimes and the political debate surrounding them. Organizations devoted to this topic have naturally engaged in the struggle to shed light over the issue in order to obtain improvements and fundamental change. Included in this category are organizations such as Human Rights Watch, whose report "Honouring the Killers" alongside Amnesty International's report on honour killings has provided us with official quantitative material as well as important insights.

## **1.6 Outline of the study**

Starting with a short historical overview of the Kingdom of Jordan, the study moves on to look at the legislative dimension, specifically regarding honour crimes. Some authors use the word *Article*; others *Law* when they refer to the Laws of the Penal Code. This essay will use the former. Articles 98 and 340 are introduced to the reader as examples of how the sentences of such crimes are mitigated, and the status of Jordanian women is discussed in the light of the Personal Status Law as well as other laws of quite patriarchal nature. This is followed by some relevant statistics and the presentation of four emblematic judicial cases illustrating important aspects specific to honour related crimes.

The next chapter explores the very concept of honour in relation to aspects of gender roles and sexuality, mainly using Bourdieu's theories on *habitus* and women as symbolic capital. The twofold nature of honour in Arab society is described, and the reader is introduced to the social significance of the collective, such as a family or larger group of kin. This collective nature is discussed further in chapter four, where the roles of family and tribe are examined in the light of patriarchy as the dominant system in the Middle East. This chapter relies partly on Barakat's portrayal of Arab society. Naturally, the content of chapters three and four is

interrelated, and no clear boundaries need to be drawn between the different sections of the text except for the purpose of facilitating the reading.

As religion has a major influence on social relations in the Arab world, the next object of study is Islam. The dilemma of subjective interpretation and “true” religion is discussed along with Islam’s possible position on gender roles and (in-)equality in the fifth chapter. This is followed by an analysis of the relation between honour-norms and Islam, of how religious decrees may be perceived by the public, and of how this is affected by actions and statements made by religious authorities. The chapter ends with the voices of several Muslim feminists and a general outline of their arguments on how Islam may work in favour of gender equality.

Chapter six takes a close look at the campaign aiming to change the lenient legislation on honour crimes, and presents the political responses of Islamists and tribal leaders to these attempts. This leads us forth to the concluding discussion, where the interaction between Islam and tribal patriarchy is analysed in relation to honour crimes in Jordan. Finally, the bibliography separates sources with an identified author and official reports from electronic sources such as web sites, news agencies and the like.

## 2. Jordan

Today, Jordan is described as one of the more modern states in the Middle East. The development of the nation-state in Jordan has caused alterations in a number of areas, something which can be symbolically illustrated by looking at the kings of the country. From Abdallah I to the present Abdallah II, the state has undergone tremendous changes, both domestically and in relation to the rest of the world. The Hashemite Kingdom of Jordan has developed from a genuine Bedouin country to a state that has hosted the World Economic Forum three years in a row and has the ambition to be a key player in the international economy. However, in order to establish an understanding of the character of the state, we need to take a retrospective glance at the Kingdom of Jordan.

### 2.1 *The Hashemite Kingdom of Jordan*

The Hashemite Kingdom of Jordan has been a sovereign state since 1946. The area previously recognized as Transjordan was prior to World War I a part of the Ottoman Empire and within this realm a part of Greater Syria, a part of the historical Arab homeland to which Sharif Husayn had been acclaimed *Malik al-Bilad al-'Arabiyya* – King of the Arab Countries in 1916.<sup>45</sup> As the Great Powers in the mid-war period struggled to establish control over the lands of the Levant, the British mandated Transjordan (alongside Palestine and Iraq) and Emir Abdallah was given supremacy over the province and proclaimed the first central government in 1921. Jordan, just like Iraq and Syria, was a result of the division of Post-Ottoman territory into occupied zones, that soon came to be mandated by the French and the British,<sup>46</sup> meaning that they are all nation-states artificially created at the will of the Great Powers. At this point in history, the Hashemites were represented by three sons of the legendary Sharif Husayn of Mecca, and they all became kings – Abdallah in Jordan, Faisal in Iraq and Ali in the Hijaz. Abdallah came to reign over a country that at the time was extremely rural and scarce in terms of natural resources. Amman was not more than a *caravanserai* with no urban tradition, strategically located on the road between Damascus and the Hijaz<sup>47</sup>, but Jordan has undergone the same type of urbanization as most of the Middle Eastern countries.

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<sup>45</sup> Salibi, 1993, p. 92. Also Gelvin, 2005, p. 77.

<sup>46</sup> Salibi, 1993, p.92.

<sup>47</sup> See Salibi, 1993 p. 83.

The importance of tribal ancestry and kin is vital in understanding the dynamics of processes in Jordan today. In fact, the very creation of the Jordanian state, the administration and the military was made by the elevation of tribal leaders to more civil posts in a modern nation-state. Hashemite legitimacy rests heavily upon the authority of the tribal leadership, but also on the Prophetic descent, yet further reinforcing the historical tribal heritage. Of course the tribal way of life has eroded to a high degree, but the significance of descent and kinship is often vital, even when it comes to political careering.<sup>48</sup> The importance of tribalism has changed from Abdallah I to present day, but it is still central, especially in regards to the ethnic duality of the country. This is sometimes articulated in the idea that the Bedouin and Fellahin constitute the indigenous population while the Palestinians are seen as immigrants or even non-Jordanians,<sup>49</sup> a view in clear opposition to the state's ambitions (and fears) regarding national unity.

The influx of Palestinian refugees after 1948 has resulted in a demographic 50/50 situation<sup>50</sup> where Palestinians and Transjordanians account for half of the country's population each. The Transjordanian part of the population historically constituted the backbone of the military while Palestinians turned to civil service and political positions. After Black September and the following civil war in 1970-71, a change became visible. Transjordanians opted for more influence in the public sector, creating a public-private split in which Palestinians came to dominate the latter.<sup>51</sup> As Shmuel Bar discusses, the split has declined from the mid-70's and forward, but a divide is still evident. The Palestinian population in Jordan is often described as fairly urban or, at least, less tribal compared to the Transjordanian one, even if Bar recognizes the political importance of the East Bank elite.<sup>52</sup> According to Gelvin, the development of the Arab nation-states resulted in an overthrow of urban way of life as the denominator of civilization, thereby replacing it with Islam. Building on the ideas of al-Tahtawi and al-Afghani, Islam was not merely a religion but "an expression of a culturally and geographically distinct civilization"<sup>53</sup>

Ever since its birth Jordan has been dependent on foreign aid and later on financial remittances from the Gulf where Jordan's prime export asset, skilled labour, went to work in

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<sup>48</sup> Brand, 1998, p. 96-97.

<sup>49</sup> La Bianca, 1997.

<sup>50</sup> Bar, 1995, p. 225.

<sup>51</sup> Brand, 1998. p. 96-97. See also Susser, 1995 p. 5, 10.

<sup>52</sup> Bar, 1995, p. 227.

<sup>53</sup> Gelvin, 2005, p.134.

the oil industry. This has placed Jordan in an awkward situation of financial vulnerability which, in combination with the politically radical Palestinian element, has put Jordan on a tightrope. Being an ally to the Americans, Jordan has been forced to deal with this tension, preferably in a fashion that maintains Jordan's image as the guardian of the Palestinians. Thus, the Hashemite kingdom has developed sensitivity to the delicate political climate, resulting in a policy that appears to be somewhat contradictory. Both Abdallah I and Hussein realized the importance of tribal legitimacy, but while the former was described as a true Bedouin, Hussein's image seems to have been more of a necessary construction for reigning the country.<sup>54</sup> Being aware of the country's vulnerability, the power in Jordan has produced a political and legislative order that is keen on expressing concern in the area of "National unity" and/or security, and at the same extremely suspicious of popular organizing.<sup>55</sup>

Historically, Jordan has been described as one of the more liberal and open countries in the Middle East. A liberalization programme was implemented in 1989 resulting in a loosening of censorship and, most important, elections in November the same year, the first ever in 22 years. The elections of 1989 are described as fair, illustrated by the surprising fact that Islamists won more than one-third of the seats in the lower house.<sup>56</sup> These were representatives from the Muslim Brotherhood (MB) as well as independent Islamists gathered under the political umbrella of the Islamic Action Front (IAF).<sup>57</sup> The liberalization process progressed until the peace treaty with Israel in 1994, an important but controversial accomplishment that challenged state security because of public dissent with the treaty.<sup>58</sup> From 1989 to present day, the progress of liberalization has fluctuated. One possible conclusion, however, is that after King Hussein's death in 1999, his son Abdallah II has concentrated on economic liberalization at the expense of political liberalization. The ethnic duality of the Jordanian state is also apparent, since the privatization politics tend to have inter-ethnic connotations with a clear "Jordan first" policy.<sup>59</sup> Although political liberalization has been limited, the Court has tried to impose a change in legislation concerning honour killings, something that will be discussed later on.

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<sup>54</sup> Shryock, 2000.

<sup>55</sup> Brand, 1998, p. 95.

<sup>56</sup> Brand, 2003, p. 102.

<sup>57</sup> Barsalou, 2005.

<sup>58</sup> Ryan, 2005.

<sup>59</sup> Ryan, 2005.

## **2.2 Legislation regarding crimes of honour**

Law as a cumulative and dynamic instrument has failed to recognize the criterion of equality in the Jordanian experience. This is obvious in a general as well as in a specific analysis of Jordanian law. Law as a product of societal norms has reflected and reinforced *traditional* societal norms that have limited the manoeuvrability of women<sup>60</sup> rather than breached the way for a gender-equal societal structure pronounced in Constitution<sup>61</sup> and the National Charter. Jordan has not been keen to impose new reforms in an overall legal perspective either. As Esposito reports, Jordan tends to cling to a traditional and tribal standpoint regarding family law.<sup>62</sup> Esposito's discussion focuses on legal reform, confirming that change is in progress, but Jordan seems reluctant to follow best-in-class countries like Morocco in this aspect.

The gender inequalities are visible in the Law of Guardianship, Personal Status Law, Nationality Law and several more,<sup>63</sup> in which women are clearly regarded inferior to men. The Law of Guardianship can put women under the supervision of a male guardian, a fact related to the argument that the person under supervision is of limited legal capacity,<sup>64</sup> an image of women that stand in opposition to the statements in Constitution. Personal Status Law regulates matters concerning inheritance, child custody, marriage and divorce,<sup>65</sup> and this specific law negatively affects women's inheritance rights (women often inherit half the male share,<sup>66</sup> just to mention one example). Other inequalities present in this law regard marriage, divorce and child custody. The traditional view of women as mothers and housewives is visible also in the laws regulating labour and taxation. In these, women are clearly discriminated by the fact that men can benefit from tax exemption based on the assumption that they are the sole breadwinners of the family.<sup>67</sup>

The ideas of Guardianship, taxation laws and several others rest upon the established and idealized role of women as wives, something that, according to Sonbol, is a product of Shari'a as interpreted and applied through tribal law.<sup>68</sup> Jordanian society is equipped with a

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<sup>60</sup> Sonbol 2003, p.7.

<sup>61</sup> Hassan, 2005, p. 107.

<sup>62</sup> Esposito, 2001, p. 94-105.

<sup>63</sup> See Hassan, 2005, Sonbol, 2003, chapters 5-6.

<sup>64</sup> Hassan, 2005, p. 111.

<sup>65</sup> Hassan, 2005, p. 107.

<sup>66</sup> Hassan, 2005, p. 114.

<sup>67</sup> Sonbol, 2003, p.113-114.

<sup>68</sup> Sonbol, 2003, p.13-14, see also chapter 4 for a thorough analysis of women's situation in the labour market.

legislature that generally regards women as lower than men, a notion familiar to Bourdieu's discussion on gender. As stated by Sonbol, Personal Status Law[s] incarcerate women "within predetermined patriarchal parameters"<sup>69</sup> that effectively regulate their participation in family-, public and/or professional life. This also corresponds to Bourdieu's picture of women's social domicile, that is, the house, the home and the areas connected to women's duties. To conclude, Jordanian Laws consistently rid women of male rights when it comes to explicit laws, while more intentional sources such as the Constitution and National Charter pronounce full equality between all Jordanians, something that seems logical, considering Jordan's signing of international agreements in this matter. Attempts have been made to counteract these inequalities by amending many of the laws but these were effectively put to an end by the Lower House, rejecting most of the proposed amendments.

There are more than a few provisions of the Jordanian penal code that apply to cases of honour related violence and killings, and that are effectively used to legally justify the acts and reduce penalties. Most debated, however, are articles 340 and 98, which will be examined below. Article 340 is explicitly designed to apply to honour killings, and it concerns the perpetrator ... "who discovers his wife, or one of his female relatives, committing adultery with another person, and kills injures or harms one or both of them."<sup>70</sup> A slightly different translation is presented by Human Rights Watch who proposes that the article reads as follows:

*There shall benefit from the mitigating excuse (Uthur Mukhafif) whosoever surprises his wife or one of his ascendants or descendents in the crime of adultery or in an unlawful bed, and kills her immediately or kills the person fornicating with her or kills both of them or attacks her or both of them in an assault that leads to death or wounding or injury or permanent disability.*<sup>71</sup>

Despite different translations, the message is clear. It appears as if the law's historical record can be traced back to the Ottoman Penal Code of 1858 and the French Penal Code of 1810.<sup>72</sup> The intended circumstance is the *crime passionel*, in which a person surprises his or her partner *in delicto flagrante*, having intercourse with another person – hardly ever the case when it comes to honour crimes in Jordan.

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<sup>69</sup> Sonbol, 2003, p. 183.

<sup>70</sup> Sonbol, 2003, p.193.

<sup>71</sup> Human Rights Watch, 2004, p. 15, note 51.

<sup>72</sup> Abu-Odeh, 1996. p. 143-144.

The law has been accused of discrimination and as a result of the failures of previous attempts to amend it, the Government opted for a different strategy in order to overthrow the discriminatory character of the law. During a period when parliament was dissolved, the government imposed Temporary Law no. 86 of 2001 in which another paragraph was added, reading as follows:

*Shall benefit from the same excuse the wife who surprises her husband in the crime of adultery or in an unlawful bed in the marital home and kills him immediately or kills the woman with whom he is fornicating or kills both of them or attacks him or both of them in an assault that leads to death or wounding or injury or permanent disability.*<sup>73</sup>

When a new parliament was assembled, it rejected the temporary law, thereby ousting the attempt to make it gender-equal.<sup>74</sup> Rana Husseini emphasizes that Article 340 is not the main obstacle when it comes to lenient legislation. Instead, Article 98 is the law used to reduce sentences for perpetrators of honour killings.<sup>75</sup> This article, or law as it is more explicitly presented, prescribes a lenient sentence for an individual who commits a crime in a state of anger that is provoked by a wrongful act of great severity by the victim.<sup>76</sup> The international attention attracted by Article 340 as well as the campaign aiming at abolishing it, has actually focused on a law that is predominantly symbolic. It may very well be possible that Article 340 would be much more frequently used in cases of honour killings had it not been for the alternative application of Article 98. However, the Court of Cassation did not once refer to article 340 between 1953 and 1965.<sup>77</sup> Nevertheless, international and domestic campaigners continue to concentrate on a law that has more symbolic value than actual judicial impact. In cases of honour killings, Article 98 is used to exempt perpetrators from standard legislation regulating murder and manslaughter. Article 98 states that a perpetrator who has acted out of an irrational<sup>78</sup> state of mind, caused by a “wrongful act” on behalf of the victim, “benefits from a reduction of penalty”.<sup>79</sup> According to Asma Khader, lawyer and human rights activist, the law can be interpreted as follows: “He who commits a crime in a state of great fury resulting from an unlawful and dangerous act on the part of the victim shall benefit from the

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<sup>73</sup> Human Rights Watch, 2004, p. 15, note 70.

