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# Gender Based Violence in Jordan: Domestic Violence and Honor Crimes

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*SIT Study Abroad*

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*Gender Based Violence in Jordan:*

**Domestic Violence and Honor Crimes**

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**Abstract**

This paper analyzes the social, psychological, religious, and legal interactions of gender-based violence that manifest themselves within the Jordanian society in various ways. Honor crimes are the ultimate manifestation of this phenomenon in this culture, and as such cannot be separated from the society, gender-relations, or violence against women. Interviews with specialist within the field allow for a more in depth exploration of the topic.

## Introduction

Tackling the subject of gender-based crimes in any culture is difficult, and so I have been asked by more than one person why I would want to study this topic. Is it because like others from the West I seek to make the Arab look like a monster? Is it because I want to expose prevalent injustice? Is it because I am insane? Do I not have enough problems in my own country so why come and investigate another culture? And so the litany of questions would continue from both strangers and friends alike. Honestly, my reasons for seeking to learn about this topic hold a little bit of insanity, but even more, I have a strong passion for the rights of women – In my own country as well as abroad. I strongly believe that as the womb of civilization, this part of the world has a lesson to teach everyone since, everything we are, in one way or another, can be traced back to this land and its people.

While as citizens of the West we like to pretend we are above perceived negative aspects openly exhibited in the East as part of tradition and culture. Many people throughout the Western world exhibit countless attributes of their individual lives coinciding with those here. Each life is shaped by its own culture and society, and in many ways traditions, culture, language, religion, etc. are all things that have been deeply influenced by the Levant region of the Middle East. In her book *Republic of Cousins*, Germaine Tillion stated, "The fact is that the eastern shores of the Mediterranean, amid the luxuriant vegetation they had inherited from the previous era, gave birth to everything we subsume under the word 'civilization'." Because of this aspect in human social evolution knowing and understanding the life of those who live on the eastern shores of the Mediterranean opens a world of understanding into my own world in the United States, through perspectives that were previously left uncovered. It is because I seek reason in a topic that seems unreasonable that I

continue my acquisition of knowledge of women's lives within the Middle East and Jordan specifically. (Tillion 17).

This is a very relevant theme for not only the country of Jordan, but for the entire Levant region, because as reports have shown nearly 50 percent of women experience domestic violence within Jordan. These numbers are astounding, and certainly demonstrate the dire need for a change in the country's judicial practices, legislation, civil societies, and family life. A change is in order for all spheres of life for those who live in this region (Nasser 23-24).

For a country such as Jordan that is seeking to modernize its everyday practices and become part of the global market, it is ludicrous to see half of the country's population in daily bondage and oppression. Yet, as has been seen in other countries that have evolved to a point where women's issues are on the forefront of national agendas, it is a long uphill battle that must have the support of the majority of society before it becomes feasible by any means.

This paper will attempt to interpret the many points that come together to form the phenomenon of gender based violence, in particular crimes of honor. Focus will primarily be given to social/psychological, traditional, religious, and legal areas of study; with the attempt made to demonstrate how they inextricably relate to one another. I do not want to place a specific hypothesis or theory onto the issue, but rather to map out the reasons that are behind the phenomenon and to then seek expert advice through my interviews.

Gender is the *socially constructed differences* between men and women, and is different from sex, which is purely biological. Gender-based violence is defined as, "any act that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including the threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life." Whereas domestic

violence may include, but is not limited to, "battering, sexual abuse, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, forced pregnancy, forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide, and prenatal sex selection." Honor crimes fall within "other traditional practices harmful to women," as it is the murder of a woman who has been seen to disgrace the family honor by her own acts, those of others, or rumors that may socially disgrace the family (Batliwala, Netherlands Ministry of Foreign Affairs 2-3).

## **Literature Review**

### *1- A Traditional Society*

Traditionally male and female space was separated through segregation of the sexes<sup>1 2</sup>. In public women were covered from head to toe in modest clothing and a hijab or burqa. It was exclusively through brothers, fathers, and then husbands that women learned to socialize with men, and within those borders their limitations were greatly defined. The entire family's honor hinged on if the woman had to abstain from sex before marriage, any act that might lead towards sex, and consequently any act that *might* lead to an act that might lead to sex. With each of these prohibitions that women complied with they were simultaneously defining themselves as female and virginal, and so virginity became an act performed for a public effect on a social audience. It was the violation of these socially required actions that could lead to even stronger enforced restrictions on the individual or a crime of honor. These prohibitions are learned by girls at a very early age through the reminder of the social penalties that others faced, as well as their mothers, brothers, and father's warnings

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<sup>1</sup> Social distance is especially important in this issue, as distance between people may be influenced by gender, culture, power, and the degree of intimacy and reciprocity. It can also be a result of warmth and affiliation, while with others; it can reflect an abuse of status differences. Distance may be an expression of respect and deference – or disinterest and hostility (Borisoff 289).

<sup>2</sup> Researchers Note: This is not a custom that exists solely within Jordan, but can be found throughout the Middle and Far East.

and instructions. In this one can see that driven behavior; beliefs, qualities, activities, and identities were created and then inscribed into the fabric of social life. It is here within the Middle East that we see the oppression of women integrated into a tangible social system, and according to Germaine Tillion it is this seclusion of the woman that *represents the most massive survival of human bondage*. This segregation does not only turn women into victims, but it also slows the evolution of the society itself, since no society is purely male or female, and needs both halves of its society to balance in order to adequately survive and progress (Abu-Odeh 148-150, 170, Wood 171-172, Borisoff & Merrill 287, Tillion 18-19).

### 2- Man: Gender and Conflict

Traditionally the virginity of the women in the family was the center of the male gender identity, especially for the eldest brother. It was his job to guard, chaperone, and defend against possible social wrongs on his sister's part. To be a man was to engage in daily activities that were an important part of insuring the virginity of those women who were part of their family. In the Arab culture, a man is that person whose sister's virginity is a social question for him. Because a man is seen to have a certain amount of ownership over his women folk he is easily shamed by her actions, and may resort to killing her to regain his position in society as a strong man. Without this action he may be seen as an effeminate; a wimp, a girl, or a ninny; that cannot perform the most basic expectations in life. These fears, also known as "castration anxiety", speak of a psychological battle that may be waged within the man, finally forcing him to act for his own mental sanity. These men who have been raised to be "macho, heartless, purposeful, conquering, and triumphant over women" may feel conflicted because they have been raised in a traditionally conservative fashion (Abu-Odeh 151-153).

In a 2004 study by Schwartz, Waldo and Higgins it was shown that a fear of intimacy, restrictive emotionality, and psychological distress tend to go hand in hand with male gender role-conflict, and men with more traditional views of masculinity tend to have greater difficulties with intimacy in general. Other researcher's have found that negative consequences of male gender role socialization and gender role conflict can be defined as "rigid, sexist, or restrictive gender roles, learned during socialization, [that] results in personal restriction, devaluation, or violation of other or self." Gender role-conflict can also be portrayed as the experiences of gender roles dictated by society. (Schwartz, Waldo, & Higgins, 2004).

The study's results show that insecure attachment practices<sup>3</sup> in early childhood may stimulate feelings of negative self-worth and a general distrust of others. This resulting negative internal model of self and others that can develop may cause men to overly identify with traditional attitudes about what constitutes masculinity to form a socially accepted sense of identity. More specifically, gender role-conflict that is solely based on a fear of appearing inadequately masculine may cause men to have an even harder time expressing emotions and to focus more on success, achievement, and power over other people (Schwartz, Waldo, & Higgins, 2004).