<sup>74</sup> Hassan & Welchman, 2005, p. 204.

<sup>75</sup> Mattar, 2003. Interviewing Husseini. See also Abu Odeh, 1996, p. 158.

<sup>76</sup> Sonbol, 2003, p. 193. Abu Odeh, 1996, p. 158, uses the word *unrightful*, a slightly different translation.

<sup>77</sup> Abu-Odeh, 1996, p. 158.

<sup>78</sup> Sonbol, 2003 p. 195.

<sup>79</sup> Abu-Odeh, 1996 p. 158.

extenuating excuse.”<sup>80</sup> Other translations speak of “fit of fury”<sup>81</sup>, but regardless of the exact wording, the intention is clear. The victim has acted in such a provocative way that the perpetrator has not been able to refrain from committing the crime. Despite the offensive character of the law, critics have pointed to the fact that many of the honour killers benefiting from the paragraph actually should not apply to it. Article 98 does not mention any specific circumstance such as *in delicto flagrante* discovery as a prerequisite for applicability, nor does it prescribe any other aspect of female behaviour as a condition for an extenuating excuse. The “fit of fury”-argument is a writing intended to acquit perpetrators from a pre-meditative *modus*. According to a quite recent court case, the following factors should be present in order to benefit from Article 98:

1. the unrightful act committed by the victim should be committed against the accused;
2. this act should be dangerous, causing a fit of fury, and the crime should be committed before the effect of such fury lapses;
3. the act by the victim should be physical and not an utterance.<sup>82</sup>

If this mitigating excuse is recognized for a crime otherwise considered premeditated murder, the perpetrator will be sentenced to a minimum of one year in prison.<sup>83</sup> In other cases the verdict may be reduced to a minimum of six months and a maximum of two years.<sup>84</sup> Another determinant in honour related cases is the attitude of the victim’s family. A family that ignores the right to file a complaint offers the court the option to further halve the sentence.<sup>85</sup> Since honour crimes by nature involve relatives, this is often the case. This is regulated in Article 99, in which perpetrators (or at least their accomplices) can affect the length of the punishment themselves.<sup>86</sup> In addition, the time served awaiting trial is withdrawn from, or even commuted to the time served. When it comes to the question of sex, the language points to a gender-neutral denotation,<sup>87</sup> although Abu-Odeh claims that the law reads “*He* who commits...”<sup>88</sup> The social and judicial reality however, is that men benefit from extenuating circumstances when they kill a female relative. Article 98 is a law with general applicability while Article 340 clearly regulates special conditions – that is, honour crimes. Interestingly,

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<sup>80</sup> Human Rights Watch, 2004, p. 18, note 63.

<sup>81</sup> Abu-Odeh, 1996, p.158. Also, Hassan and Welchman, 2005, p.204.

<sup>82</sup> Hassan and Welchman, 2005 p.205. From Court of Cassation Case No. 1514/ 2003.

<sup>83</sup> Human Rights Watch, 2004, p. 18.

<sup>84</sup> Human Rights Watch, 2004, p. 18.

<sup>85</sup> Human Rights Watch 2004, p.18

<sup>86</sup> Human Rights Watch, 2004. p. 18, note 65.

<sup>87</sup> Sonbol, 2003, p.193. Human Rights Watch, 2004, p.20.

<sup>88</sup> Abu-Odeh, 1996, p. 158. Author’s bracketing.

Article 98 historically has been interpreted within a very precise context<sup>89</sup> establishing that the application of the article necessitates the presence of “minor self-defence”, which did not include adultery cases.<sup>90</sup> According to Abu-Odeh, the Jordanian Court of Cassation refused to apply Article 98 in a 1953 case where the court stated that an illegitimate pregnancy (although shameful) did not constitute an unrightful act, “unless the act of killing occurred while the defendant was in a state of surprise at seeing one of his female unlawfully in an unlawful bed.”<sup>91</sup> In accordance, the court clearly considered crimes of honour as special crimes, calling for specific legislation. Law 98 was regarded as a law regulating general provisions, thereby sustaining its inapplicability to honour crimes. Another case changed the judicial landscape in 1964 by altering the interpretation, resulting in the present judicial standpoint that Article 98 applies to honour killings in the sense that adultery is a valid cause in crimes where an unrightful act causes a fit of fury as proposed in the article.<sup>92</sup> Abu-Odeh suggests that this interpretation of Article 98 is the reason why it is so frequently in use, since Article 340: s rigorous conditions hardly ever apply in reality. Instead, Article 98: s more general conditions and ‘fit of fury’ are interpreted to be almost omnipresent in honour crimes. As the Court of Cassation case 1514/2003<sup>93</sup> indicates, the interpretation might again have become stricter demanding special conditions for the applicability of Article 98.

Some progress has been made in Jordan, such as *The Ordinance of Shelters for Family Protection*, (No 48, 2004), which was promulgated by the council of ministers. According to this ordinance, declaring that the state is responsible for providing refuge and support for battered women, the state accepts responsibility for victims of domestic violence, thereby indicating that violence against women is a societal problem.<sup>94</sup> This is in correspondence with the universal tradition of law, since its intention has been to protect the weaker from the stronger, in this case women from men. The prevalence of misogynistic laws can be viewed as an outcome of the *habitus* as described by Bourdieu, where women are considered subordinate and inferior to men.<sup>95</sup> This judicial sociology seems to be a product of societal norms, emanating from the traditional interpretation of male and female domains. In this aspect, law reflects a societal view of women present in both tribal and Islamic arguments.

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<sup>89</sup> Prior to the Penal Code of 1960, Article 93.

<sup>90</sup> Abu-Odeh, 1996, p. 159.

<sup>91</sup> Abu-Odeh, 1996, p. 159, citing the Court of Cassation records. An Unlawful [muharrim] is someone with whom it is illegal to marry.

<sup>92</sup> Abu-Odeh, 1996, p. 159.

<sup>93</sup> Referred to in note 90 of this essay.

<sup>94</sup> Hassan, and Welchman, 2005, p.201.

<sup>95</sup> See for example Sonbol, 2003, p. 186-189. Also Brand, 1998, p. 130-140.

## 2.3 Honour crimes in Jordan

Jordan is a country which stands out not mainly because of its high rate of honour killings – although it is stated that more than half of all female homicides in Jordan are honour-related,<sup>96</sup> it may not be any more common there than in many other countries or parts of the world – but because so many of these crimes have been well documented both by domestic activists and international human rights organizations during the last decade. According to Amnesty International, between 20 and 30 honour killings are reported annually, however the real number is estimated to be a lot higher, probably somewhere around four times the official one.<sup>97</sup> According to Kulwicki's investigation in 1995, 23 out of 38 femicides were labelled 'honour crimes'.<sup>98</sup> The total amount of homicides this year was 89. Kulwicki supports the reported figures, stating that 150 of 503 cases between 1990 and 1995 were honour killings.<sup>99</sup>

In her article on honour killings in Jordan, Fadia Faqir mentions professionals who estimate the dark figure when it comes to reporting physical and sexual violence to be around 90 %.<sup>100</sup> Many reported accidents and suicides among young females are also believed to be forced or arranged in order to cover up actual homicides.<sup>101</sup> Furthermore, it is a widespread opinion among professionals that honour killings can be used as a cover-up for crimes of rape and incest.<sup>102</sup> Hadidi et al. reports from 1985, when five out of a total of 16 victims of honour killings were found pregnant at the time of their death. Of these five victims, one was pregnant as a result of rape and two were impregnated by their spouses.<sup>103</sup> Around 70 % of the victims are aged 15-30,<sup>104</sup> and just over 70 % of the perpetrators of violence against women are in the age-group 19-30.<sup>105</sup> According to official statistics, almost all the perpetrators of honour killings are closely related to the woman. Brothers are claimed to account for just over 60 % of the killings, fathers for around 15 %, and nephews for 10 %.<sup>106</sup> Between 40 and 60 women are detained by the Jordanian authorities each year in order to

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<sup>96</sup> Nasser and Atiyat, p. 18.

<sup>97</sup> Amnesty International, see <http://net11.amnesty.se/www/tema/kvinnor/hedersmord> 2006-06-05.

<sup>98</sup> Kulwicki, 2002, p. 77, 80. However, only 16 of 23 files were available for Kulwicki's review.

<sup>99</sup> Kulwicki, 2002, p. 79.

<sup>100</sup> Faqir, 2000., p. 68.

<sup>101</sup> Kressel, 1981.

<sup>102</sup> Both these facts have been pointed out by Yakin Ertürk, the United Nation's Special Rapporteur on violence against women, in a February 2005 report.

<sup>103</sup> Hadidi et al. 2001, p. 358.

<sup>104</sup> Hadidi et al. 2001, p. 358, See also Amnesty International at <http://net11.amnesty.se/www/tema/kvinnor/hedersmord> 2006-06-05.

<sup>105</sup> Faqir, 2000, p. 71.

<sup>106</sup> Faqir 2000, p. 71. Also in Hadidi et. al. (2001). p. 358.

escape honour violence from family and relatives. Some women have been held in custody for as long as 12 years.<sup>107</sup> Journalist Rana Husseini has documented around 30 cases of honour killings in Jordan each year. Her material is often the main source of information for reports outside the country.

In August 1997, reports emerged of the killing of a young Jordanian woman who had refused a marriage arranged for her since early childhood and instead escaped with an Iraqi boyfriend. She wrote to her mother pleading for forgiveness, and her parents assured her she would not be hurt so she returned home. She was then conned by her two aunts who pretended to have arranged a secret meeting with her boyfriend. After having followed them to a deserted plot of land, they suddenly abandoned her and left her at the hands of her killer: her younger brother who shot her in the head at close range. Being a minor, the brother got away with six months in prison for the crime.<sup>108</sup> In 1999, a 19-year old man was sentenced to less than one year in prison after running over his unmarried pregnant sister three times with a pick-up truck. In the same year, another man was sentenced to six months in prison after killing his sister with four gunshots at the instruction of his family, who were shamed by the rape of their 20-year old daughter by her brother-in-law.<sup>109</sup>

In January 2002, two Jordanian brothers were sentenced to three months imprisonment for killing their sister as a punishment for her sexual activity with a man, thus cleansing the family honour. First, her older brother attempted to kill her with an axe in the backyard of the house. He failed, and the girl was hospitalized for a short while. The next day he was accompanied by his younger brother, and together they went to the girl's room, tied a rope around her neck, and tried to strangle her. When she still did not die, they fetched a garden hose and squeezed it around her neck until she suffocated to death. The brothers were tried for premeditated murder, but the Jordanian Criminal Court, citing Article 98 of the Penal Code, reduced the charge to a misdemeanour. "The two defendants benefit from a reduction in penalty because their sister's acts brought shame to her family", the court ruled.<sup>110</sup> In 2003, BBC News reported on a case where a man from Amman killed his sister after learning that she had become pregnant out of wedlock. The pregnancy was actually the result of an alleged rape by a neighbour. When news of the pregnancy reached the victim's brother who was out

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<sup>107</sup> Amnesty International, see <http://net11.amnesty.se/www/tema/kvinnor/hedersmord> 2006-06-05

<sup>108</sup> Kamguian (see bibliography; no publishing year listed). Also Borger, 1997.

<sup>109</sup> Husseini, Rana, quoted in [http://www.gendercide.org/case\\_honour.html](http://www.gendercide.org/case_honour.html)

<sup>110</sup> Equality Now, 2002.

of town on business, he returned, crept into his sister's room and strangled her with a telephone cord, thus responding to the mocking voices of the community calling him "the brother of a slut". Even though the 20-year old brother took the time to return from his business trip, the court found him guilty not of premeditated murder, but rather of a "misdemeanour" committed in a "fit of rage", where the "unlawful act committed by his sister" (sic!) put him under the influence of "extreme anger". The brother consequently received a one-year prison term.<sup>111</sup>

In our opinion, some of the most specific aspects of the whole problematic are covered by these short summaries. They illustrate the collective mind behind the crimes, and the fact that both men and women can be involved in planning and perpetrating them. All the perpetrators in Kulwicki's 1995 review were male relatives with brothers constituting a 60 % share of the perpetrators, followed by fathers (20 %), ex-husbands (13 %) and in one single case, a nephew, (7 %).<sup>112</sup> Case reviews exemplify the public nature of these crimes, committed to meet the expectations or demands of the group and to state an example. They demonstrate that these crimes are not committed in the heat of the moment; they are premeditated and coldly planned. If the murders were acts committed in a fit of fury, it would be reasonable to assume that the deeds would not be supported by the families. However, several reports indicate that murders are often followed by celebration and public acclamation, thereby eradicating the idea of irrational and erroneous behaviour. Furthermore, they enable us to draw some remarkable conclusions about the underlying value system and moral codes – for example, the fact that losing one's virginity is a worse offence than raping a family member. Finally, they highlight Jordan's major dilemma by providing the proof of violent killers receiving lenient sentences.

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<sup>111</sup> BBC, 2003.

<sup>112</sup> Kulwicki, 2002, p. 82.

### 3. Honour and shame

Many sociologists and anthropologists have discussed the social concepts of guilt, fear and shame as key forces defining societies.<sup>113</sup> Some make a distinction between individualist guilt-cultures and collectivist shame-cultures, arguing that Northern European and American societies belong to the former category, while most other parts of the world join the latter one.<sup>114</sup> According to a somewhat more detailed discourse, cultures can be divided into three categories: Guilt versus innocence, fear versus power, and shame versus honour.<sup>115</sup> The mechanisms of a culture can be determined by both primary and secondary characteristics, like many North American Native cultures which are said to be made up of elements of both fear and shame.

The division of guilt versus innocence is typical of Western societies. The concept of guilt is laden with questions of right and wrong, and is believed to have developed in a setting of Roman culture and influences from early Christian theology.<sup>116</sup> In this system, children are taught to act rightly – telling the truth is right, and telling a lie is wrong – and if they don't, they are told that feeling guilty is the proper response. In such a culture, the individual bears a personal responsibility for his/her own actions but not for others'. The individual is morally guided by an internal locus of control – his or her own conscience, commanded by fear of the anguish that guilt may cause.<sup>117</sup> The second type of culture operates in a paradigm of fear versus power. Life in this physical world is supposedly ruled by unseen powers, often with different characters and abilities. This spiritual philosophy assigns emotional traits to the powers making it important to please them and keep good relations with them – otherwise they may be offended and angered and punish you. People in this type of culture seek to gain control over those supernatural powers governing the universe, and basically act out of fear of these powers. Typical examples of such fear-cultures are African, South and Native American as well as Pacific animist societies.<sup>118</sup> The third type of culture is based on concepts of honour and shame. In this system, there is no right or wrong way of operating, but rather an honourable and a dishonourable way of doing things. This is reflected in the individuals' aspirations to reproduce ideals expressed in society, in this case the ideal of honourable

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<sup>113</sup> See for instance Abercrombie & Turner, 1984.

<sup>114</sup> See Benedict, Ruth, 1946, Creighton, 1990, Borgå, 1991, Piers & Singer, 1953.

<sup>115</sup> See for example Abu Hilal, 1988 and Peristiany, (ed.) 1966.

<sup>116</sup> Muller, 2000a.

<sup>117</sup> Al-Baldawi, 1998.

<sup>118</sup> See for example Burnett, 1988.

behaviour.<sup>119</sup> Young children are not brought up in a setting of right and wrong. Rather, they are taught to act honourably so that their family or tribe will not be shamed by their actions.<sup>120</sup> Lies are not judged according to ideas of right and wrong, but out of a question of whether what is being said is honourable or not. If a lie is told to protect the good standing of the group or even the nation, then it is justified. In order for shame-based cultures to work, there must be a greater context than just the individual.<sup>121</sup> Shame-honour thinking requires a group or tribe, or even a nation. According to this generalization, many Arabs, for instance, act from a group mindset and relations to others are described in terms of “near” and “far” – blood relatives are near, and those from other tribes are far. The group acts within a mindset of mutual responsibility, or in the words of Joseph Ginat, “co-liability”.<sup>122</sup> Being part of a group requires conformity, which brings honour, prestige, and security. Social control is located outside the individual – it is exercised by the group. Each person has a responsibility not primarily to herself but to the collective, represented by her in all her doings which can either honour the group or bring shame to it.<sup>123</sup> Shameful deeds are attempted to be covered up. If this fails, they will be revenged – honour killings being a clear example of such rationality.

Traditional Arab society makes a distinction between two kinds of honour: *sharaf* and *‘ird*. *Sharaf* is connected to a social unit such as a tribe or family and signifies social status characterized by such pride and dignity that comes from an established good reputation. This is created by good conduct, noble acts of hospitality, generosity, bravery etc. and can fluctuate up and down.<sup>124</sup> *‘Ird* is also connected to reputation, but only that which relates to the sexual behaviour of women. *‘Ird* is a measure of female purity; it does not fluctuate like *sharaf* but can only decrease. This happens when one of the group’s women misbehaves morally or when her chastity is defied.<sup>125</sup> The rumours behind such a moral degradation are taken seriously and are of greater importance than actual facts.<sup>126</sup> The relation between *sharaf* and *‘ird* is not equal; *‘ird* outweighs *sharaf* in the sense that a breach against moral norms severely injures the honour of the group, while good conduct in other areas will not necessarily repair such damage and loss of status and dignity.<sup>127</sup>

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<sup>119</sup> Pitt-Rivers, 1966, p.22.

<sup>120</sup> Muller, 2000a.

<sup>121</sup> Pitt-Rivers, 1966, p. 35-36.

<sup>122</sup> Ginat, 1997. The term is frequently used throughout the book and not just in one specific page or chapter.

<sup>123</sup> Al-Baldawi, 1998.

<sup>124</sup> See for instance Ginat, 1997, p 132, for a model on *Sharaf* and *‘ird*, or Kressel, 1981.

<sup>125</sup> Feldner, 2000.

<sup>126</sup> Muller, 2000b

<sup>127</sup> Feldner, 2000.

### 3.1 Gender and power

In the following section, we will present some of the main features of social structure in many Middle Eastern societies: feudal patriarchy, collective identity, clan and kinship. We will establish that in the collectivistic structure, the individual is seen as an inseparable part of the group.<sup>128</sup> Each person carries certain duties and responsibilities towards the group, and the inappropriate behaviour of one individual – failing to meet the expected demands – casts a shadow over the entire family. In order to understand the logic behind the honour killings in particular, we will discuss the roles of men and women in these societies more closely, since the very notion of honour is intimately related to gender and sexuality. Looking at the patriarchal family pyramid, we find an interesting paradox of female frailty versus power.<sup>129</sup> Women and girls, who lack formal power and may live a secluded life within the home, still have an important function in relation to the outside world – the family honour rests on their shoulders (or, literally, between their legs).

Halim Barakat discusses the subordination of Arab women and points out that their low-grade position depends on several aspects.<sup>130</sup> First, women are secluded and segregated from the public domain limiting women's sphere to the household. As a result of this, women end up with limited roles, that is to say the ones that have bearing according to family and household, closing or narrowing the possibilities of labour. The personal status of women is clearly lower than men's, specifically when it comes to laws dealing with marriage, divorce and inheritance. Barakat also means that religious authority maintains the view of women as a problem, a problem with an immediate need of control:

...buttressed by the prevailing religious ideology, which considers women to be a source of evil, anarchy and social disorder (*fitna*) and trickery or deception (*kaid*), the prevailing standard of morality stresses values and norms associated with traditional ideas of femininity, motherhood, wifehood and sexuality.<sup>131</sup>

There is an ongoing intra-Muslim debate on this subject. Several feminists argue that the problem is the *interpretation* of Islam; not Islam itself. Despite their struggle, official Islam, whether represented by imams, muftis or the Shari'a, has sustained this negative image of

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<sup>128</sup> Bourdieu, 1966, p. 229.

<sup>129</sup> Ginat, 1997, p. 129

<sup>130</sup> Barakat, 1993, p. 102

<sup>131</sup> Barakat, 1993, p. 102.

women, thereby contributing to the maintenance of a legislation that reflects the female subordinate position. This discussion is developed in chapter five.

Pierre Bourdieu offers an interesting sociology when dealing with the concept of honour and the subordinate position of women. Bourdieu undertook extensive anthropological research in this matter in Kabylia, a fact that in part bases his social theory to the geographical and cultural *milieu* of our field of study. Bourdieu launched the idea of *habitus*, a term describing the ideational and existential predispositions of a person.<sup>132</sup> A person's habitus is essential in regards to the mode of action. The habitus, although flexible, limits or even opposes the autonomy of a person's free will, meaning that upbringing, environment, culture and language constitute a limitation of man's disposition. Honour constitutes a collective concept that limits the possibilities when problems arise. The concept of honour provides the individual, family, clan or even society with a set of options, limited by the habitus. For Bourdieu, the individual's position in the *social space*, is defined not by class, but by the amount of capital across all kinds of capital, and by the relative amounts that social, economic and cultural capital account for.<sup>133</sup> In the Middle East, this capital, or power, is closely connected to gender, and looking at the position of the individual in traditional Middle Eastern society, it is apparent that the influence, roles and responsibilities of the persons involved have everything to do with the sex to which they belong.<sup>134</sup> A description of the typical traditional patriarchal family will of course be nothing more than a stereotypical generalization, a superficial and very rigid depiction. Even so, we believe that the picture is necessary to draw in order to create a framework within which the gender-based roles are possible to distinguish and analyze. Having stated this, we will now try to summarize the functions of the separate individuals.

A man is supposed to work and provide for his family members. He is the head of the household and has the final say in all important matters concerning the family. He also represents the family in all exterior, public, and official matters.<sup>135</sup> The woman's domain, in turn, is the domestic one. Women are predetermined and raised to become wives/housewives. If they attain a professional career, this is most likely to take place in the service sector whose line of work correlates to the perceived female nature of serving others or, more explicitly, to

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<sup>132</sup> Bourdieu, 2001, p. 30, 55-56.

<sup>133</sup> Bourdieu, 2001, p. 98-100.

<sup>134</sup> Sabbagh, 1996, p. xiv.

<sup>135</sup> See Bourdieu, 2001, p 17-18, 23, 30, for a discussion on gender-related segregation.

the home-based, interior character of female nature.<sup>136</sup> This, in turn, affects the upbringing of children, since gender roughly determines much of the order in which a boy or girl is brought up. For a little girl, the responsibility towards the rest of the family is, basically, to prepare herself for a future as a housewife. This entails learning how to behave and conduct herself, and to help her mother or other female relatives in their household work with the purpose of learning it herself. But preparing to become a housewife also means knowing what it takes to be a bride. In order to actually get married (rather than “to marry”, since marriage is not necessarily the result of an independent decision made by the two parties involved, see below), a girl must behave in accordance with the expectations of society, which means to show obedience, to be good and virtuous, and, most important of all, to be chaste and clean when it comes to manners, reputation, and actual physical virginity, since this is the currency by which she can contribute to the family prosperity.<sup>137</sup> Should these qualities be questioned, the whole group is affected, since the entwined family structure and the notion of shame make one person’s bad reputation spill over on all family members.

Guarding and protecting the girl’s virginity (and, in extension, the family honour) is the responsibility of her brothers and other male relatives, who exercise authority and control even over female cousins.<sup>138</sup> Their prestige and standing is dependent on the sexuality of “their” women, which needs to be controlled. This kind of honour is felt to be something tangible to cling to, to take pride in, perhaps even more so when material assets are lacking. (On the other hand, high social status may involve a stronger emphasis on moral conduct, since there is much to lose.) Bourdieu emphasises that the socialisation of girls and women tends to focus on limitations of their behaviour and/or manoeuvrability.<sup>139</sup> The cause behind this is the idea of women as something negative, less reliable, and intellectually inferior to men. The notion of women and men is shaped by an image that aims at continuously reinforcing the oppositional nature of men and women. Bourdieu describes this as a self-fulfilling prophecy since every attempt to break out from the pattern confirms the view of women as evil trouble-makers, which in turn justifies the need of control.<sup>140</sup> This control has a

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<sup>136</sup> See Bourdieu, 1966, p 218-224 for a discussion of the left-& right-hand character of male and female domains. Also Bourdieu, 2001, p. 26-27.

<sup>137</sup> Abu-Odeh, 1996, p.149-151. For a discussion on the effects and importance of marriage, see Bourdieu, 1966, p. 227-228, Shalhoub-Kevorkian, 2005, p. 163.

<sup>138</sup> Joseph, 1996 p. 195, Abu,-Odeh, 1996, p. 152-153.

<sup>139</sup> Bourdieu, 2001, p. 27-29, 41.

<sup>140</sup> Bourdieu, 2001, p. 27, 32.

sexually oriented background resting on the fact that women constitute symbolic capital, a fact that has much to do with honour.

Vital in the discussion on symbolic capital is the fundamental asymmetry between women and men. According to Bourdieu, this is the relationship between subject and object, between agent and tool.<sup>141</sup> In this relation, men are subjects, offering objects which, especially in the matrimonial market, can be labelled symbolic capital. This capital must be preserved and increased, a fact that relates to the men's honour. In the Middle East, this capital is of central importance, leading to the conclusion that the value must be protected. Value centres around reputation, which in turn focuses on the sexual dimension. Being chaste, behaving properly and, of course, protecting virginity is of utmost importance when it comes to the honour of men, family, clan etc, indicating that women always have to act in relation to the prestige, honour and reputation of the group by upholding an impeccable behaviour.<sup>142</sup> Bourdieu's discussion suggests that this value, the symbolic capital, is synonymous with honour.<sup>143</sup>

The importance of this factor makes it easy to understand the close relation between honour and the use of violence, since the honour constitutes such a valuable asset, in need of protection. One inherent feature in the dispositions of manliness is the obligation to act correctly. The principle of honour means that measures must be taken which guarantee the preservation, accumulation, and increase of symbolic capital.<sup>144</sup> This results in strategies surrounding the symbolic capital: fertility, marriage, inheritance and economy are all examples of matters that are affected and therefore in constant need of evaluation and action. Another point made by Bourdieu is that the reason for marrying at young age is connected to the unreliable character of women who urgently have to be placed under the positive protection of men<sup>145</sup>, something which further emphasizes the importance of symbolic capital. The dispositions of honour also make the dominating part a victim of circumstances. The notion of being a man is frequently ruling over men without the use of force. The rites that historically instituted manliness have to a great extent relied on a *virility* that is clearly connected to the use of violence.<sup>146</sup> Another feature inherent in the psychology of honour is

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<sup>141</sup> Bourdieu, 2001, p. 42-43.

<sup>142</sup> Bourdieu, 1966, p. 223.

<sup>143</sup> Bourdieu, 2001, p. 44, 48-49.

<sup>144</sup> Bourdieu, 2001, p. 44-45, 48.

<sup>145</sup> Bourdieu, 1966, p. 227.

<sup>146</sup> Bourdieu, 2001, p. 48-51.

the linkage between honour and social status<sup>147</sup>, whereas social status need to be maintained (and thereby sustained), if necessary with the use of force. Bourdieu stresses that honour must be confirmed by others in order to be validated as real.<sup>148</sup> On a more general level, this can be categorized as group-think, since the paradigms are never questioned individually but on the other hand confirmed collectively.

### **3.2 Marriage and virginity**

Marriage, as stated earlier, traditionally is a family affair and not a personal choice.<sup>149</sup> It is discussed, planned and arranged by the elders and primarily signifies an alliance between two families<sup>150</sup> or between members of the same family through the practice of cousin-marriage<sup>151</sup>. “There can be no approximation here of a relationship freely and privately agreed upon between a man and a woman, which is the basis of Western love and marriage”<sup>152</sup>, writes David Pryce-Jones, and continues: “Marriage in the Arab world is by the arrangement and consent of the parents of the prospective bride and bridegroom. The heads of the families concerned are seeking mutual advantage by means of bringing together their children.”<sup>153</sup> An arranged marriage need not necessarily be a forced one; the girl should have the possibility to reject an offer, but many times girls are pressured into marriage<sup>154</sup> and have little or nothing to put up against the wishes of their families. This objectified image of women is connected to the institution of marriage according to James Emery, a journalist and anthropologist doing fieldwork among Palestinians. Emery reports how many of his informants likened a woman’s reputation to glass, porcelain, or other fragile objects, stating, “Once broken, it is ruined. It cannot be fixed or repaired.”<sup>155</sup>

It is an absolute necessity for the girl to be a virgin on her wedding night – her virginity commands a factual price; it is part of what her husband pays for<sup>156</sup>, and she is expected to

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<sup>147</sup> Pitt-Rivers, 1966, p. 23-29.