Aggression and rage are subjects that have undergone thorough psychoanalytic research, but far less is known about the dynamics of people who commit the actual acts of violence. Understanding the perpetrator is crucial, and often the vulnerabilities and anxieties of men in violent partner relationships are quite different from the

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<sup>3</sup>Research suggests that these adult working models influence our daily interactions, our relationships with significant others, and our ability to cope when dealing with stressful events, which may include the experience of symptoms or health related threats Those classed as secure hold a positive view of self and others because of the consistent responsive care they received. Preoccupied individuals (anxious ambivalent) hold a negative view of themselves, but a positive view of others due to inconsistent caregiving. The avoidant attachment of the tripartite model becomes two qualitatively different categories: dismissive and fearful avoidant styles. Dismissive persons have a positive view of self, where they view themselves as resilient and not needing others, but a negative view of others due to early unresponsive care, whereas fearful individuals have a negative view of both themselves and others. Attachment and health perceptions (Kidd)

problems of men who are violent towards people other than their partners. Though statistics show that women are far more likely to be attacked by people *other* than their partners, it is evident that a substantial amount of men are violent towards their partners, as offenders are far more likely to be men than women. The various literatures surrounding partner abuse shows us that some men who are violent toward their partners are violent only toward their partners, and some are violent toward both partners and strangers (Cogan, Porcerelli, & Dromgoole, 2001).

These men may experience anxiety when dealing intimately with their partners, and may see their female partners as very powerful intimidating people. This would bring out feelings of intense inadequacy, weakness, helplessness, and they may then express themselves violently because they sense their masculinity has been threatened. Tyson and Tyson theorized in 1995 that aggression may sometimes be used to defend against castration anxiety; a term used by Freud to define anxiety resulting from real or imagined threats to a person's sexual functions (Cogan, Porcerelli, & Dromgoole, 2001).

### 3 – The Religious Question: What Does Islam Say?

The reoccurring theme of violence against women among Muslim countries in Northern Africa and the Middle East is multifaceted. It cannot be explained by looking into only one of the principles that are involved, and so it is important to examine the religious facets as well. Islam is most frequently blamed as the root of the issue, since it is the most common thread connecting these seemingly unrelated regions. Conversely, Muslims are seldom blamed if at all, for *misreading* Islam. A closer look at the issue finds that the Quran and the Prophet Muhammad's message were a liberating force in an era where polytheism and oppression of women went hand in hand among the Arab tribes. It would not be until after the Prophet's death,

the creation of the Caliphate, and the collection of the Hadith, and Shari'a that women's roles began to weaken within the region (Barlas 2).

Naturally, the religious aspect is but one part of the issue of oppression and violence against women. One must also look to local customs and traditions that have woven themselves in along with religious history, at times making it as unquestionable as religious texts themselves. History has shown us through the institution period of Islam that there is a correlation between what one reads, interprets, and how one acts upon this material. It is reasonable to say that there is much the same correlation between what one reads a text to be saying and how that person thinks about and actually treats women, just as can exist a relationship between reading and the liberation of women. A reinterpretation is needed because the Quran holds positive role models for both men and women. As Dr. Hamdi Murad said in a 1999 speech during a conference on *Violence against Women and its impact n Society*, "This [...] does not mean that it is an objection or rejection of what came in the Quran, but rather to cope with life changes." (Barlas 3, Jordan Times 05.12.1999)

In his 1994 English translation of his book *Rethinking Islam: Common Questions, Uncommon Answers*, Mohammed Arkoun said, "[the Quran] has been ripped from its historical, linguistic, literary, and psychological contexts and then been continually recontextualized in various cultures and according to the ideological needs of various actors." In this we see an attempt to legitimize daily practices that were born out of pagan traditions, which the Prophet Mohamed sought to irradiate through his message of tolerance and equality. Yet, because the Prophet sought to openly discuss numerous subjects his address of the topics that can be interpreted into the oppression of women have been taken for avocation by those who are conservative (Barlas 5-8).

Those same conservatives read women as being governed by their sexual functions – A biology that in itself renders the woman unfit for anything except bearing and raising children, *which is her biological tragedy*. Men on the other hand are thought to possess *completeness in mental ability, good counsel, power in performing duties and carrying out divine commands*. This classification justifies gender discrimination based on the biological composition of the human body. There is no term within the Quran for this, or that states that childbearing is women's exclusive role in life. It merely recognizes the necessity of the continuation of human life, and that women are the only ones capable of continuing the species (Barlas 7, Wadud 64).

Patriarchy can be defined in three parts: A historically specific rule by fathers that is both real and symbolic of the "Father/fathers" relationship in tradition and religion. The politics of sexual differentiation, based on biological sex, giving the male privileges and making the woman the Other or Unequal. Lastly, a confusion of biological differences with gender inequality (Barlas 12)

The Quran itself treats women as individuals in the same way it does men. The only distinction is seen in *taqwa* (God-conscious piety) and *taqwa* is not gender specific. Not ignoring social relationships, the Quran acknowledges humans operate in social systems with distinct functions. Furthermore, while the Quran may distinguish deeds, it does not set values on any particular deed. It allows for each social system to determine these values at their discretion. There is a social distinction placed between men's work and that of women and it is usually thought the former is of greater value than the latter, no matter how arbitrary the division of labor may be (Wadud 66).

Agency and dignity are principles that the Quran says are *intrinsic to human nature itself*. So by teaching the inherent inferiority of women, which leads to

misogyny, and justifying women's subordination to men, traditional patriarchies are violating women's rights. It could be said that in seeking to gain equality in all spheres of life the Jordanian woman is regaining her Quranic rights as taught by the Prophet, but losing through the institutionalization that has been exclusively male focused (Barlas 14).

#### 4 –A Brief History of Women’s Activism in Jordan

Beginning in the 1950's there was a wave of Arab Nationalism that began to change the way society interacted. It soon became evident to those in the government and public sectors that to advance in their causes they would have to include the entire society and not just men. This initiative brought a massive change in the social structure of Middle Eastern life, especially in Jordan. Women began to attend university, become employed, and for the first time it was seen that a daughter could hold as much possibility as a son. This change also brought confusion among the genders as there were no longer any set boundaries or limitations, and genders began to mix on a much more frequent basis than before, while social expectations and traditions remained (Abu-Odeh, 1996).

The "women's movement" in Jordan has seen many obstacles since it began during the 1940's. Societal norms dictating the conduct of women within the Arab culture have placed restrictions on activity outside the home, consequently hindering participation and growth of the women’s movement. Political conditions at various times allowed for the opening of cultural norms and the emergence of a women’s movement within Jordan’s society. At different times the movement has been located in various socioeconomic classes and worked at increasing the awareness of social issues, changing self-perceptions, and fighting traditions without backing by Islamic law (Al-Atiyat 2004).

Early development in this field came in the form of charitable service that was generally well tolerated by the patriarchal society. The first prominent women's activist groups, (1944-1979) listed their goals as; raising the education level of women, improving child health care, and increasing women's general awareness of issues affecting women's lives. However, these societies largely ignored social issues and focused heavily on making better mothers out of women, and the raising of the next generation of children. Even as women's divisions of Palestinian resistance movements began to appear, inside largely militant infrastructures, the focus for female members was primarily traditional and resembled the work of a women's auxiliary group (Al-Atiyat, 2004 Brand, 1998).

It was when women's activity held the potential to develop into widespread entities outside the government that problems were encountered. After the Arab/Israeli War the atmosphere of Jordan was alive with political activity as Palestinian refugees poured into the country. Many Palestinians had spent years protesting the British Mandate in Palestine prior to the 1948 war and were anxious to continue their efforts against the Israeli injustice after they arrived in Jordan. This issue served as an important catalyst in the women's movement, allowing women to unite under one socially acceptable issue. The focus on the Palestinian problem held consequences, as the majority of the Jordanian society lost sight of important previous societal issues in favor of their Arab comrades. It would not be until the riots of 1989 that society would begin to take another serious look at these issues (Brand, 1998).