<sup>148</sup> Bourdieu, 2001, p. 52.

<sup>149</sup> See for instance, Ginat, 1997, p. 132. Also Emery, 2003

<sup>150</sup> Joseph, 1996, p. 197.

<sup>151</sup> Fernea & Fernea, 1997, p. 208.

<sup>152</sup> Pryce-Jones, p. 124.

<sup>153</sup> Pryce-Jones, p. 124.

<sup>154</sup> Emery, 2003.

<sup>155</sup> Emery, 2003.

<sup>156</sup> Dowry practice differs between groups; in most Arab countries the groom and his family cover all expenses and pay a price previously agreed upon, often in gold and jewellery, sometimes in cash. This is the personal belonging of the bride and follows her through life; should the man choose to divorce her she keeps the dowry as

bleed to prove it. Many girls are subjected to vaginal examination before marriage, and doctors can issue “virginity certificates” upon request. Failure to bleed, or a mere suspicion of the hymen not being intact, is a perfectly legitimate reason for dissolving the marriage and returning the girl to her father<sup>157</sup>. The importance of female virginity is quite interesting in the light of the passages regulating premarital sexual activity in the Qur’an (and, for that matter, in other sacred bodies of text such as the Bible) where men and women have exactly the same rules to follow. Some scholars claim that the emphasis on virginity has not been dominating throughout the history of mankind, but that it is connected with the transition of settlement patterns. When people changed their way of living as roaming nomads and instead became domiciled agriculturists, the concept of land ownership became important and the right of inheritance developed into a way of securing material wealth within the group. All of a sudden the stipulation of consanguinity became vital in order to prevent illegitimate claims to the assets of the group.<sup>158</sup>

Honour killings often take place in insular communities, among people who remain in the same village or neighbourhood for their entire lives. They are most frequent in high-context societies, where rumour and reputation matters enormously.<sup>159</sup> If a girl or a woman acts in a way that allows relatives and neighbours to suspect her of any wrongdoing, to question her purity, it doesn’t really matter what has actually taken place. Her reputation is stained, and so is that of her family. Girls are, in the words of David Pryce-Jones, “the fountainhead of shame”<sup>160</sup>. This is why the girl’s behaviour must be controlled, sometimes meticulously, so that it will not evoke suspicion or gossip. What kind of conduct it takes to violate family honour is not precisely codified. Principally, it involves an “unsupervised contact of a female with a male that may be interpreted by society as intimate”.<sup>161</sup> Honour killings take place as a response to a variety of transgressions, including allegations of illicit sexual relations (for instance pre- or extramarital sex and homosexuality), refusing an arranged marriage, wishing

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a sort of personal insurance. In other parts of the world, like India and Pakistan, the bride is the one bringing the dowry to the man and his family – thus the high number of women victims of husbands and families-in-law mutilating or killing them for the sake of an unsatisfactory dowry. See for example <http://www.amnestyusa.org/women/violence> or <http://www.un.org/rights/dpi1772e.htm>

<sup>157</sup> Emery, 2003.

<sup>158</sup> See, for example, Khalidi & Tucker, 1996 p. 13 and Pryce-Jones 2002, p. 37.

<sup>159</sup> Emery, 2003.

<sup>160</sup> Pryce-Jones, 2002, p. 124.

<sup>161</sup> Feldner, 2000.

to divorce, or simply talking to a man.<sup>162</sup> Unescorted travel, for instance, can equal sexual misconduct. The girl does not have to partake in a sexual relationship to be accused of one.<sup>163</sup>

When a girl or woman has violated the group norms, for instance by engaging in pre-marital sexual activity, this is not her problem alone. Her entire family is soiled by her actions. The men have lost their honour. The other women have lost their worth, since her actions are believed to indicate how the rest of the women in her family behave. In order for honour and good standing to be restored, she needs to be punished, and the punishment needs to take place openly, as it is in itself a message to the rest of society that all necessary measures have been taken by those involved. In the words of David Pryce Jones: “By definition, honor and shame involve publicity. There can be no honor without show and even swagger”.<sup>164</sup> The killings serve as examples to other women of the group, deterring them from similar behaviour in the future.<sup>165</sup> Perhaps the killings can be interpreted somewhat differently too: not so much as punishments as ways of eliminating a severe problem.

Even if the girl is not guilty of approving of whatever happened, she will be sacrificed for the good of the group. This can be seen in situations when someone else is to blame, for instance in the case of rape or incest, or if rumours prove to be unsubstantiated. The issue of consent is often irrelevant in these matters, something which leads us to two conclusions. The first of these is that, since in the collective structure each individual is valued according to the function he or she can perform for the common good, when a girl’s primary asset (in the form of virginity) is destroyed, she is no longer of any use to the group and becomes a liability instead. Therefore, she will be sacrificed (rather than punished) in accordance with the principle of minimizing the damage and the cost. Even if one of her brothers or uncles is guilty of ruining her main valuable feature, he will be spared since he is still in a position to contribute to the group by performing those functions expected of him. The girl, guilty or not, has no longer any worth in terms of marriage, which is in itself reason enough to get rid of her in one way or another. The second conclusion is that male and female sexuality are believed to be quite dissimilar forces working in different fashions – a topic worthy of its own discussion, which will follow below.

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<sup>162</sup> Emery, 2003.

<sup>163</sup> Ginat, 1997, p 125-126

<sup>164</sup> Pryce-Jones, 2002, p. 40.

<sup>165</sup> Ginat, 1997, p 108.

### **3.3 Sexuality**

For an explanation of this phenomenon, it is necessary to look closer upon the notions of male and female sexuality. In the typical “honour-society”, sexuality is strongly regulated through norms and taboos. The naked human body is connected with sex and is in itself a shameful thing to expose. All kinds of “illicit” sex are prohibited – this entails pre- and extramarital sex as well as homosexual activities. For these reasons, men can also be the victims of honour related violence. Families regard the premarital behaviour of boys in diverse ways – some young men enjoy relative sexual freedom, others are kept in tight reins just like the girls. Male sexuality, however, is not as charged or dangerous for the group, perhaps because the physical virginity of a boy is impossible to establish, or because the possible result of sexual activity is not as tangible for a boy as it is for a girl, or maybe just because male and female sexuality are regarded differently.

Men in general are viewed as the bearers of an active, aggressive sex-drive which is hard or even impossible to control – it is simply part of their nature to be unable to resist an opportunity of sexual activity – while women are not expected to feel the same sexual need, or at least not allowed to give in to such a need. (This is an interesting paradox considering the fact that the man, in many societies, is the intellectual and moral norm – he is perceived to be more logical, rational, and controlled than the woman in all other aspects of life.) The female ideal entails chastity and sexual passivity, at least outside the frames of marriage. David Pryce-Jones notes: “The cults of virginity on the one hand and virility on the other are hardly likely to be the prelude to a mutual respect between the married couple”<sup>166</sup>.

A popular psychological model of explanation uses the sexual act of intercourse itself as a metaphor of the interaction between groups. This symbolic image, where the man penetrates the woman who is reduced to nothing but a passive receiver of male semen, is used to illustrate power relations between groups, through the notion that the greatest challenge to the social order of a group is the incorporation of unfamiliar elements into the body of society. Giving the semen away, allowing it to leave the group, is less threatening than receiving it from the outside. Woman, with her reproductive qualities, belongs to the group and her vagina is an asset in need of protection. The societal organism is compared to the female body. The

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<sup>166</sup> Pryce-Jones, 2002, p. 131

woman's body may not be penetrated by anything unclean, since this equals pollution of society itself.<sup>167</sup>

Even in cultures where women are regarded as powerful, threatening and explosive sexual creatures, the same ideal may prevail, although with the consequence that female urges must be heavily controlled and circumscribed, for example through the practice of female genital mutilation; perhaps the ultimate form of control over women's sexuality. The common denominator, however, is the placing of sexual liability on the woman. It is her duty to conduct herself in a manner which does not provoke the interest and attention of men; it is her responsibility not to put herself in sexually hazardous situations, etc. A woman is expected to protect her reputation, even at the cost of her own life.<sup>168</sup>

When a woman has broken against the unwritten rules of family and society, her behaviour will most likely have consequences. In some cases a woman is sharply reprimanded, she may be beaten or forced into marriage with a "suitable" partner<sup>169</sup>, or she can be ostracized and left by herself without the protection of the group. For a woman accused of sexual infidelity or disobeying her family, there is little recourse. It is difficult for a woman to escape the situation, and she probably lacks the resources to live alone.<sup>170</sup> The ultimate way of cleansing a tarnished honour, however, is by blood. Families feel the pressure to act when male relatives of an ill-reputed woman are scorned and ridiculed until they kill her.<sup>171</sup> Honour killings are the consequence of a value system according to which a woman must die in order for honour to be restored, and the deed is not secretly committed or denied afterwards; it is a public action demonstrating that shameful behaviour is not tolerated, and that necessary measures have been taken in order to regain the respect of the neighbourhood.

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<sup>167</sup> Renberg, 2002, quoting Mellström, *Hivaktuellt*, 2002, <http://webnews.textalk.com/se/article.php?id=4753>

<sup>168</sup> Emery, 2003.

<sup>169</sup> Feldner, 2000.

<sup>170</sup> Emery, 2003.

<sup>171</sup> Emery, 2003.

## 4. Patriarchy and tribalism

Over the last decades, social and family structures in all of the Middle East have been challenged and changed through migration, economic factors, democratic strivings and the impact of globalization. This development is interesting and important, and certainly deserves its own attention. Moreover, the Middle East is a vast region, displaying just as an enormous social and cultural variation as any other part of the world, and we remain humble to the fact that each little village presents a multitude of cultures and subcultures in its own, and that every family and group of kin has its own intrinsic dynamics, relations and power structures which are not only unique and impossible to capture in writing; they also vary over time. In the following two sections, however, our aim is to outline the general features of societies with a value system characterized by concepts of honour and shame. Obviously, our description will not be applicable to every family, and in every system there are individuals who do not share the views of the majority, but certain aspects still are distinguishable which differentiate the groups in question from an average Western middle class family. One of their most important characteristics is the significance of collective units; not the individual, whose intrinsic value lies in being part of a greater – indivisible – whole, such as a family or group of kin.

### 4.1 Family

There are numerous scholars who refer to the Middle East as a family-oriented society. Suad Joseph, for example, describes the family as being at the core of society in all terms: political, economic, social, and religious.<sup>172</sup> Elizabeth Warnock Fernea and Robert Fernea have spent nearly five decades studying different countries in the Middle East. They describe an Arab world which, in contrast to Western society, regards the family and not the individual as “the major unit of political, economic, as well as social life”<sup>173</sup> and discuss the Arabic term *ahl* (family) which denotes different sets of relationships; it can be used to describe “a single-family household, but may also mean ‘relatives, kinfolk, clan’, and, in a more metaphoric sense, ‘inhabitants, companions, partisans’, and other groups of closely associated people”<sup>174</sup>. A family’s name and reputation go way back and are known to everyone, and a person is

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<sup>172</sup> Joseph, 1996, p. 194.

<sup>173</sup> Fernea & Fernea, 1997, p. 207.

<sup>174</sup> Fernea & Fernea 1997. p. 207

always identified by family ties. The Arab family reckons its members through male descent, but ties with other families through marriage are important. These family ties also work as mediator and guarantee (good or bad) for a person's possibilities and opportunities regarding work, marriage, studies and so forth.<sup>175</sup> In Jordan, the importance of family is declared in the National Charter:

The family is the principal block of society. It is the natural environment for the rearing, education and personality growth of the individual. The official and popular institutions of the state must provide for the formation, cohesion and well-being of the family. They must assist it in the task of providing future generations with a sound upbringing.<sup>176</sup>

Jordan does not divert from the overall description of Middle Eastern countries as patriarchal and family-oriented both in terms of legislation and social orientation.<sup>177</sup> The family is the core economic unit and has not lost importance during the recent economic development and the transformation towards a more (technically) modern society, but it can be argued that the transformation reinforces tensions and challenges concerning family structure and gender roles. Jordan illustrates Sharabi's theory on *Neopatriarchy* very well, not least because of the massive influx of people from the countryside to the city centres, mainly Amman. Urbanization has resulted in a capital that has come to be the habitat of tribesmen as well as peasants, actualizing the problematic inherent in Sharabi's notion.

A characteristic feature when it comes to family is the dominance of relationship by blood and tribe which in addition to the practice of patrilineal power structures affects gender roles in the social, legal, and socioeconomic domains.<sup>178</sup> The legacy of Ottoman Law instituted the family as the core unit of society, thus substituting tribes and clans.<sup>179</sup> In the family, each individual has a responsibility for the well-being of the larger group, materially and socially, and in turn gets protection, support and sense of belonging. Every member also represents the group image, and every decision is for the common good – personal ambitions and wishes must be sacrificed. “One for all, all for one” is a guiding principle; reciprocity is a motor in this system, and since collective societies are characterized by the distance to a central ruling

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<sup>175</sup> Joseph & Slyomovics, 2001, p. 2

<sup>176</sup> *The Jordanian National Charter*, 1990, chapter five, article three, at <http://www.kinghussein.gov.jo/archive.html>, 2006-04-09

<sup>177</sup> See Barakat, 1993. p. 97-118 for a discussion on The Arab Family.

<sup>178</sup> Sonbol, 2003. p. 6.

<sup>179</sup> Sonbol, 2003. p 38.

power<sup>180</sup> and the absence of social welfare or other safety nets, the group is vital to guarantee the survival of the individual – a guarantee which, in turn, requires a number of obligations, such as conforming and abiding by the norms and value systems of the group. The individual is, first and foremost, a family member; then a citizen. The Arab family is often described as a contributor to stability in the Middle East, providing guarantees through a system of reciprocity in a world that has lacked other forms of safety. Halim Barakat supports the above descriptions and makes an interesting and central point by adding the fact that the family is at the centre of social organisation regardless of the pattern of living,<sup>181</sup> a statement further reinforced by the writings in the Jordanian National Charter where the family is considered “the principal block of society”<sup>182</sup> Barakat also points to the fact that honour killings are a direct attempt to restore family reputation after the detection of sexual misbehaviour by a girl or woman.<sup>183</sup> Of course, both these opposite aspects of the family are true and valid: family is just as much a safety net as it is a possible threat to the individual if she (or he) is thought to dishonour the family.

According to Fadia Faqir, “...honor killings (...) are clearly connected to the subordination of women in Jordan and to the ‘criming down’ of domestic violence.”<sup>184</sup> Faqir stresses that although Western theories can be applied to the Jordan experience, the debate on harm to women is not universally apt due to the general inequality between Western and Arab women.<sup>185</sup> In addition, the societal order in the Arab world is dominantly collectivist with possible grave consequences for women if the power and influence of men and kin are threatened by women’s real or imagined behaviour, a point highlighting the difficulties of boosting social and professional interaction between sexes in Jordan.<sup>186</sup> It is evident that the system as a whole has a clear authoritarian, hierarchic nature, where gender and age are the main features defining a person’s worth and role.<sup>187</sup> Power is therefore a keyword that needs to be examined by its inherent values.

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<sup>180</sup> This distance need not be actual; it can be imagined or “felt” in the sense that the group does not identify with the state system or authority.

<sup>181</sup> Barakat 1993, p. 98, also Shalhoub-Kevorkian, 2005, p. 163.

<sup>182</sup> *The Jordanian National Charter* 1990, chapter five, article three, at <http://www.kinghussein.gov.jo/archive.html>, 2006-05-10

<sup>183</sup> Barakat, 1993, p. 98

<sup>184</sup> Faqir, 2000, p. 1.

<sup>185</sup> Faqir 2000, p. 2.

<sup>186</sup> Sonbol, 2003, p. 6-7

<sup>187</sup> Joseph, 1996, p. 195.

## 4.2 Patriarchy

Halim Barakat describes the family structure as having “...evolved into a patriarchal, pyramidally hierarchal (particularly with respect to sex and age) and extended institution”<sup>188</sup> thereby illustrating this type of structure through the common symbol of the pyramid, with the patriarch on top. On a macro level this model is applicable to society as a whole, and on a micro level it serves as an illustration of family hierarchy. Taking a closer look at the pyramid mentioned above, we can see that in the text-book case of a patriarchal family, the father heads the pyramid and is followed by elder male relatives, then elder female relatives<sup>189</sup>, then the mother who constitutes a type of buffer-zone followed by the eldest son, then the rest of the sons, and finally – at the foot of the pyramid – the daughters.<sup>190</sup> The father is in charge of the family and represents it in external contacts. The mother is a mediator between the father and the children, but placed under his and her parents both. Girls are found at the bottom of the structure and have a subordinate and vulnerable position. The vertical structure of familiar hierarchy is illustrated by the fact that the father executes power, according to Sharabi a typical characteristic also in a neopatriarchal society.<sup>191</sup> The idea of fixed roles for men and women is in direct correlation with Bourdieus right-left hand discussion, in which duties and a gender personality renders women housewives. It restricts the female arena to the household and its immediate surroundings, thereby limiting the mobility and freedom of women.<sup>192</sup> Even when women have participated in mass-movements in the male arena, their participation has been interpreted and labelled in a family oriented manner, as was the case in Palestine with the empowered image of women as “Mothers of the Nation”.<sup>193</sup>

Establishing the family as the core unit has connotations in regard to society as a whole. Family is extended and enlarged and can be described as a miniature society,<sup>194</sup> where the nuclear family enlarges into extended family, sub-tribe, clan and tribe.<sup>195</sup> When the Arab household is described as almost always headed by a male, this is also the case in most of the enlarged social structures in Arab society. When it comes to decision-making, the family is

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<sup>188</sup> Barakat, 1993, p. 97.

<sup>189</sup> Male gender and patrilineary is important even to the extent that in the pyramid structure the paternal grandfather tops the maternal one, and likewise in the case of grandmothers.

<sup>190</sup> See for example Al-Baldawi, Riyadh, ”Psykosociala konsekvenser av en förändrad familjestruktur”, published in *Läkartidningen*, Vol. 19, 1998.

<sup>191</sup> Sharabi, 1988

<sup>192</sup> See Bourdieu, 1966, p. 218-224. See also Brand 2003, p.145

<sup>193</sup> Shalhoub-Kevorkian, 2005, p.160.

<sup>194</sup> Barakat, 1993, p 118

<sup>195</sup> Barakat, 1993, p. 50-51

affected to varying degrees by external factors; mostly relatives and kin, thereafter other important persons such as colleagues and friends, sometimes prominent religious authorities such as the local imam or priest, and least of all by state power and governmental institutions.<sup>196</sup> There is often a tendency to distrust formal authorities; problems and conflicts are to be resolved within the group without the involvement of outside forces. Fatima Mernissi chooses to make a connection between the prevailing social order and Islam when discussing collective versus individual society. She argues that in Islam, collective harmony is stressed and the individual must submit to the will of the group. Pursuing any personal ambition is *bid'a* (innovation) and a sinful act in itself.<sup>197</sup> Mernissi connects the subjugation of women to the formal institutions of Islam, arguing that although Shari'a has lost in importance in many areas, it still has a stronghold regarding family law.<sup>198</sup> She discusses the paradox of a state that proclaims itself modern and is signatory to the UN Declaration of Human Rights, but at the same time navigates to respect the power of the Shari'a. Although Mernissi focuses on Morocco, her arguments can be used in the analysis of Jordan.<sup>199</sup>

Being the main source of financial security has surely emphasized the patriarchal structuring of the family and at the same time the vulnerability of those women who, to a higher degree than men, are expected to put aside personal needs and aspirations in order to fulfil their pre-determined duties as housewives and mothers.<sup>200</sup> Amira El-Azhary Sonbol's introduction to Jordan is a narrative of the invisibility of women in statistics concerning education and work in the village of Samma.<sup>201</sup> Although Western mainstream feminism presents the patriarchal order as universal, the Arab world displays features that indisputably indicate male dominance over women to a greater extent than elsewhere – perhaps because of the collectively based, family-oriented way of life. One such element is the Laws on Guardianship, with a clearly patriarchal character (as discussed in Chapter 2.2, along with the Personal Status Law). It establishes the father's power over children, especially the girls who in some sense continue to be under the father's control for the rest of their life, regardless of whether they marry or not.<sup>202</sup> This patriarchal feature, legitimized in Islamic Law and tribal custom (*'urf*), stands in

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<sup>196</sup> In many cases other male relatives than those shown in the pyramid can have a significant influence upon the family and affect its power structure. For example, a married woman can be expected to obey the will of her brother-in-law, and a girl can be watched over or reprimanded by her male cousins.

<sup>197</sup> Mernissi, 1991a, p. 22.

<sup>198</sup> Karmi, 1996, p. 69.

<sup>199</sup> Karmi, 1996, p. 69.

<sup>200</sup> Shalhoub-Kevorkian, 2005, p.163.

<sup>201</sup> Sonbol 2003, p. 1.

<sup>202</sup> Sonbol 2003, p. 134.

opposition to the Jordanian Civil code which states that full civil majority is achieved for a person on his or hers eighteenth birthday.<sup>203</sup>

The female Jordanian labour force was as low as 12% in 1985, a figure that was estimated to 16% in the National Population census of 1994.<sup>204</sup> As Sonbol mentions in her introduction, the tendency in Jordan is to disregard women when it comes to official statistics. The Jordanian Department of Statistics (DOS) report a 22% figure for 2004 in the category “Employees by Economic Activity, Nationality and Sex for Year 2004 for Both Public and Private Sectors”. In the grouping “Paid Employees by Nationality, Sex and Educational Level for the Year 2004 for Both Public and Private Sectors”, the female part of the workforce is reported to be somewhat higher, 25%.<sup>205</sup> A search for “paid and unpaid employees” shows that this category can only be sorted under age. Gender-based statistics are not available under this category, thereby sustaining Sonbol’s idea of a public disregard concerning women and work. In the Labour and Unemployment Survey, conducted in 1988, 22% of Jordan’s women were labelled students, 76 % housewives, and 2% other. It must be questioned that the unemployment survey doesn’t even recognize women as working. It appears as though the *others* may in fact be working. One could also guess that *housewives* may be either just that or also engaged in family businesses. The disregard of women appears to be true especially when it comes to family enterprises and unskilled labour, since Jordanian women hold 6 % of top government positions.<sup>206</sup>

### **4.3 Tribe**

The historical importance of the tribes can in part be explained by the historical lack of significant urban centres. The capital, Amman, was more or less a village in the 1940’s, even though the country has seen a tremendous urbanization over the last fifty years. Nevertheless, the indigenous population is traditionally tribal/Bedouin by origin. In his history of the Near East, M. E. Yapp describes the former role of the tribe. He states that “[t]ribalism in the Near East was a matter of customary law, marriage patterns, obedience to a collective leadership of elders under a shaykh, and a sense of identity (‘asabiyya) based on genealogy, historical

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<sup>203</sup> Sonbol 2003, p. 134.

<sup>204</sup> Sonbol 2003, p. 215.

<sup>205</sup> Department of Statistics, Jordan, at [http://www.dos.gov.jo/sdb\\_ec/sdb\\_ec\\_e/index.htm](http://www.dos.gov.jo/sdb_ec/sdb_ec_e/index.htm), 2006-10-02.

<sup>206</sup> Sonbol 2003, p. 215.

memory and arrangements for defence against outside enemies.”<sup>207</sup> He points out that even though tribes were deprived of some of their former functions by the establishment of the state, kinship ties and tribal links have remained of great importance in Arabia; especially in countries like Jordan where a significant part of the population is classified as tribal, and the political powerbase is shared between the Hashemite monarchy and the influential Bedouin tribes of the south. Laurie Brand suggests that “The role of family, clan and tribal ties is also basic to understanding society and politics in the kingdom, for these structures underpin a conservative society.”<sup>208</sup> The political significance of tribal leaders is imminent and although the tribal way of life is declining, the leaders have established themselves as the main political force in the Hashemite Kingdom, illustrated by the fact that out of eighty seats in the National Assembly, sixty-eight were held by tribal chiefs.<sup>209</sup> La Bianca stresses the importance of the indigenous population constituted by the Bedouin and Fellahin; not the Palestinians,<sup>210</sup> and states that in Jordan, tribalism is by far the most important “indigenous hardness structure” – in other words, an institution with a corrosive impact on state-level policies.<sup>211</sup>

Martin Van Bruinessen turns to the opinion of tribal members and argues that tribal structure is “based on the ramification of patrilineal ties among men”.<sup>212</sup> Another central feature in the patrilineal order is the paternal endogamy resulting in a network of kinship ties that ensures the establishment of a blood-tied organisation where loyalty is strong.<sup>213</sup> Loyalty would be strong since the relations within the extended family become so tightly knit. The cultural *milieu* is familiar, never threatened by foreign or unknown elements imposing new customs or challenging the established order. In addition, urbanization affects these attitudes since the mode of living as well as the pattern of living is in constant change; a fact that is most relevant in the Jordan experience. Halim Barakat classifies Arab society by a division of the Jordanian population into three categories of residence: Bedouin/tribal, village/rural and urban. An examination based on these distinctions may help us analyse and connect the milieu of honour killings to the phenomenon *per se*. Barakat points to several interesting and illuminating characteristics supporting his classification. Diversities between the modes of settlement can be illustrated through the model below. The described patterns, in combination

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<sup>207</sup> Yapp, 1991, p. 6.

<sup>208</sup> Brand, 2003, p. 145.

<sup>209</sup> Sonbol 2003. p.233.

<sup>210</sup> La Bianca, 1997.

<sup>211</sup> La Bianca, 1997.

<sup>212</sup> Van Bruinessen 1989, lecture transcript, basic facts referred to from <http://countrystudies.us/jordan/32.htm>

<sup>213</sup> Van Bruinessen 1989

with the considerable urbanization, raise questions of how values and religious orientation are affected when a person changes his or her mode of living. It could be argued that the model portrays these patterns as static, thereby diminishing the dynamic aspects inherent in urbanization and modernization processes. Barakat's discussion nevertheless provides us with an apt portrayal of the relative importance of the pattern of livelihood. The interpretation of different features is differentiated in accordance with the table. It is however necessary to regard these facts as generalized descriptions in which the classifications *per se* are important.

**Table 1: Authors' own, based upon data and discussion in Barakat (1993), Chapter 4: The Continuity of Old Cleavages – Tribe Village, City.**

Feature ↓	Bedouin	Village	City
<b>Social organisation</b>	Tribal solidarity, kinship Structure of social organisation in terms of tribe, sub-tribe, extended family, family Class-oriented in terms of tribe	Inter-relationship of extended families with a close attachment to the land. Class-oriented in terms of socio-economic status – notable families v/s peasants	Neighbourhood (often ethnically or religiously diverse), institutions and networks of interrelated functions. Factories, markets, mosques and churches – higher degree of specialised interconnection
<b>Value orientations</b>	Tribal cohesion, chivalry, hospitality, individuality, simplicity	Land & family where the notions of <i>honour</i> and security are vital. Local community, religion, social class, time	Interrelated social structure based on social class, family and religious establishment. Bourgeoisie of urban notables control religious and political life
<b>Religious orientation [not a feature labelled by Barakat, but important to this essay]</b>	Lack of religious establishment. Tribal customs superior to Islamic Shari'a. Relation between Bedouin patriarchy and Bedouin's intense faith in God's overwhelming power.	Primarily structured around popular religion derived from environment rather than texts, institution and clerics. Abstraction of theology subordinate to concrete expressions of faith	Official Islam, institutionalised through mosques and clerics – text-based

The somewhat simplified or static description of the different social layers in Jordan is challenged or modified by the view of this society as an intermingling of the key features of modernity and tribalism.<sup>214</sup> Knowledge of and familiarity (if not wholly) with both concepts make it possible for stakeholders to address different audiences from both perspectives respectively, using language, anecdotes and references from both angles. This is often described to be the main tactic of the late King Hussein.<sup>215</sup> According to Barakat's description, Jordanians with an overall tribal and/or village origin first and foremost depend on a social organization model that acknowledges tribal solidarity as well as a social organization structure that relies on the different layers of tribal organization. For the village settlers the most important feature seems to be the interdependency between extended families as well as the importance of the notion of honour in value orientation.

The concept of tribalism is a feature often used to describe Arab or Middle Eastern society, and Islam can be described as a historical religious movement appearing and developing within a tribal context. A common misinterpretation of the term "tribal" equates it with "Bedouin". Tribal, in our notion, denotes a structure of family affiliation, and the tribal society is both an organization based upon blood ties linked to a common historical ancestor and a constitution by which individual identity is established. Tribal society differs from Bedouin for one thing because tribalism can exist in different settings: urban, agrarian or Bedouin.

Pryce-Jones examines the role of the tribe in Arab culture. He views tribal society as a closed order, where blood-relations guarantee protection and security, provide the closest social binding, and facilitate a common purpose. "Aggrandizement and perpetuation of the tribe are ends requiring no justification"<sup>216</sup>, he states, and goes on to discuss how tribalism throughout history has managed to absorb external influences posing possible threats to its existence, thus preserving intact the ancient tribal structure. Perhaps Pryce-Jones makes his most interesting point, at least in relation to this thesis, when he states: "Islam was originally such a threat".<sup>217</sup> An apt proposal might therefore be to present tribal influence as competitive to both Islam and secular nationalism.<sup>218</sup>

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<sup>214</sup> Shryock, 2000.