In 1954, during the first period of liberalization, the *Arab Women's Federation* (AWF) with a fully developed contract and institutional infrastructure, declaring, *Equal Rights and Responsibilities, and Full Arab Unity*, quickly spread from Amman to Irbid, Zarqa, Karak, and Salt. The main goals of the AWF were the increase of women's political, economic, and social awareness throughout the entire Jordanian

Kingdom. A mere six months after its inception a memorandum was sent to the prime minister requesting a change in the Electoral Law to allow women to vote and run for office. After taking the matter into consideration parliament gave women the right to vote only if they were educated. In protest the memorandum was renewed and a group of illiterate women sent a memorandum of their own to the prime minister bearing hundreds of thumbprints instead of signatures. Regardless of the action taken by the AWF the women's movement still continued to not be taken seriously by government officials. Only three years after their triumphant beginning the AWF was forced to close after a political crackdown that was inspired by a coup attempt in April of 1957 (Brand, 1998).

In September of 1970 violence broke out between the Jordanian Army and the Palestinian resistance. The Jordanian military responded by eradicating the resistance from Jordan's territory, leaving strained feelings between the population that was nearly an equal split of Jordanians and Palestinians. A societal backlash almost immediately followed in which a return to conservatism began to revive traditional values and practices. Crimes related to family honor began to increase, leaving those who had previously been involved in the women's movement to either stop their activity or continue with unease. The monarchy and government favored these societal backward steps as they allowed for easier control of the populace. It is at this time that penal codes relating to honor crimes began to be more leniently used, and the government could be said to be sending a message that certain actions that went against tradition would not be tolerated. In a time when the people looked more to Nasser of Egypt as the true Arab leader, the government would use any form of social control that was available (Brand, 1998).

On March 5, 1974 King Hussein pronounced a royal decree that allowed women the full right to vote, as well as to run for government office. This decision

came just as the UN was beginning the preparations for its International Women's Year in 1975 that would kick off the International Decade for Women. At the time Jordan was the only country in the Levant region that still had not given women equal voting rights, and may have felt external pressure to liberalize this aspect of the political system (Al-Atiyat, 2004; Brand, 1998).

Intensified efforts also began for the establishment of the *Society of the Women's Federation in Jordan* (WFJ), and on August 13, 1974 the Ministry of Interior licensed the union. The WFJ had similar goals to the AWF and membership steadily grew to 3,000 with branches in Amman, Irbid, Salt, Zarqa, Madaba, and Aqaba. (Brand, 1998)

Five years later the first female cabinet minister, In'am al-Mufti, was appointed to the ministry of Social Development. By the end of 1981 she had effectively began a new women's federation, the *General Federation of Jordanian Women* (GFJW), and brought the WFJ to closure. With this development women were once again without an independent network near their homes. The GFJW offered minor accessibility to the kingdom's women in its isolated position, not to mention that the hierarchy of suitable officers knew little of the lives or needs of the women they represented (Brand, 1998).

In 1989, the second phase of liberalization began when the populace began to riot over gas prices and King Hussein decided to reinstitute the parliament and allow political pluralism once more. Numerous women's organizations began to appear and offer studies, reviews, workshops, and campaigns against discriminatory laws. A clause was introduced to the newly-drafted National Charter stating that, "Jordanians, men and women, are equal before the law, with no discrimination between them in rights and responsibilities, regardless of race, language or religion." (Brand, 1998)

As the urbanization of the country increased, so did violence against women, following an international trend where 95% of all gender based crimes happen directly to women. Studies were funded on this phenomenon, and in 1992 the 1980 UN CEDAW conference was ratified in the kingdom with reservations, because some clauses contradicted Jordanian law. Beginning in 1994 the Jordan Times began to report on honor crimes, and in 1996 crown prince Hassan spoke out against these crimes, followed by a speech from King Hussein in 1997 where he stated that honor crimes were a, “flagrant contradiction of our ongoing calls to preserve human dignity and all human rights.” (Brand, 1998)

A substantial portion of Jordan’s population is still dependent on governmental systems for all or part of their entire livelihood, and each year fails to bring enough new opportunities into the job market. This trend has made it impossible for most women to remain at home and tend to the family as is traditionally suitable, while the social instability created by so many varying factors has caused the populace to lean more frequently towards traditional values for stability and shock absorption. In itself, this has created confusion in gender roles, which has not been helped by the rigid gender roles that have been previously held (Nasser, 2005).

Overall, there have been significant positive changes in a woman’s legal status since the second liberalization; attempts that were made within the framework of Islam had the greatest success. Steps towards gender equality in the government have often come from royal decrees or the influence of a member of the royal family. Princess Basma requested the appointment of 99 women to municipal councils in 1994, while politically out of the 55 seats in the senate 6 were appointed for women by a royal decree. In 2003 parliament had a 6 seat female quota out of 110 chairs. While these steps are significant they are pointless as long as women continue to remain ignorant of their rights under Jordanian and Islamic law. Countless rules and

regulations that women and their family hold to be part of Quranic sanctity are in fact mere aspects of tradition and culture that have been passed down from generation to generation and become part of the social framework of the Muslim world. Equal education for those under the age of 16 has become compulsory for both sexes, but boys and girls are taught a curriculum that is filled with gender-biased material that perpetuates stereotypes within the society (Brand, 1998).

#### 5 – The Importance of CEDAW

One of the major changes in the country has been the ardent adoption of international laws regarding human rights, particularly those dealing with the issue of women's rights and freedoms, the Kingdom of Jordan signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1980, ratifying it in 1992, after the country's 2<sup>nd</sup> liberalization phase. Jordan held reservations on 3 articles that dealt specifically with the private sphere; specifically pertaining to equal rights within marriage. Considering that 72% of violence against women, including rape and honor crimes, happens within the home this is an essential sphere for women to gain equality (Nasser 22).

CEDAW itself targets culture and tradition as formidable forces in the shaping of both gender roles and family relations. The report of the CEDAW recognized that "laws still contain many measures that discriminate against women based on norms, customs and sociocultural prejudices." Yet, general recommendation 21 states that "the committee requires that all states parties gradually progress to a stage where, by its resolute discouragement of notions of the inequality of women in the home, each country will withdraw its reservation in particular to Articles 9, 15 and 16 of the Convention." It is in these three articles that Jordan has drawn reservations, citing "national legislation" and not Shari'a as its reason:

Article 9:2 States Parties shall grant women equal rights with men with respect to the nationalities of their children

Article 15:4 States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.<sup>4</sup>

Article 16:C The same rights and responsibilities during marriage and at its dissolution.

Article 16:D The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount.

Article 16:G The same personal rights as husband and wife; including the right to choose a family name, a profession and an occupation.

The Jordanian National Commission for Women was established in 1992 after the ratification of CEDAW, and it was from this commission that the National Strategy for Women in Jordan was created. The creation of the JNCW was seen as an advance towards the position women deserve in society and called for progressive reform in legislation, politics, economics, social life, education and health (un.org/womenswatch).

### 6 – The West: Overexaggerating and Sensationalizing

The commonly held view throughout the country and region is that statistics are over exaggerated in the Western media, painting a grim picture of *all* Middle Eastern family life. While government statistics may be far from an over exaggeration, it is not an unheard of thing outside of Jordan to exaggerate the occurrence of gender-based violence within this country. In September of 2003 the BBC reported that approximately every two weeks a woman is killed by a family member in the name of honor. The national statistics state that between 20 and 25 murders each year are a result of honor crimes, which is one-third of Jordan's murder rate, but articles such as these use facts to sensationalize the truth (BBC 09/10/03, Souss, 2005).

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<sup>4</sup> The State's single comment was to Article 15:4; stating that "A women's residence was with her husband."