<sup>215</sup> Shryock, 2000.

<sup>216</sup> Pryce-Jones, 2002, p. 21.

<sup>217</sup> Pryce-Jones, 2002, p. 27.

<sup>218</sup> Barakat, 1993, p. 39.

Islam has nevertheless been internalized in a re-interpreted form both within the tribal and the village communities. According to Barakat, the dynamic force in Islam is illustrated through the different characteristics of religious orientation.<sup>219</sup> Barakat acknowledges a difference in the absence of religious establishment in the tribal organization and emphasizes a dominance of popular Islam, developed in this particular environment.

This can be expressed as an explicit deviation from dogmatic Islam which in turn leads to the assumption that the words from peasant perpetrators guilty of honour crimes correspond to exactly this: They are convinced that they act in accordance with the Shari'a and God's will, but they also stand in direct opposition to those Muslims who are more educated in dogmatic Islam and who, according to their interpretation, judge whether something is truly Islamic or not. Barakat's distinction should not be exaggerated since he admits that the Bedouin share "fundamental assumptions" with city dwellers.<sup>220</sup>

As can be noted, tribal descent and affiliation has consequences for possible strategies in political careering, where political candidates have been using both the embracing of and the struggle against tribalism. This was the case in Jordan where two politicians, Ahmad 'Uwaydi al-'Abadi and Humoud Jabali, competed for power, depending on their respective tribal constituency, where the latter always ended up on the losing side because of his strategy to attempt to build a constituency broader than the exclusively tribal one.<sup>221</sup> The enormous importance of tribal and kinship relations, affecting all spheres of Jordanian society, is notable. This fact also highlights the importance of opportunism since it is difficult for politicians to change their political agenda. This is a universal phenomenon, but in a country like Jordan, changing constituency has hitherto been a political impossibility.

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<sup>219</sup> Barakat, 1993, chapter 4.

<sup>220</sup> Barakat, 1993, p.52.

<sup>221</sup> Shryock, 2000.

## 5. Islam

A mainstream opinion in the debate on Islam and gender has focused on the fact that Islam historically has promoted and improved the rights of women. In a historical perspective, this may very well be true. The *umma* to a large extent replaced older affiliations and provided improvements in various areas such as inheritance rights, decision-making, infanticide (mainly the custom of killing baby girls) and a reduction of polygamy. This is argued by El Nimr, who presents the example that Islam regulated and limited polygamy to the benefit of women.<sup>222</sup> Karmi on the other hand argues that this truth is not very well established.<sup>223</sup> At the same time, contemporary discontent with the situation for women has rendered Islam a great deal of criticism, largely based on the fact that Islam is believed to maintain the status quo or even to further circumscribe the rights of women. Just like the Bible, the Qur'an illustrates the connection between patriarchy and monotheistic religion. The fact that patriarchy is often described as older than religion is of limited interest; patriarchy is sustained within the realms of religion and is also often defended by adherents of patriarchy as well as by fundamentalists. However, Islam does not work in a behavioural vacuum. This is illustrated by the numerous debates going on in different forums, not least on the Internet. Fatwas are being issued online by religious authorities responding to the questions of confounded Muslims unsure of how to act or think in different matters. The frequent discussions on honour killings often reveal the difficulties in these matters, since the experts habitually start by declaring the killing of a human being as forbidden in Islam, but then continue by referring to texts that can be interpreted as supportive to honour killings by prescribing the punishment of *rajam* (stoning).<sup>224</sup>

### 5.1 Analyzing Islam

Defining the nature of Islam and drawing up boundaries separating Islamic practices from un-Islamic ones is, in a scientific perspective, an impossible task. Even so, this very act of definition and classification takes place daily, over and over again, when Muslims all over the world try to understand and characterize not only their private universes but also their social

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<sup>222</sup> El-Nimr, 1996, p.100.

<sup>223</sup> Karmi, 1996. See also other contributors in Yamani, Mai, *Feminism and Islam: Legal and Literary Perspectives*, 1996, Ithaca Press, Dryden, and Badran, Margot, "Islamic feminism means justice to women", <http://www.milligazette.com/Archives/2004/16-31Jan04-Print-Edition/1631200425.htm>, 2006-02-18

<sup>224</sup> Such hadiths will be discussed later in this essay.

space and their interaction with others. Totally separating the actions of Muslim believers from the Islamic faith itself is also questionable. Certain circumstances, some of them specific to Islam, make the quest for some general common Islamic denominators relevant. For example, the Qur'an is recognized by virtually all Muslims as the pure word of God, unaltered and sacred even in its present form as a printed text. Although the text may be read and understood in different ways, questioning the authority of the Qur'an itself is heresy. In the words of Miriam Cooke, "Islam as a religion may evolve and change as interpretations of its texts proliferate, but the sources of these interpretations remain intact".<sup>225</sup> Moreover, the Qur'an is the final authority in all of the topics it addresses, which basically entails all matters in the lives of ordinary human beings.

Lately, many intellectuals of Muslim descent have raised their voices to call for a "Muslim Voltaire", a critical spirit of enlightenment in the intra-Muslim debate, and they present the irreproachability of Islam as the major obstacle to intellectual and democratic development in Muslim communities. The same call is heard in the secular scholarly debate.<sup>226</sup>

At present, Islam is perceived by many as today's greatest threat to modernity and democracy, a medieval system of beliefs incompatible with "Western values" (whatever those may be). Muslim women are stereotypically portrayed in Western media and literature as subjugated victims of a patriarchal society, and Islam is believed by many to be the cause of oppression and inequality. This simplistic view no doubt deserves criticism, and a complementary analysis of the diversity and complexity of Islam and Muslims is necessary. Nevertheless, the opinions cannot be totally dismissed. Pernilla Ouis hits the mark in this summing up: "Unfortunately, the picture of Islam as a misogynist and androcentric religion is delivered by *both* Western, often female, observers in their analysis of Islam, *as well as* Muslim male scholars in their understanding of what Islam ought to be."<sup>227</sup> As long as male traditionalist clerics have the preferential right of interpreting texts and issuing fatwas regarding social life and relations between the sexes, we need to acknowledge the fact that many women's lives will continue to be restricted and that the official version of their personal realities will be distorted and corrupt.

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<sup>225</sup> Cooke, 2002, p. 97

<sup>226</sup> Lewis, 2002, p. 3

<sup>227</sup> Ouis, 2004.

A particular condition in regards to Islamic clergy is that the official representatives are not necessarily ordained by any human establishment, and the mosques have no all-embracing superior institution such as the Church. Islam lacks a formal organization and a human liability chain, it is not a juridical person, and its representatives really have no formal mandate to speak for Islam.<sup>228</sup> This gives way to a number of conflicting decrees and opinions; a circumstance which might support the claim that there is no such thing as a “certified” Islam, and that no statement made by any Muslim spokesperson could be accepted as an official Islamic position. But there is another important point to be made when discussing Muslim clerics and authorities. It would be fair to argue that whoever claims to be a representative of a certain religion also takes on a responsibility in relation to the followers of this faith. A man of religious influence has the power to affect and influence his disciples, even to make changes within his community, depending on his attitudes to different issues.

Moreover, in many countries Muslims are politically represented and have a say in matters of everyday life. Had honour killings been such blatant deviations from the true path of Islam, one might expect explicit repudiations of the crimes on the part of the religious leadership. The official standpoints of Muslim representatives are normative for Muslims, and help shaping the established opinions on what is Islamic and not.

## ***5.2 Islam and honour***

Custom is often confused, or even deliberately manipulated, to be Islamic prescription, which makes it difficult to define a mode of action or behaviour as being Islamic, tribal, cultural or urban. The frequently used apology that honour killings have nothing to do with Islam can therefore be assumed to be both true and false, depending on whom we ask. Perpetrators who openly defend honour killings often use words and quotations that clearly have Islamic connotations, something which illustrates the difficulty of a total separation between culture and religion. When comparing the religious opinions of villagers and city-dwellers, a general tendency is that the latter associate themselves with official Islam while the former seem to rely on the folk religion of the villages.<sup>229</sup> The relation between the two must therefore be described as interdependent since they affect each other reversibly, especially considering the

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<sup>228</sup> Scruton, 2005.

<sup>229</sup> Barakat, 1993, p. 56-60.

fact that the intensive urbanisation has resulted in a “ruralization of cities”<sup>230</sup> leading to an increased influence of traditional values. It is our opinion that Islam and patriarchy respectively and inter-dependently are two key protagonists in the psychology of honour killings. To acquit Islam as *one* determinant factor is difficult since the perpetrator(s) so often seek religious legitimacy or refer to Islam as part of the motive.

Yotam Feldner states that honour killings can be viewed as an Islamic practice if one chooses a cultural approach to the phenomenon. He lists several reasons for this: First, he claims that the custom of men punishing women is endorsed by a majority of the Jordanian population – according to a Jordan Times survey, 62 % oppose the amendment of article 340, mainly because they fear “moral corruption” – as well as by many political representatives. He also notes that, even though its origin may be pre-Islamic, the custom of honour killings is integrated into Islamic society in many different areas of the world besides the Middle East, such as India, Pakistan, Turkey, and the Balkans. Feldner argues that although honour killings are not a requisite in Islam, they still receive approval from Islamic authorities. Even if taking the law into one’s own hands is not normally allowed in Islam, the unwillingness of Islamic authorities to condemn the practice works as a sort of sanction. Another argument made by Feldner has to do with the notorious Qur’anic verse 4: 34 which is interpreted to prescribe wife-beating as an acceptable resort in cases of domestic problems. He also points to the fact that many of the killers claim that they are convinced that there is religious legitimacy to what they have done.<sup>231</sup>

Wafik Abu Abseh, a Jordanian man in his early twenties, was interviewed in 1999 about the killing of his sister one year earlier. In June 1998, Abu Abseh found his sister with a man and beat her to death with a paving stone, for which he served a four-month sentence. “We do not consider this murder,” Abu Abseh said in the interview. “It was like cutting off a finger.” His mother, brother and sisters, present during the interview, nodded in agreement. But not only was Abu Abseh cleansing the family honour through the killing; he was administering God’s law. His older brother added: “We are Muslims, and in our religion, she had to be executed.”<sup>232</sup>

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<sup>230</sup> Barakat 1993. p. 60, referring to Janet Abu-Lughod. Also Doumato & Posusney, 2003, p. 8.

<sup>231</sup> Feldner, 2000.

<sup>232</sup> Jehl, 1999.

Speaking of Shari'a, the perpetrator probably refers to the *hudud* punishment for adultery, a fact that is troublesome for Islam, since the consequence of proven adultery can be death. As a general proposition, it should be nearly impossible to prove a case of adultery under Islamic law, simply because the four required witnesses have to testify that they actually witnessed the sexual offence, i.e. copulation. Suspicion, rumour, or hearsay is legally inadmissible. On the other hand, repeated confessions or pregnancy are also valid and sufficient proofs. When consulting the second most important legal body of Islamic jurisprudence, the *hadith*, we find several references to the punishment of *Rajam* (stoning to death). In the collection of Bukhari, for instance, we find a statement by 'Umar, narrated by Ibn 'Abbas:

*I am afraid that after a long time has passed, people may say, "We do not find the Verses of the Rajam in the Holy Book", and consequently they may go astray by leaving an obligation that Allah has revealed. Lo! I confirm that the penalty of Rajam be inflicted on him who commits illegal sexual intercourse, if he is already married and the crime is proved by witnesses or pregnancy or confession. Surely Allah's Apostle carried out the penalty of Rajam, and so did we after him.*<sup>233</sup>

Perhaps of greater importance is the fact that Islamic law normally does not allow for an individual to take the law into his own hands and punish a criminal outside the legal framework. Such a mode of procedure should be illegal even if the penalty imposed is the correct one. This is an often quoted principle in the debate on honour violence and Islam. But perhaps this argument is a bit over-simplified. Laws related to honour killings can be found in the Penal Codes of majority Arab countries, and as for Saudi Arabia and Qatar they apply the rules of Shari'a, especially the Hanbali *Madhab* which stipulates that the killer of an adulterer cannot be penalised.<sup>234</sup> There certainly seems to be different ways of interpreting the Shari'a in cases related to honour. And what if a Muslim refuses to acknowledge the legal system of the state in which he resides? Since Shari'a does not recognize the independent legislative power of society or institutions, it renders secular law quite meaningless if standing in contrast to the holy law of God,<sup>235</sup> and even in Muslim majority societies there may be groups of citizens who view the state's interpretation of Islamic rules as flawed and inadequate. By some it might be seen as a Muslim's duty to live in accordance with the divine principles and execute the will of God when the state lacks vision and energy. Shari'a undoubtedly states

<sup>233</sup> Sahih Bukhari, Hadith 818, Vol. 8, Book 82, "Punishment Of Disbelievers At War...".

<sup>234</sup> Faqir, p 73, quoting Fadi Mghayzil & Meriylla Abdul Sattar, *Jara'im al-Sharaf: Dirasa Qanuniyya* (Honour Crimes: A legal Study), Mu'asasat Jusif wa Lur Mghayzil, 1999, pp 29-37.

<sup>235</sup> Scruton, 2005.

that there are offences which are punishable under the laws of Islam, and we find proof of this in the *Hadith*: “I do not know that killing a person is lawful in Islam except in three cases: a married person committing illegal sexual intercourse, one who has murdered somebody unlawfully, or one who wages war on Allah and his Apostle”.<sup>236</sup>

### **5.3 Shari’a and feminism**

When trying to find out what is really Islam, we often stumble upon the objection that we need to separate Islam from Muslims, ideals from realities, and that there is no such thing as a true Islam, only perceptions. If we accept this, then perhaps it is more adequate to study the statements and actions of Muslims, and the attitudes of Muslims towards certain practices sometimes believed to be part of Islam. It is well known that “intrafamily femicide”, or the murdering of female family members, was customary in the pre-Islamic Middle East. Perhaps most known to the after-world is the burying alive of those new-born baby girls who might jeopardize the family’s reputation in the future.<sup>237</sup> This certain practice was banned in the Qur’an and there is no doubt that the spreading of Islam changed several aspects of women’s lives for the better. There are numerous accounts of how the new religion improved the situation for women living in the Arabian Peninsula some 1 400 years ago,<sup>238</sup> and for sure the Shari’a helped regulating ancient customs which were often discriminatory. Typical examples are the introduction of inheritance rights for women and the right of every woman to choose her own partner, to mention a few.

According to Amira el-Azhary Sonbol, women were treated better under Shari’a in the Ottoman Empire than under secular, modern Egypt, since Islamic *Fiqh* or jurisprudence was more flexible, and law was negotiated according to the specific circumstances of the case.<sup>239</sup> On the other hand, the subordination of women is obvious when it comes to family law. Laws dealing with marriage and divorce are clearly an outcome of a patriarchal order. Discussing the role of the *Qur’an* and *Fiqh* today, Sonbol argues that the patriarchal order is established by the process of *Fiqh*, where interpretation of religious sources is distributed. The *Fuqaha* are exclusively male and can therefore be accused of defending and maintaining the

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<sup>236</sup> Sahih Bukhari, Hadith 134, Vol. 6, Book 60, “Prophetic Commentary On The Qur’an”.

<sup>237</sup> The custom may still be in practice today among Bedouin tribes who fear the sullyng of family honour by unprotected girls, see for example Emery, 2003 .

<sup>238</sup> See, for example, Morsi, 1989.

<sup>239</sup> See Sonbol, 2003, p. 23-34 for an in-depth discussion on *fiqh*.

patriarchal order, thus securing their own and other males' dominance over women. Sonbol also notes that this has accelerated throughout history and states that there is a clear indication that Islamic jurisprudence in Jordan today is more patriarchal than for example during the Ottoman period. Fatima Mernissi discusses the same problematic but somewhat contradicts herself when she, after having accounted for the extremely minute work needed to determine the validity of each single *Hadith*, dismisses the conclusions of the *Fuqaha* by stating that "Not only have the sacred texts always been manipulated, but manipulation of them is a structural characteristic of the practice of power in Muslim societies"<sup>240</sup>.

The multiple functions of the Shari'a as an argument in the debate on equality and women's rights are truly intriguing to study. It is accurate that Islam initially helped in raising women's status and functioned as promoter of women's rights. An important question, however, is whether this development ceased in the seventh century, or if the position of women should be negotiated and upgraded continually in order to adhere to the principles and true meaning of Islam.<sup>241</sup> Lamia Rustum Shehadeh approaches the same dilemma in analyzing prominent Islamist ideologists like Hassan al-Banna, Abu al-'Ala al-Maududi, Sayyid Qutb and Hasan al-Turabi. She asks a relevant question: Why do so many of them practice *Ijtihad* in other matters, but stick to a traditionalist interpretation of women's issues?<sup>242</sup>

Miriam Cooke in her paper "Multiple Critique: Islamic Feminist Rhetorical Strategies" denies the claim that Islamic feminism is an oxymoron, and regrets that Muslim women continue to be seen as victims, and that Islamic feminists are criticized because of their choice to work subversively *within* the patriarchal systems.<sup>243</sup> She believes that the effectiveness of Islamic feminists' critique is connected to their role as victims: of gender relations, of colonial rule, and of Islamism. They develop a *multiple critique*; a discourse within which they can interact with and criticize the different institutions of oppression, allowing them to "speak effectively to, with, and against several audiences".<sup>244</sup> An interesting question would be to what extent this critique is really heard within the Muslim community, and whether it is taken seriously by those who are the objects of it: mainly the male, conservative Islamists. Pernilla Ouis, in her review of Islamic feminist writers, addresses this problem and concludes that Muslim feminist

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<sup>240</sup> Mernissi, 1991a, p. 8-9

<sup>241</sup> See for example Ouis & Roald, 2003.

<sup>242</sup> Rustum, 2003.

<sup>243</sup> Cooke, Miriam, 2002, p. 93.

<sup>244</sup> Cooke, 2002, p. 108

voices have had little impact on Muslim male formal authorities.<sup>245</sup> Another interesting angle in this discussion is that of legitimacy. David Pryce-Jones laments the lack of internal opposition against shame-honour ranking and inflexible gender roles, and identifies a problem with critics such as Fatima Mernissi and Abdelwahab Bouhdiba, educated in a Western tradition and influenced by values permitting them to view their own culture from a distance: “Their very objectivity is the source of alienation”<sup>246</sup>.

There are many active Islamic feminists making their points in the seemingly eternal debate on Islam, women, and equality. One of them is Leila Ahmed, who has written extensively on Arab women. She claims that men throughout time have excluded women from the spaces of religion, which has led to the development of two Islam’s: one for women and one for men. She views certain values as typically “female”: justice, mercy, compassion, peace, kindness, and so on.<sup>247</sup> Asma Barlas also talks about God’s “feminine” traits (loving, nourishing, forgiving...) and argues that patriarchy need not be religiously sanctioned since, unlike in Judaism and Christianity, neither Allah nor the Prophet Muhammad are referred to as “Fathers” in the Qur’an.<sup>248</sup> Barlas also analyzes Qur’anic verses through a feminist perspective, and discusses issues such as polygyny and clothing – details which seem to interest most of those engaging in the debate; especially when it comes to veiling. Fatima Mernissi, for instance has written a lot about the veil, and concludes that the practice is related to particular socio-historical circumstances and is not an eternal, universal condition for Muslim women.<sup>249</sup> Others argue that the word *Hijab* really means the curtain separating the wedding guests from the Prophet’s wife Zaynab, and that it did not originally denote female clothing.<sup>250</sup>

Apart from the question of the veil, there are certain other problematic topics when it comes to Islam and women. In the 34: th verse of the fourth *sura* in the Qur’an, it is stated that men are the “*Qawwamuna*” over women.<sup>251</sup> By some, this word is translated as “protectors and maintainers”; however the Arabic term can be understood as granting men authority and superiority over women since they excel women and support them financially. In the same

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<sup>245</sup> Ouis, 2004.

<sup>246</sup> Pryce-Jones, p. 135

<sup>247</sup> Ahmed, 1992.

<sup>248</sup> Barlas, 2002.

<sup>249</sup> See for example Mernissi, 1991b.

<sup>250</sup> Ouis, 2004.

<sup>251</sup> The Holy Qur’an, *surat an-Nisa*’ (Chapter iv: “The Women”, verse 34)

troublesome verse we find the famous sentence concerning physical abuse of women. Abdelhamid Abusuleyman has written a paper on “marital discord” with the intention to show that the word *Daraba* can be interpreted differently – it does not necessarily mean chastise, slap, hit, or strike, but can be understood as isolate, separate, depart, distance, exclude or move away.<sup>252</sup> His line of reasoning is interesting, but it does not alter the fact that most interpretations of the Qur’an equate *Daraba* with physical disciplining, and that the verse is understood and used as a legitimizing argument for domestic violence. Pernilla Ouis suggests that any debate on Islamic gender issues should instead take its starting-point in sura 33:35, which she calls “*the declaration of an Islamic gender equality*”.<sup>253</sup>

For Muslim men and women – For believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in Allah’s praise – For them has Allah prepared forgiveness and great reward.<sup>254</sup>

However, in regards to the question of female sexuality and honour, there still might be a problem, even with this verse: “...for men and women who guard their chastity...”. This passage seems to be inherently more problematic for women than for men.

It would not be correct to discuss Islam and gender relations without examining the impact of contemporary misogynist Islamism. Cooke dodges this tricky question by declaring: “This is not the Islam to which Islamic feminists pay allegiance.”<sup>255</sup> But what if they live within such a system and are silenced by it? What happens when this kind of Islam is the Islam of the majority? While Islamic feminists find support for their equality claims in the holy Qur’an, conservative Islamists rely upon the text as a source of patriarchal, misogynist thought. In the specific issue of honour related violence, Islam is used as an argument working both ways: by nourishing ideas such as the importance of women’s sexual purity, as well as by criminalizing murder and condemning those who take matters into their own hands. In the case of Jordan, this is poignantly illustrated by the 1999 grassroots Campaign Against So-Called Honor Killings, which we will examine further below.

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<sup>252</sup> Abusuleyman, 2003, p. 18.

<sup>253</sup> Ouis, 2004.

<sup>254</sup> The Holy Qur’an, *surat al-Ahzab* (Chapter 33, “The Parties”, verse 35)

<sup>255</sup> Cooke, 2002, p. 106

## 6. Making changes

The campaign to abolish honour crimes is parallel to the overall political liberalization process, but extreme in the sense that it challenges the primordial character of Jordanian society, demanding judicial equality between sexes, an ambition already verbalised in the constitution and the National Charter. In August 1991, the National Charter was extended with a passage emphasizing equal rights even stronger than the constitution: “Jordanians, men and women, are equal before the law, with no discrimination between them in rights and responsibilities, regardless of race, language or religion.”<sup>256</sup> Jordan also ratified the UN convention against the discrimination of women alongside international conventions on political rights for women, nationality of married women and the convention regarding minimum age for marriage.<sup>257</sup> This shows that some progress has been made, however not when it comes to honour crimes. The ratifications mentioned above can also be disregarded as mere lip-service both because they are publicly unknown, but also because they are not fully implemented. Also, changes which are viewed by the public as results of external pressure or foreign interests may generate conservative reactions hitting women particularly hard.

### 6.1 Modernization and liberalization

Hisham Sharabi introduced the term Neopatriarchy to describe the hybrid form of patriarchy that in large is a product of a failure to totally grasp the concept of modernity. This refers to a process of modernisation, in the Arab case the *Nahda*, which has taken place in society without the abortion of the internal patriarchal structure as has been the case in the European experience.<sup>258</sup> Neopatriarchy, then, is neither traditional nor modern. Instead it can be viewed as an outcome of *dependency*, that is, modernisation imposed by external forces.<sup>259</sup> The concept of modernisation can not be fully mentally internalised neither in the individual nor the collective mind. Sharabi claims that the newly emerged *Neopatriarchal petty bourgeoisie* has become the dominant class of the modern Arab World.<sup>260</sup> The class split between this new elite and the Arab masses explains in part the upsurge in politicised Islamic fundamentalism.

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<sup>256</sup> Brand, 1998, p. 135.

<sup>257</sup> Brand, 1998, p. 135.

<sup>258</sup> Sharabi, 1992, p 4-5.

<sup>259</sup> Sharabi, 1992, p 5.

<sup>260</sup> Sharabi, 1992, p.8-10

In the book *Women & Globalization in the Arab Middle East* we can read the following: “One theme in Islamist agendas across the region has been the idealization of women as wives and mothers who stay at home, care for their families, and raise a new generation of good Muslim children.”<sup>261</sup> Advocates of globalization often argue that growth and prosperity will be the result, and that women in particular will benefit from this development. In the Middle East, however, it seems like religious and cultural opposition to women working outside the home effectively has counteracted this. Amira El-Azhary Sonbol, writing on Muslim resistance to female labour emancipation, gives a good depiction of the new worlds order and responses towards the process of change, mainly from those who view women as limited by physical and biological factors and by motherhood itself.<sup>262</sup>

A question is whether we are witnessing a reaction to Western cultural imperialism or merely the remains of ancient tradition? In recent literature on globalization, a converse trend is depicted as a consequence of global economic liberalization and the “micro-electronic revolution” compressing time-space relationships all over the world. Some authors prefer to talk about tribalism<sup>263</sup>; others yet have studied the upsurge of Islamism in the traces of global integration<sup>264</sup>. The composite phenomenon entailing both the process of globalization and its counteraction is often called glocalization. Zygmunt Bauman describes this reaction as neo-tribal, fundamentalist tendencies on the receiving end of globalization<sup>265</sup>, and Immanuel Wallerstein uses the concept “reactive ethno-nationalism”<sup>266</sup>. Regardless of which term we choose, it basically signifies the development of increased local awareness, a return to original patterns of life, and the strengthening of traditional, patriarchal structures, thus making this a specific problematic in terms of women’s rights and emancipation. King Abdallah’s Jordan highlights these questions as the efforts to boost economy are of the highest rank in priority, while the attempt to change the legislation is regarded by many as a Western, even Zionist campaign aiming at eluding the Arab, tribal, Muslim or traditional way of life. Nevertheless, the royal strategy when it comes to honour crimes has been clearly pronounced from the very beginning of Abdallah’s reign. In March 1999 Abdallah called for the amendment of laws discriminatory towards women, resulting in the proposition to abolish Article 340.<sup>267</sup>

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<sup>261</sup> Doumato & Posusney, 2003, p. 8.

<sup>262</sup> Sonbol, 2003, p. 219-220.

<sup>263</sup> Barber, 1996.

<sup>264</sup> Lubeck, 1999.

<sup>265</sup> Bauman, 1998, p. 6.

<sup>266</sup> Wallerstein, 1983.

<sup>267</sup> Sonbol, 2003, p. 191.

## **6.2 The campaign**

Women lawyers in Jordan first began to draw attention to honour killings in the 1980' s. When the Jordanian government allowed some political liberalization in the early 1990' s, women' s groups grew in strength and number, and the Jordanian Women' s Union (JWU) established the first domestic violence hotline in 1994 alongside numerous women organizations working in direction of changing discriminatory laws.<sup>268</sup> Asma Khader, lawyer and human rights activist, was the President of JWU between 1992 and 1996 and has founded numerous Jordanian women' s NGO' s. In 1995 she was elected to the Permanent Arab Court as Counsel on violence against women, and she is well known for her efforts to strengthen the legislation on honour killings. Another famous activist is Rana Hussein, journalist of the Jordan Times who began reporting regularly on crimes that involved honour violence in 1994 after being shocked by a case where a 16 year-old girl was murdered by her family after being raped by a brother. Her reporting has helped to bring international attention to the issue and, in combination with grassroots efforts, has increased domestic and international pressure on the government to address the issue. Hussein received the MedNews Journalist Award after her 1994 exposé of the problem and the Reebok Human Rights Award in 1998. She is credited for making King Hussein aware of the problem to the extent that he, in his November 1997 address to the Parliament, condemned violence against women.<sup>269</sup>

In 1999, Rana Hussein, Asma Khader and nine other activists formed a group striving to end impunity for men who murder female family members in the name of preserving family honour. The initiative – the National Jordanian Campaign Committee to Eliminate the so-called Crimes of Honor – was quite unique in its kind: “internally democratic, carefully independent of the government or any political group, and directed by women as well as men (...) the campaign cut across the usual family, tribal, and communal divisions within the society, appealing to the national good”.<sup>270</sup> Stressing the Jordanian constitution, Islamic law, and international human rights principles, the Campaign Against So-Called Honor Killings gathered some 15,000 signatures on a petition for repeal of article 340.<sup>271</sup> In their appeal, the activists argued that “these crimes contradicted Islamic Law (Sharia)”, and urged national

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<sup>268</sup> Brand, 1998, p. 134.

<sup>269</sup> Clark, 2003, p. 39.

<sup>270</sup> Human Rights Watch, 2004, p. 16. Also Hassan, and Welchman 2005, p. 200.