Also in 2003 Norma Khouri published a book entitled, "Forbidden Love" that detailed the honor killing of her best friend Dalia. The book sold more than 250,000 copies in 15 countries, but was found to hold no fewer than 70 critical errors, the largest of which was the fact that Khouri had moved to the United States at the age of three and had never lived in Amman during the time she claimed to have witnessed her friend's murder. The fact that Americans are so greatly intrigued with honor crimes is offensive to Arab culture on more than one level. As stated before the facts are often exaggerated, but on a more personal note the dominant perception in the Arab world is that religion and family are of little importance to Americans and the urbanization of the country has turned the family "animal", only caring for children until they are capable of standing on their own feet. Family values are central to the society and culture of the Middle East and where surveyed religion and family nearly always come first in priorities, especially when it comes to the legal system for family laws that is based on the Shari'a and feels an obligation to protecting the Muslim family (Al-Faruqi 130, Women's International Network News, 2003).

#### 7 – The Jordanian Penal Code

The Jordanian judicial system has sought to control the practice of honor crimes, while also attempting to restrain the emergence of new "subversive" sexual types. Yet, crimes may be a response to these new and sexual practices that are often seen as not only sinful, but shameful to society. The judicial system reacts to not only the violence, but also the unusual sexual practices by seeking to control both the crimes of honor through allowing them to continue to a certain degree to get the message across that they seek to send. Divergent sexual types emerge as a response to the balance between both types of violence, social and official. So, as is seen a crime of honor is not merely an act that is created in a vacuum, but a cycle that feeds off of volatile social issues (Abu-Odeh 141).

The Jordanian Penal Code (no. 16, 1960), Article 340, first of three listed as, "Excuse in Murder":

- i) He who catches his wife, or one of his female unlawfully committing adultery with another, and he kills, wounds, or injures one or both of them, is exempt from any penalty.
- ii) He who catches his wife, or one of his female ascendants or descendants or sisters with another in an unlawful bed, and he kills or wounds or injures one or both of them, benefits from a reduction of penalty.

The historical and structural origins of this article come from three separate countries that made an impact on the early effects of the modernization of Jordan. The article itself is a combination of the French Penal Code of 1810 and the Ottoman Penal Code of 1858. Article 324 of the French Penal Code was abolished by Article 17, Law no. 617/75 issued on the 7<sup>th</sup> of November 1975:

*Porra beneficier d'une excuse absolutoire quiconque, ayant surpris son conjoint, son ascendante, sa descendante ou sa soeur en flagrant delit d'adultere ou de rapports sexuels illegitimes avec un tiers se sera rendu coupable seu la personne de l'un ou l'autre de es derniers, d'homicide ou de lesion non premedites.*

*L'auteur de l'homicide ou de la lesion pourra beneficier d'une excuse attenuante s'il a surpris son anjoint, son ascendante, sa descendante ou sa soeur avec un tiers dans une attitude equivoque.*

Article 188 of the Ottoman Penal Code states:

He who has seen his wife or any of his female unlawfully with another in a state of *zina'* (meaning "adultery", referring to illicit sexual relations whether the party is married or not within the Shari'a, Islamic Law) and then beat, injured, or killed one or both of them will be exempt

from penalty. And he who has seen his wife or one of his female unlawfully with another in an unlawful bed and then beat, injured or killed one or both of them, will be excused (Abu-Odeh 143).

Article 340 assumes the terms, "female unlawfully" and "unlawful bed" from the Ottoman Penal Code; and from the French Penal Code it takes the phrase "*ascendante, descendante,*" and "*une excuse atténuante*", which is a reduction of sentencing. French terminology is also used that subsequently benefits only men (fathers, husbands, and brothers) who find themselves in such circumstances. A "female unlawful" is any woman whom the man cannot marry; blood relations, in-law relations, and those for nursing reasons. This makes for quite a discrepancy between the first half of Article 340 and the second half; the first half relating to all female unlawfully and the second half only relating to those who are ascendants or descendants (Abu-Odeh 144-145).

The structure itself of the Jordanian Criminal Code is taken directly from that of the Egyptian jurisprudence. As Egypt is seen as the birthplace of Arab jurisprudence and also where it is thought to be most developed, it was adopted almost without change in numerous Arab countries, including Jordan. This has made it nearly as untouchable as the Islamic Hadiths in realms of tradition, and rather than being critiqued and made to stand as an independent historical subject, it has been followed and imitated for nearly a hundred years. This in itself carries the processes of tribal mentality into modern day judicial systems, which continue to violate essential human rights (Abu-Odeh 145-146, 157).

Commentators on the subject of the Egyptian court agreed that three conditions must be met before the article is to apply to a defendant: 1) the defendant must be related to the victim as father, husband or brother. 2) Surprising the victim in the act, thus having proof, and not basing deeds on rumors. 3) The act of killing itself has to

be immediate and impulsive. On this note the Egyptian Court of Cassation decided that if a man tried to kill his wife/daughter/sister after her discovery and she escapes to her family and he finds her *two hours* later and kills her he is not to benefit from the reduction in penalty – At that point it is no longer seen as an act of passion that did not have premeditation. As is seen by this and many other examples, the Egyptian provisions apply more to cases of passion than to cases of traditional honor. Holding true to this form the Jordanian code also finds it necessary for the element of passion to be involved in the murder, once again an aspect that is not part of the traditional view of honor in the honor/shame society of the Arab world (Abu-Odeh 147).

For a crime that is committed out of passion, there must be a relationship between the two people to place substance in the emotions that are being felt. The misconduct of one or the other is a personal assault to an individual's feelings, instead of a public reputation that would become something shameful to the family and community. Thus, it has less to do with honor, and more to do with a personal relationship that is between two individuals. For example, a traditional crime of honor would be the murder of a bride on her wedding night when she has not been found to be a virgin; at which point the family's reputation is at stake and it is the duty of the men in the family to cleanse this honor with her blood (Abu-Odeh 155).

Because the honor/shame social system of the Middle East produces what is called "honor crimes" the legal system seeks to intervene in the way it sees best. Since they are also coming from the same honor/shame mentality some crimes are legitimized while others are not. In the end what is seen is a governmental attempt to strike a balance between both crimes of passion and crimes of honor, while seeking to subdue various aspects of female sexuality that is traditionally seen as *haram*, sin (Abu-Odeh 148-149).

In looking at real cases from 1953-1982, one is hard pressed to see any of this holding any significance in the light of the actual dealings of honor crimes. Between the years of 1953 and 1965 Article 333 (changed to 340 in 1960) was never used in relation to honor crimes, because a different article was favored with the judges of the time. Article 93 (which changed to 98 in 1960) states:

He who commits a crime in a fit of fury caused by an unrightful and dangerous act on the part of the victim benefits from a reduction of penalty.

The Jordanian Court of Cassation (JCC) began to debate against the application of Article 98 beginning in 1953. First and foremost, it did not appear that the victim's behavior was an "unrightful and dangerous act" against the defendant with regards to Article 98. The JCC found that nothing less than "a minor case of self-defense" would justify applying this article. In 1954 the JCC began to take a different approach by stating that Article 98 was general and Article 340 was specific, so Article 340 should be used on the specific crime it was meant for. Yet, in 1964 there was a change in the JCC's position, as it was decided that there were not any problems with applying Article 98 to honor crimes that were committed in a state of fury. It was at this point in the Jordanian legal history that a man's honor became synonymous with himself and the court saw the victim's acts as an unrightful act against the defendant.

A 1975 decision exemplified this change when the JCC stated: "The victim's act of adultery is a material act that touches the defendant's honor and that is why it is not a violation of the law to grant him a reduction in penalty." It was after this monumental change that the JCC became concerned with three issues regarding honor crimes: 1) the nature of the act itself; is it an unrightful act against the family's honor? 2) The passage of time between the defendant's knowledge of the victim's unrightful act and killing. 3) The defendant's knowledge of the victim's act. In 1978 a court case found an illegitimate pregnancy to fit these criteria, because it was of a "dangerous

nature according to our society's traditions." In 1973 a man killed his sister a day after he learned rumors of her licentious behavior were true and the court granted him a reduction in sentence. They deemed it an insufficient time for a man to gain his senses, regardless of the fact that the Egyptian court cases, Jordanian law is modeled after, found two hours too much of a time lapse for a reduction in sentencing based on the contingency that it was a crime of fury. A 1981 case where the defendant murdered his sister after only hearing rumors, did not find the man applicable for the reduction in penalty, but a 1970 case where a man asked his sister about rumors and had them confirmed was granted the reduction (Abu-Odeh 157-160).

### 8 – Recent Actions

Since 1995 nine laws pertaining to women's rights have been amended. Only one of these amendments in 2001 dealt specifically with honor crimes. Both late King Hussein and King Abdullah II have specifically asked for laws of discrimination to be amended, but from the resistance parliament has shown it seems culture and tradition played a larger role (Sabbagh, 2005).

In 1999 there was a campaign headed by prominent activists to show support for the amendment of Article 340. 15,000 signatures were collected in support of this amendment from around the country, but in November of 1999 the parliament rejected an amendment to Article 340. MP Mahmoud Al-Kharabsheh stated on behalf of 31 other MPs, "The change will lead to a degradation of Jordanian society, effect the Jordanian family and remove the deterring element embedded in Article 340." (Women's Rights in the Arab World)

After the vote in the parliament against Article 340 the Senate Legal Committee wrote an alternative bill. Women would be given the same exemptions as men if they murdered their spouse in a similar circumstance in this bill. Other proposals included, a more severe punishment for men who murdered women who were victims of rape;

canceling the articles that exempted the rapist if he married the victim; and more severe penalties for adulterers, *both* male and female<sup>5</sup>. On November 29 senate voted in support of the bill, but it was returned for unclear wording that did not clarify if women would be exempt for killing male relatives. (Jordan Times 11/28/99, 11/30/99)

In 2001 Article 340 was amended in a provisional law passed by the government while parliament was dissolved. The amendment was reviewed, by parliament in 2003 when it was back in session. Many of the MPs felt they were being pressured by Western forces to change Jordanian tradition and culture, so it could be said that parliament did not take the issue seriously under the assault from the West. Under a provisional law the government amended Article 340 to include women who murdered their husband in a fit of fury upon finding him in an adulterous situation *within* their house. It was also changed from having an impunity clause to extenuating circumstances.

Mistakenly, during the 1999 and 2000 campaign activists had targeted the wrong article for amendment. In a study done by Rana Milhem, out of the 51 cases reviewed by criminal courts between 1995 and 2000 article 240 was only used once. In the same vein nearly half of the judges interviewed in the study believed that the women deserved to be killed and three fourths believed Article 98 was fair (Sabbagh, 2005).

Also in 2001 an amendment was made to the Personal Status Law that changed the legal age of marriage for both male and female to 18, from 16 and 15 respectively. In the case of a second marriage the first wife was to be notified and the judge had to ascertain whether the man could financially afford to provide dowry and support.

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<sup>5</sup> Under Jordanian law only the women is an "adulterer", while the man is described as her "partner".

However an amendment to allow women the right to file for divorce was voted against twice in 2003 (jncw.jo, Sabbagh, 2005).

Recently there has been an initiative by activists to free women who are being detained in the Jweideh Women's Prison for their own safety. These women are seen to be at risk from their families because of either actions on their part or that of others, or rumors. The state sees this as a preventative measure against honor crimes and at any given time there are between 30 and 70 women being detained there. Interior Minister Awni Yarvas pledged full support to local organizations in their endeavor to build a shelter for these women and to rehabilitate them into the community (Jordan Times 06/29/2005).

### Literature Conclusion

All of this together weaves a picture of intricacy and complex interactions. While the modern Jordanian history is short, the tradition is rich with history that shapes nearly every daily practice today. Yet, to read all of this is to still be left wondering what happens in the reality of the world outside of the safety of academics.

To read about women dying for things that they never did, others spending their entire youth locked away for their protection, and still practices persisting is heartbreaking. No matter how much anyone reads of the literature that is available, and there isn't much in English, it is impossible to understand from a book why such things continue.

I *have* come to better understand the stereotypes that are passed on my own civilization and why this happens. While, it is still unnerving when comments are made in the street or judgments are passed without any real knowledge into my culture I can now walk by knowing that once I was in their shoes.

### Methodology

Initially, I began my research within the United States this previous summer. Resources were limited, so the majority of the literature review had to be located within Jordan. Because I did not know how accessible ministers, judges, and other government officials would be I decided that those working within NGOs and the media would be interviewed for both facts and opinions. When I met with my advisor she also originally wanted me to meet with those in government positions. It became obvious very quickly that this was not likely due to the recent terrorist attacks on Amman and the change in the government and senate that soon followed. Due to familial deaths and overbooked schedules it became very difficult to get contact information from the sources that I had. In the end I began to ask those I already had appointments with if they knew of others in the field who would be interested. This method gave me more interviewees than I could use during the short amount of time allotted for this project.

To obtain information on my topic I used an *interview schedule* to interview each individual and for those with extra information on the issue I would add questions that related to their field and expertise. The questions were not asked in any specific order, as each interview had its own individuality that steered the course of the conversation. In addition to the interview schedule each participant was given a written consent form that they were required to sign and state any stipulations they may have in the use of the interview. Those interviews that were going to be more difficult were recorded with the participant's agreement.

The main problem that arose was in participants not understanding certain psychological questions. It was soon evident that it was not a matter of rewording, rather than that the majority of participants were unfamiliar with the psychological aspect of critical analysis. Thus, they lacked the basic knowledge needed to properly answer the question(s). This may be attributed to society and upbringing, since

psychology is still a taboo subject. This contrasts with the United States that is awash in psychological jargon and references. This enables nearly everyone capable of answering a psychological question phrased in layman's terms. The other issue that arose with one of my questions regarded "subversive" sexual practices in the society. It was evident during conversation that with some it would not be an appropriate question to ask, while others were more than willing to talk about the subject. Also, at the last minute my appointment with my only religious expert was canceled, so it was not possible to find another person to interview with the time constraints.

When I approached my director with this topic I was warned that for a foreigner it was next to impossible to openly discuss violence against women and honor crimes in Jordan, and doors may be shut in my face. Yet, everything I have experienced here has been contradictory to that statement. Maybe it is a matter of being in the right place at the right time, but whatever the case I have been much more openly welcomed than I could have imagined. My advisor says this may be because I am not from the press and people are eager to help a young student with her work.

### **Findings**

Fourteen individuals were interviewed in addition to attending the kick-off for the 16 Day Campaign against Gender Based Violence, a short play performed by the Noor Al-Hussein Foundation, Performing Arts Center on domestic violence, and a tour of Dar Al-Wefaq Al-Usaree, the state's pending women's shelter.

#### *1 – Early Socialization*

Leading theories in the West ascribe genderization<sup>6</sup> primarily to parents, especially the mother who traditionally spends more time raising the children. In the case of violence against women social upbringing plays a major role, because

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<sup>6</sup> Genderization refers to the social psychological process of reinforcing a set of actions that correspond with ones gender. This usually happens during childhood through the influence of the primary caregiver, educational experience, and peer relationships (Wood 171).

"violence is learned"<sup>7</sup> during social interactions throughout an individual's childhood and adolescence. If all a mother knows is the abuse that she receives from her father and then her husband she passes that warped sense of normalcy down to her children through the many forms of abuse she has grown to accept, thus perpetuating the cycle<sup>8</sup>.

"When you don't interact; don't look around;  
don't see other thing; don't explore – You don't  
look for other things in life, your mind never  
develop[s]. It's a known fact."<sup>9</sup>

Mohanad Al-Nawafrah of the Performing Arts Center feels it is essential for children to see their father helping their mother out. "Shame is if I don't help!"<sup>10</sup> He says he always sits his infant son, Faisal, in his highchair to observe his father's actions and learn.