<sup>271</sup> Human Rights Watch, 2004, p.16.

authorities to “take the appropriate and necessary decisions to protect the safety of dozens of innocent women who are victims of traditions and social norms that are outside the rule of Islam, the Jordanian Constitution and basic human rights.” Also, Queen Rania, interviewed in Jordan Times in 2003, stated that “This practice of ‘honor killing’ is a form of murder without trial, which is contrary to Islam”.<sup>272</sup> (Interestingly enough, as we will see later, many Islamists in the Jordanian Parliament objected to the abolishment of article 340 using the same basis for their arguments: the Shari’a.) In their own words, the Committee called for “the immediate cancellation of Article 340 in its entirety, which gives reduction and exemptions to those who kill or injure in the name of honour”.<sup>273</sup>

The amendments to Law 340 were presented on two occasions that carried the same results - approved in the upper house but rejected in the lower house. Parliament was suspended in 2001 and during this period Law 340 was temporarily amended in the way that mitigation was extended to include women, thereby removing the discrimination argument. As Rana Hussein herself expresses it, this was not the intention of their efforts since they never tried to accomplish a gender equal license to kill.<sup>274</sup> However the temporary amendment also failed to pass the parliament’s sessions during 2003 and 2004, which means that the Jordanian legal system still exonerates honour killings committed by men against women.

The 1999 National Jordanian Campaign Committee to Eliminate the so-called Crimes of Honor received much positive attention worldwide and is credited with bringing public awareness to the problem. It was recognized by Human Rights Watch and received their award of honour in 2000. It should be mentioned, however, that in Jordan, the campaign was perceived by many as a Western, even Zionist, initiative. Members of the parliament agreed that the draft amendment was a response to foreign powers putting pressure on the country, and the campaign was accused of being an agent of outside forces.<sup>275</sup> The privileged lifestyle, Western appearance, and international associations of the 11 campaigners only contributed to strengthen this opinion. These campaigners stood in sharp opposition to the perpetrators (and supporters) of honour killings, as apparent in the statements made by lawyers and officials quoted in the Times: “People who commit this are usually conservative, religious and tribalistic in thinking and behaving, and intolerant towards modernisation. Many killings are

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<sup>272</sup> Habib, 2003.

<sup>273</sup> Official statement at <http://www.hrw.org/campaigns/jordan/jordan-cmpgn.htm>

<sup>274</sup> Mattar, 2003.

<sup>275</sup> Clark, 2003, p. 40.

justified as honouring shari'a (Islamic law) but most Muslim scholars deny there is any law justifying killing."<sup>276</sup> The campaigners did not escape criticism from their own ranks either. Other activists fighting honour crimes have argued that their approach might lead to a sensationalistic exposure of the problem, provoking tribal leaders and creating an unfavourable image of Jordan abroad. The Western educated campaigners have been targeted, and one fellow activist has complained that Husseini was born "with a golden spoon in her mouth".<sup>277</sup>

The political campaign related to honour crimes highlights the strategy of the Jordanian state to embrace threatening movements in order to control them. The campaign could not obtain a permit to demonstrate in support for repealing Article 340. Instead, the court organized a rally on the subject that took place in February 2000. The demonstration gathered some 5000 people, mostly men, leaving the initiating women's organizations un-alerted and marginalized.<sup>278</sup> A similar development took place in the 1980's, when the Jordanian government initiated the creation of the General Federation of Jordanian Women (GFJW), thus stifling the radical grass-roots women's organizations through competing with their agendas and placing restrictions upon their activities.<sup>279</sup> During the period of liberalization, one of the organizations was reborn as the Jordanian Women's Union (JWU) and attracted a number of supporters who had realized the inefficiency of the government sanctioned alternative.<sup>280</sup> However, parallel to the establishment of the JWU, Princess Basma initiated a national committee, the Jordanian National Commission for Women (JNCW), aiming at creating a national strategy for women's issues. The role of women's organizations in the Jordanian liberalization process has been much dependent on their relations to the state. Funds from the international donor community were tied to the government through the royal organizations, "RONGO:s", who had the possibility to operate without restrictions or transparency.<sup>281</sup> Thus, a kind of Hashemite state feminism has hi-jacked women's issues and made sure that grass-roots initiatives will not challenge the sovereignty or programme of the state.

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<sup>276</sup> *The Times*, "Honour Killings Continue in Jordan", 28<sup>th</sup> of December 1994.

<sup>277</sup> Clark, 2003, p. 40.

<sup>278</sup> Human Rights Watch, 2004, p.16.

<sup>279</sup> Brand, 2003, p 150.

<sup>280</sup> Brand, 2003, p 157.

<sup>281</sup> Brand, 2003, p. 164.

### 6.3 Political responses

Interesting opinions have been expressed both by tribal chiefs and Islamists in the Jordanian parliament. When it comes to the proposed repeal of Article 340, both the speaker of the lower house of Parliament, Abul-Hadi al-Majali, and the District Attorney of Amman, Tawfiq al-Quaisi, have said in interviews that they oppose the effort.<sup>282</sup> One much-quoted tribal leader, pressed on the issue of honour killings, declared: “A woman is like an olive tree. When its branch catches woodworm, it has to be chopped off so that society stays clean and pure.”<sup>283</sup> Another Jordanian MP and prominent tribal leader, Banjes al-Hadid, said in an interview: “When a man’s daughter does a wrong, he cannot sit among men. He will be ostracized. They will not even give him coffee. Who would like to kill his wife or daughter? But if he does not, in a village or among a tribe, they will look down on him.”<sup>284</sup>

Mohammed Kharabsheh, head of the Jordanian parliament’s legal committee, spoke on behalf of thirty-one fellow MP: s and said: “Women adulterers cause a great threat to our society because they are the main reason that such acts take place. If men do not find women with whom to commit adultery, then they will become good on their own.”<sup>285</sup> Mr. Kharabsheh warned that amending Article 340 would harm the Jordanian family and remove the element of deterrence implied by it.<sup>286</sup> He also expressed his view on the killings, asking: “What do you expect from a man who walks into his house and finds his wife in bed with another man? To give her a rose?”<sup>287</sup>

Abul Menem Abu Zant, a well-known Islamic leader in Jordan, claims that honour killings is uncommon in Islamic countries like Saudi Arabia and Iran, where the *Shari’a* is executed in matters of extramarital sexual activity, and comes to the conclusion that stricter adherence to Islam is the solution. “These crimes are occurring because of ignorance of Islam – by the women who commit these un-Islamic acts, but also by the men who kill them”, says Abu Zant.<sup>288</sup> Most significant, however, is perhaps the reaction of the Islamists to the draft law of 2000, calling for the cancellation of Article 340. The Jordanian Islamic Action Front (IAF), a

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<sup>282</sup> Jehl, 1999.

<sup>283</sup> Clark, 2003, p. 40. Also *Gendercide Watch* at [http://www.gendercide.org/case\\_honour.html](http://www.gendercide.org/case_honour.html)

<sup>284</sup> Jehl, 1999.

<sup>285</sup> Murphy, 2003. Also “Jordan – A Special Report on Honour Killings”, *Irin News.org* at [http://www.irinnews.org/S\\_report.asp?ReportID=46677&SelectRegion=Middle\\_East](http://www.irinnews.org/S_report.asp?ReportID=46677&SelectRegion=Middle_East)

<sup>286</sup> Feldner, 2000.

<sup>287</sup> Feldner, 2000.

<sup>288</sup> Jehl, 1999.

parliamentary coalition of Islamist groups connected to the Muslim Brotherhood, denounced it as an effort to “destroy our Islamic, social and family values, by stripping the man from his humanity, not allowing him to get angry when he is surprised by his wife committing adultery.”<sup>289</sup> There has been much dispute as to whether or not this should be interpreted as an Islamic sanction of honour killings.

Yotam Feldner discusses this in his article on honour killings in Jordan.<sup>290</sup> He argues that although the Hashemite religious establishment views honour killings as opposed to Islamic doctrine, Islamist representatives in the Jordanian parliament do not. Rather, they endorse the practice as part of the code of Islam. Feldner describes the Islamic establishment as taking on a legalistic approach to Islamic teachings, while the Islamists view the concept of honour in a cultural context of Islamic teachings: the IAF issued a fatwa declaring honour killings to be encouraged by Islam. The fatwa stated that cancelling Article 340 would contradict the *Shari’a*; men had the right to punish their female relatives and should not leave this unpleasant duty to the state. The head of the IAF, Ibrahim Zayd al-Kaylani, claimed that Article 340 was based on “the Islamic principle that allows a Muslim to defend his honour, property, and blood”<sup>291</sup>, and said that any man who restrains himself from perpetrating such a killing “negates the values of virility advocated by Islam”.

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<sup>289</sup> [http://www.gendercide.org/case\\_honour.html](http://www.gendercide.org/case_honour.html).

<sup>290</sup> Feldner, 2000.

<sup>291</sup> Feldner, 2000.

## 7. Discussion and conclusive remarks

In the dispute on honour killings, explanatory models involving religion or culture have been heavily criticized, and offence and indignation has been expressed over the alleged connection between religion and honour violence. To some extent, public and scholarly debate has yielded to a uni-causal analysis, seeking a single and often simplified answer to the questions asked. It has not been our intention to prove that Islam is the *cause* of honour killings. Islam, as well as Christianity and Judaism, is a faith clearly connected with patriarchal tradition. Although we have argued that Islam comprises features that to some degree are synonymous with the psychological factors supporting and facilitating value systems based on honour and shame, it has been our opinion that the examination needs a broader perspective embracing several dominant factors influencing the social processes of Arab society.

The rate of honour killings is high in Muslim countries. The phenomenon outdates Islam and it is claimed that there are no rules supporting crimes of honour in Islam, although Islamic jurisprudence stipulates that extramarital sex is a forbidden act, often punished by death for women and men alike. On the other hand, religion does not allow for citizens to ignore the formal system and penalize the criminal themselves. It has been repeated time and time again that Islam has no association with honour crimes whatsoever. The claim that religion and tradition can and must be separated is an interesting one to test. It gets even more intriguing considering the lack of a secular division between state and church, between law and religion, in many Middle Eastern countries. In cases of illicit sexual activity, religious legislation puts a number of punishments into concrete form. The problematic issue is not the punishment *per se* but rather the arbitrary conduct occurring when someone decides to take the law into his own hands. In this case, it is the mode of action which is unsanctioned, not the penalty itself.

Many Muslims claim that Islam has been misconstrued in cases where religious arguments have been used to sanction honour crimes. This leads to the question of preferential right of interpretation – who is to say what true Islam really is? Geographically and socially, Islam is a very heterogeneous phenomenon and, as such, the object of interpretation and misinterpretation within and outside the influence of the *Mujtahids*. Muslim feminists often point to the fact that interpretation of the holy texts and traditions has been a male privilege, which has contributed to the consolidation of patriarchal dominance. It is common to view honour crimes as a result of customs and traditions which disregard Islam, but it is necessary

to estimate the degree of religious legitimacy given to those customs and traditions. Islamic representatives, be they official or self-appointed, many times appear reluctant to repudiate crimes of honour, a fact which tends to give those crimes a kind of indirect religious sanction. In addition, the practice of *Ijtihad* is most controversial when it comes to sexuality and/or gender issues. Bourdieu's discussion on the *habitus* and the discussion on gender roles support this fact since the separate gender domains appear to be eternal and biologically constructed.

The patriarchal and/or neopatriarchal view of family and society is sustained by Islamic *Ijtihad* as well as tribal '*urf*', and the religious legitimacy manifested in various parts of the *Shari'a* is maintained and reinforced by a parallel tribal-historical legitimacy that fixes tradition in Arab history and society. This is evident in the legislation and constitution of Jordan where concern is expressed over moral threats to society, especially sexual promiscuity, a social circumstance reflected in the laws that mitigate the punishment of honour killers. The efforts to change law have so far been fruitless, depending on popular and political support for the lenient legislation. In the reactions to the campaign, the political stance of the IAF is a good illustration. While the Islamist coalition claimed to be in opposition to honour crimes since they were "un-Islamic", they also resisted an amendment to the harsh punishment for adulterers on the grounds that clear penalties for adultery are specified in the *Shari'a*. It is our opinion that the dual response to these efforts indicates that representatives of the IAF (and the Muslim Brotherhood) actually condone honour killings, since they were in fact in power to amend the laws in question. Murder is the most severe crime that society knows of. Any attempt to excuse this is therefore remarkable, regardless of the arguments raised.

The campaign for an amendment of law 340 has been accused of being an agent for foreign interests. This is clearly an argument for those who oppose any change that could come across as externally imposed. In that sense, the price to pay for Islamic or Arab authenticity is extremely high, especially so for the victims. In the Jordan context, neopatriarchy seems to present itself in the guise of massive opposition to any amendment of the law. It seems like financial or technical innovations do not meet the same type of resistance, which leads us to think that this might be the hybrid form of modernization Sharabi portrays. Of course there is much to win or benefit from in the development of economy and technology, but for many men who hold power in Jordan, the price of lost honour is tremendous.

On another level, the exercise of control over women corresponds to Bourdieu's discussion on symbolic capital. Legitimized by the constructed *habitus* over history, the relationship between the agent and the tool has been reinforced by Islam, both in its dogmatic form and, when it comes to honour, also on the popular level. This might be assumed since several perpetrators draw on Islam when they seek to legitimize their deeds. Whether this is an honest opinion or a deliberate attempt to avoid conviction is beside the point. It illustrates the fact that there are actually perpetrators who claim that they, as Muslims, view this as a religious necessity or even duty. Their choice to emphasize certain sacred doctrines before others is quite logical if we presume that Islam in Arab society is interpreted in the context of honourable/shameful instead of right/wrong, as discussed in chapter 3. If these opinions are sincere, and we have no reason to doubt that, it is plausible to think that their actions are justified by the cognitive schemes present in the minds of the perpetrators and the defenders. The cognitive schemes, plural *habitus*, are reinforced and legitimized by the social constructs present in Islam and tribalism. These constructs have historically developed and maintained the idea of woman as a source of evil in need of control. This image is sustained by Islam and has contributed to a society where reputation and honour is vital. The *habitus* thus functions as the guarantor of social order.

We believe that honour killings must be viewed as a multi-stage process of *thought* and *action*; a course in which Islam and culture in the form of tribal patriarchy interact to make the deeds possible. To begin with, Islam constitutes a necessary mental and moral framework for reasoning in terms of female chastity and sexual behaviour needing to be controlled. Culture stresses the superiority of the group over the individual and provides a setting which further underlines the importance of acceptable conduct through its emphasis on rumour, honour and shame. In the next step, Islam encourages a logic revolving around punishment by criminalizing illicit sexual activities, and finally patriarchal tribal society legitimizes arbitrary conduct by demanding the actual, physical deed as a consequence of violating the norm. In Jordan, where tribal and Islamic values coexist in mutual reinforcement, permeate societal and political structures, and influence the minds of many citizens, it seems like human rights activists still have a hard battle to fight in order to change the perceptions of gender roles and relations, to generate a reinterpretation of the concepts of democracy and justice, and to bring an end to the cruel custom of honour violence.

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