How many men feel the same way is up for debate. It seems far more common for men to be raised to believe that they possess special privileges and rights for merely being born male. Daughters are trained to serve and wait on their father and brother regardless of the amount of work already performed or even if she is substantially older than her brother.

"[There are] certain roles, to have babies [...] Most of  
them think they should stay home and get married and  
*khalas* that's it. Go to their husband's house and then  
they have to deal with it"<sup>11</sup>.

School and education also play a large role in how children come to perceive their place in the world as either male or female. According to recent government announcements the public school's curriculum is going to be changed to incorporate

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<sup>7</sup> Oweidat, Abdullah; 16 Day Campaign against Gender Based Violence

<sup>8</sup> Eva Abu Halaweh and Rula Haddadin Interviews, 11/30 and 11/29

<sup>9</sup> Rana Hussein Interview, 12/01

<sup>10</sup> Muhanad Al-Nawafrah Interview, 12/03

<sup>11</sup> Rana Hussein Interview, 12/01

human rights. Some activists fear this change will not be fruitful and the school system may continue to strengthen stereotypes. Additionally, teachers remain barely qualified. "They come from poor backgrounds themselves [...] and when you have certain beliefs you're going to transfer it to your students."<sup>12</sup> Al-Nawafrah, also a drama teacher, recognizes how students tend to admire their teachers and subsequently he sees the importance of talking to his students about human rights issues that can range from domestic violence to the conflict in Palestine<sup>13</sup>.

### 3 – The Influence of Economic Status

Ghosson Rahal, a lawyer and independent researcher, thought that economic status played an important role for both the perpetrator and the victim. In a study done by the Human Forum for Women's Rights (HFWR) in 1998 31% of victim's families feel into an income range of 101-150 Jordanian Dinar (JD) a month, which supported on average a family of seven. Likewise, 32% of perpetrator's families lived on a monthly income of 50-100 JD (Nasser 17, 21).

On a positive note, it is the economic status Jordanian families that has allowed for the liberation of women<sup>14</sup>. More women are entering university each year and proving that they are just as valuable as their male counterparts<sup>15</sup>. While families still hope for sons, it is no longer the shame and disappointment it once was to have daughters<sup>16</sup>.

### 3- Modernization and Globalization

Those interviewed were equally split in their opinion of modernization and globalization in relation to this issue. Rula Haddadin of Mizan<sup>17</sup>, a law group supporting human rights, felt there was little communication between the high income

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<sup>12</sup> Rana Husseini Interview, 12/01

<sup>13</sup> Muhanad Al-Nawafrah Interview, 12/03

<sup>14</sup> Afaf Jabiri Interview, 11/29

<sup>15</sup> Furtu Yanis Interview, 12/03

<sup>16</sup> Ghosson Rahal Interview, 12/04

<sup>17</sup> Rula Haddadin Interview, 11/29

class and the poorest people who had seen little of the effects of the modernization efforts. Similarly, Eva Abu Halaweh of Mizan<sup>18</sup> thought it was an issue that was debatable within every household, allowing for issues to be more open.

"[We're a] disappointed and frustrated people. New concepts and new values. [We are now] the small fish in the ocean; America and the EU are like big boats and we direct around them, [but] it is never black and white. There are benefits to women, but negative [things] too. [We're] not going step by step, but trying to jump up the ladder, falling, and hurting ourselves. There is no thought of struggling anymore, [because] there is too much dependence on the outside. Too many things and people are still suffering, [and we're] not building real values for women."<sup>19</sup>

Others saw it placing pressure on parents to either raise their children's level of education or to revert back to a more comfortable traditional lifestyle. Rana Husseini's, a reporter with the Jordan Times, thoughts on the issue were directed to the youth, "I'm sure this causes a conflict with everyone; especially the youth and the younger generation. They see women dancing in the street [on TV] and then their mother is either covered or you can't see her face. I'm sure there's a big conflict and I'm sure it causes a lot of social problems."<sup>20</sup>

#### 4 – Tradition and Culture

Typically, people were hesitant to point a finger at the Jordanian culture and traditions as a major facet in the continuation of gender-based violence. Nevertheless, throughout the interviews as people began to feel more comfortable they would begin

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<sup>18</sup> Eva Abu Halaweh Interview, 11/30

<sup>19</sup> Nadia Shamrukh Interview, 11/29

<sup>20</sup> Rana Husseini Interview, 12/01

to express that the "traditional point of view"<sup>21</sup> is one of the main reasons why violence against women is part of this particular society.

Traditionally, men have the priority in the family and social life. They are expected to be generous, strong, and frank; nor ever be tired, afraid or cry<sup>22</sup>. They take care of everything as the head of the household and are responsible for family issues<sup>23</sup>. They expect to be served and always are seen as the boss<sup>24</sup>. They must provide and subsequently have control of the decision making within the family<sup>25</sup>. A woman's traditional role is within the home and kitchen<sup>26</sup>. She must be beautiful, soft, sweet, giving, and she listens to what everyone says<sup>27</sup>. She is expected to follow the men in her life, first her father and brother, and then her husband<sup>28</sup>. Her number one priority is family and she is expected to sacrifice everything for them without question<sup>29</sup>.

#### 5 – Citizenship and Legal Status

Enaam Asha addressed the fact that, "most societies in the Middle East [...] have the basis for domestic violence [...] One of the reasons behind this would be segregation between men and women."<sup>30</sup> But only Afaf Jabiri of the Jordanian Women's Union directly stated that it was a cultural problem, "[It is a] combination, but first culture [...] as a whole. When the culture looks at a woman as a second class citizen she doesn't deserve rights."<sup>31</sup> This is one issue that everyone did agree with, and in harmony every interviewee expressed the opinion that women are considered second-class citizens in Jordan. This discrimination in the very framework of the

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<sup>21</sup> Furtu Yanis Interview, 12/03

<sup>22</sup> Nadia Shamruk Interview, 11/29

<sup>23</sup> Afaf Jabiri Interview, 11/29

<sup>24</sup> Rana Hussein Interview, 12/01

<sup>25</sup> Ghosson Rahal Interview, 12/04

<sup>26</sup> Nadia Shamruk Interview

<sup>27</sup> Afaf Jabiri Interview

<sup>28</sup> Rama H. Ishaq Interview

<sup>29</sup> Ghosson Rahal Interview

<sup>30</sup> Enaam Asha Interview

<sup>31</sup> Afaf Jabiri Interview

country allows for the continuation of such social issues as honor crimes. Eva Abu Halaweh said that it was, "not the law," but she also said that, "we haven't a law or an institution to deal with violence [against women]."<sup>32</sup> Similarly, Lamis Nasser stated "[Jordan has] good laws, but society doesn't want them to get through."<sup>33</sup> This may be because tradition plays a greater role than the laws or religion.<sup>34</sup>

Enaam Asha stressed that, "[The] judicial system applies the laws in general. If there is ground for bias it would be in laws and regulations, in judges and people." The cultural background of the judge is the one [deciding] factor."<sup>35</sup> These cultural values usually revolve around the family and its unity<sup>36</sup>. Through this lens the defendant and his family may seem to be the victims of the woman's actions or social slur. It is because of this that Dr. Jahshan states:

"I do believe we need to change legislation, but this is almost impossible. We need to work on educating the community as a whole – primary protection. In Palestine there are three effective laws on honor crimes; the Jordanian law that is still effective in the West Bank, the Egyptian law that is effective in Gaza, and the Israeli law. In all of these communities honor crimes are present in nearly the same percentage. Of course our laws may be more lenient than the Egyptian one, but when you're talking about the Israeli law you are talking about punishment from 20 years to life imprisonment, and still crimes of honor are committed. So I don't think changing the laws – we need to change it – but I don't think it needs first priority. We need to work on services, education, and women's involvement."<sup>37</sup>

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<sup>32</sup> Eva Abu Halaweh Interview

<sup>33</sup> Lamis Nasser Interview

<sup>34</sup> Rama H. Ishaq Interview

<sup>35</sup> Enaam Asha Interview

<sup>36</sup> Furtu Yanis Interview

<sup>37</sup> Dr. Hani Jahshan Interview

The Family Protection Project is a start in this direction in that it has training workshops for judges, public prosecutors and others in leadership positions<sup>38</sup>. The Family Violence Hotline recently began taking calls after the November 9<sup>th</sup> bombings in Amman to help suffering families. It will continue to run for those who are suffering from any kind of family violence and find themselves in need of counseling<sup>39</sup>.

In 1996 the Royal Family began to speak out against the issue of violence against women and honor crimes. Prince Ali chaired a committee on domestic violence and honor crimes<sup>40</sup>, while Princess Basma has always been at the forefront of issues affecting women's lives. In her speech at the launch of the 16 Day Campaign against Gender Based Violence on November 28<sup>th</sup> she said, "[We are] breaking the silence that engulfs women. [We need to] reject and refuse violent practices as women and citizens."<sup>41</sup> The fact that she and her family are speaking out are helping to do just that, by lessening the power of the taboo that traditionally is linked to domestic violence and honor crimes<sup>42</sup>.

"[This is a] multifactor [issue]; no single factor contributes directly to violence. *Macro Setting* – society, law, thinking, perceptions. *Local Setting*- housing, income, poverty, employment, environment. *Individual Setting* – Is the husband a psychopath? Is he a drug addict? [There is a] cultural acceptance that it is ok for a man to be violent and discipline his wife. That she is his property and he has to protect it. Beating her is part of it [because] man thinks he controls his wife."<sup>43</sup>

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<sup>38</sup> Rana Hussein Interview

<sup>39</sup> Dr. Hani Jahshan Interview, 12/03

<sup>40</sup> Enaam Asha Interview, 12/01

<sup>41</sup> Princess Basma, 16 Day Campaign against Gender Based Violence, 11/28

<sup>42</sup> Dr. Hani Jahshan Interview 12/03

<sup>43</sup> Dr. Hani Jahshan Interview, 12/03

Society itself seems to only accept physical abuse that leans towards severe harm as domestic violence.<sup>44</sup> Without the physical proof left by force the police and others who might intervene tend to not take the woman's complaints seriously. Still, activists, lawyers and doctors alike agreed that the most prevalent form of abuse in Jordan wasn't tangible. Since Jordan is a male dominated society, women are not supposed to typically talk back, express personal wishes in the face of male opposition, or generally speaking have a forceful or loud character. To assert his domain and ownership of the women in his family a man may force a woman to wear a hijab; remain uneducated; require her to marry against her wishes; or he may simply subject her to verbal and emotional abuse that leaves in her mind no doubt of her limitations. The research funded by UNIFEM discovered that professionals felt 92% of domestic violence went unreported. This may be because women have experienced one form of violence or another their entire lives and it is not something intentionally done by all abusive men, but a general lack of respect or importance. In saying, they themselves may not see that there is an issue or a need to seek help (Nasser 24).<sup>45</sup>

The Performing Arts Center tours the country with an interactive play that is aimed at bringing personal awareness to those in attendance by engaging them in question and answer sessions, and inviting members of the audience to become part of the play. Al-Nawafrah speaks warmly of the women he has encountered and how the play has affected them. In Lebanon a woman approached with teach running down her face. Thanking him for his efforts she told him that was her up there on the stage, “everyone respects me in public, but at home I live with this!” In Aqaba, a woman approached with her teenage daughter. She is shaking so badly that midway through the conversation the bottle of soda in her hand slips and crashes to the ground, shattering. “Now I see the future with my own eyes,” she tells him. AL-Nawafrah

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<sup>44</sup> Nadia Shamrukh Interview, 11/28

<sup>45</sup> Opinions agreed upon by all interviewees.

says that now that he has traveled around he knows that gender based violence is everywhere and that the public know it too<sup>46</sup>.

### 6 – The Crime of Honor

More than once experts stressed that it was impossible to make generalizations in relation to honor crimes, but there were statements that came up time and again throughout the interview process. "These things happen in certain areas, among certain people. Usually the poor overcrowded places where word of mouth travels quickly; usually its uneducated people, unemployed mostly." Nonetheless, there are those who commit honor crimes where people can't believe they would do something like that. In one case a woman had decided to divorce her husband, so she sought the advice of an NGO. The social worker told her to give her husband a deadline of June 21<sup>st</sup> and if he doesn't agree, then to divorce him. The woman went home and repeated what she had been told to her husband. On the night of the 20<sup>th</sup> he bludgeoned her to death with a hammer. "He's a nice man. No criminal records and never in a fight on the street, so dealing with domestic violence is difficult."<sup>47</sup>

Nadia Shamrukh, executive director of the Jordanian Women's Union, expressed the opinion that these girls came from a family where there was "usually a history of violence." Girls whose families murder them are also in her view girls with a "bad reputation," and it may be a family's last resort after less severe disciplinary actions to cleanse the family honor.<sup>48</sup> While this may be true of some cases there are many others where the woman will be killed for unsubstantiated rumors. "If they want to kill her they won't wait for the forensics report, they will kill her regardless," says Dr. Jahshan of the National Center for Forensic Medicine. In one case a teenage girl was sitting too closely to a male relative visiting from the city when her father came into the room. Seeing the situation he flew into a rage and beat her with a stick. When her

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<sup>46</sup> Mohanad Al-Nawafrah Interview, 12/03

<sup>47</sup> Dr. Hani Jahshan Interview, 12/03

<sup>48</sup> Nadia Shamrukh Interview, 11/29

*suicide* was later investigated and in addition to the bullet wound in her right frontal lobe they found bruising on her buttocks and legs her father confessed to beating her, but claimed he had not killed her. It was only after the forensic pathologist told the father that it was next to impossible for a teenage girl to shoot herself on the right side of the head with her *left* hand that the father confessed. He had been a police officer for a number of years, so he knew she needed residue from the gun on her hand to make it look like a suicide.<sup>49</sup>

There are a growing number of researchers who have begun to question the legitimacy of female suicides. In response Dr. Jahshan stated emphatically "some researchers think we classify honor crimes as suicides, because we don't find it, but I take it as a personal offense to me, because it is *my job* as forensic pathologist to discover if it is suicide. I can't guarantee that occasional cases don't happen, but I can record them very easily. It's not a significant number." There was a case where the family claimed their daughter was having heart trouble and they could not get her to the hospital before she died. Their neighbor noticed a huge refrigerator truck running all night – They had put her in the truck, and then buried her the next morning. It was not until after the burial that the information got to the authorities, so they exhumed her body and discovered that she had been poisoned.

An estimated 95% of honor crime perpetrators receive the lowest sentencing available, which is between 6 months and 3 years. In the case that the judge is seeking to press for a harder sentence, 15 years to life imprisonment, 99% of the families will drop charges, so that the sentence will be reduced<sup>50</sup>. There has only been one recent case where the defendant received a harsher penalty; a man saw his sister who had runaway from home 25 years previously. He went home and told his 20 year old son

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<sup>49</sup> Dr. Hani Jahshan Interview, 12/03

<sup>50</sup> Rana Husseini Interview, 12/01

what she had done to the family and that he should go kill her for the family's honor. The young man got 10 years imprisonment for committing manslaughter<sup>51</sup>.

Jweideh Women's Prison holds 30 to 40 women in protective custody who are seen to be at possible risk of an honor crime, in addition to convicted criminals. It is currently the only service available to protect victims, but most advocates do not believe there is any legal ground for these forced detainments and a coalition has been formed to find a solution. Eva Abu Halaweh sees it as just being "easier to put victims in prison [and they should] try to put the father or brother in [prison]."<sup>52</sup> Others see this as impossible since they are threatened by the entire family so the 1953 Preventative Law, which is only used through an administrative decision, is the best protection available<sup>53</sup>.

"This is a terrible issue. You know I'm a practitioner, so I examined a case at 1am and a very nice woman police officer was talking with me. I ask after my examination where are you taking her – she started crying- Not the woman, the police officer! 'I don't know.' So if you don't have a choice, I'm not giving it a reason, but at the same time we need to be realistic. I know if she stays with her father and family she is at risk of being killed. So this is the only choice they have, so they use it [...] It is completely wrong to detain them, but if you don't have a choice and you are in the middle of a problem a decision need to be taken."<sup>54</sup>

In another case a young girl had been raped when she was 14 by three men. A case was filed against them and they were sentenced to life imprisonment. When she was 17 she fell in love with her neighbor who was in his early twenties and he asked to marry her in the traditional way. His family visited her family and got the marriage contract signed and the wedding ceremony would be a few weeks later. Her new

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<sup>51</sup> Dr. Hani Jahshan Interview, 12/03

<sup>52</sup> Eva Abu Halaweh Interview, 11/29

<sup>53</sup> Enaam Asha Interview, 12/01

<sup>54</sup> Dr. Hani Jahshan Interview, 12/03

husband knew she was not a virgin, but after his family found out they wanted him to divorce her. He decided he would not and they ran away together. Legally they were married, but culturally they were not. After 3 weeks the police found her and she was examined for having sex with her husband. The governor decided to place her in Jweideh for her protection and for three weeks her family tried to get her out. Finally two uncles convinced the governor's office, they signed the papers and she was released. When she got out her father was waiting for her in the car and they all went to the family home for a celebration lunch. Afterwards he took her to the park and shot her.<sup>55</sup>

It is because of cases like these that the state continues to hold victims in detention. 90% of parents who bail their daughters out of Jewaideh do so with the intention of killing them.<sup>56</sup> Advocates are desperately pressing for the completion of a shelter to house these women, so that they do not have to suffer the indignity of being in prison and they also have the right to stay for as long as they feel they need the protection, regardless of their family's wishes. In the Sharia, if a woman needs to stay in a shelter (traditionally the tribal chief's house) her husband has no law over her and she is free to come and go at her will. In much more conservative countries like Saudi Arabia and Iraq there are numerous shelters for women who are in need<sup>57</sup>.

### 7 – Dar Al-Wefaq Al-Usaree

The Ministry of Social Development is working with NGO's to open the first shelter in Jordan, Dar Al-Wefaq Al-Usaree. "It's very important to reassure the community and to then proceed. Without the community's support nothing will happen." Amal, the woman now seeing to the development of the shelter on behalf of the ministry, has been petitioning embassies and aid donors for financial support to help in the community campaign with the help of the shelter staff. The shelter is a

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<sup>55</sup> Dr. Hani Jahshan Interview, 12/03

<sup>56</sup> Rana Husseini Interview, 12/01

<sup>57</sup> Dr. Hani Jahshan Interview

beautiful four storey building with kitchens on each floor, suites with private baths, large meeting rooms, a computer lab, nursery, gym and many other facilities that will add to the women's comfort. Dar Al Wefaq's mission statement is to, "honor, respect, and seek to maintain the sanctity of the family." It will exist to offer safe temporary housing for women over 18 years of age with or without their children under the age of five who have recently been abused by a member of their family<sup>58</sup>.

There is currently a debate as to whether they should keep the location a secret. Amal and others in the field feel it is imperative to the safety of the women to not disclose its location. To battle local rumors the first floor of the building will be opened to the local community for family counseling, nursery, and computer classes. This will also bring in extra revenue to the shelter in addition to what they receive from the Ministry of Social Development<sup>59</sup>.

### **Conclusion**

The Jordanian society has not made any leaps forward in terms of women's rights, despite modernization attempts. If anything in the face of change it has clung harder to long held traditions and concepts, at times reverting back to a time long before the 20<sup>th</sup> and 21<sup>st</sup> centuries. Globalization has brought waves of communication enhancements, so while women continue to be abused and murdered in the name of patriarchy and honor, families who are barely self-sufficient are installing the latest high power satellite dishes and upgrading to the newest model of cell phone. Is this really modernization? While the upper class continues to evolve those who need to see a positive social change may never live to bear witness to that day.

Awareness and education are the most effective tools in a cultural battle against forces that live within every individual. Change has been the hardest for those

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<sup>58</sup> Amal Interview

<sup>59</sup> Amal Interview

communities in the world who have ancient societies, and so it is no less of a struggle with in Jordan. Nevertheless, to compete in a global society the kingdom of Jordan needs to be united, both male and female as a whole. By allowing women to be the first class citizens they deserve to be the culture of Jordan will only blossom and flourish.

Change *is* occurring, but it is slow in its arrival. Five years ago women were judged without question for the abuse that was inflicted upon them. Today it is an issue that is open for debate<sup>60</sup>. The taboos still exist, but with the royal family speaking out, the numerous awareness campaigns, and sensitivity workshops for social leaders it is slowly beginning to fade. Whenever things do happen in Jordan it will be on the country's own terms, since pressure from the West has only made the issue more difficult to present to the government.

Jordan is a land of beauty and mystery, where tradition still holds strong. That in and of itself is one of the things that makes Jordan what it is, and it would not be the same without its existence. Times are changing though, and to achieve success Jordan needs to evolve and to recognize the rights of everyone do exist regardless of their sex.

"Now concepts are changing and soon behavior will begin to change as well. For us this is a revolution! Most of the girls today came from very conservative homes, but they recognize that domestic violence is wrong."

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<sup>60</sup> Eva Abu Halaweh Interview, 11/30

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## **Appendix A**

### **Interview Schedule**

#### TRADITION VS. CHANGE

- 1) What are the typical gender roles that religion and/or tradition supports?
- 2) How are those roles changing? Why?
- 3) Do any of these changes bring retribution, possibly physical harm?
- 4) What responsibility does the female population personally shoulder for changing circumstances and modernization?

#### GENDERIZATION

- 1) In Jordan is it the primary care taker, i.e. the mother, society, patriarchy, or the education system that has the strongest effect on an individual's genderization.
- 2) What are typical masculine and feminine characteristics in Jordan?
- 3) How do these characteristics show signs of conflict, whether it is internal or external?
- 4) How common is gender conflict in men and women?
- 5) How is this conflict expressed?

#### LEGALITY

- 1) What is the relevancy of the judicial system to the victim? (articles, verdicts, etc)
- 2) How do recent amendments affect women's rights and place as Jordanian citizens?
- 3) Is there legitimate reasoning behind the states use of prison detainment facilities for women seen to be at risk of an honor crime?
- 4) Does the Royal Family speaking out against honor crimes have any sway over the upper or lower houses?
- 5) How often do defendants receive a reduction in sentencing for committing an honor crime?
- 6) Is the states accounting of honor crimes accurate?

#### GENDER BASED VIOLENCE

- 1) How is violence manifested in this culture?
- 2) What form of violence is more common? Physical, emotional, or mental? Or is it a combination of all three?
- 3) Are there generally warning signs before an honor crime is committed?

4) How common is gender based violence in Jordan?

#### SOCIETY AND CULTURE

1) What in Jordanian culture allows for violence against women?

2) Is patriarchy fading, or gaining strength?

3) Has the modernization of the society caused confusion among the populace?

4) If confusion exists how is it displayed?

5) Do you see subversive sexuality as being part of this trend?

#### EXTRA WOMEN'S SHELTER

1) What kind of victim generally seeks shelter at the Jordanian Women's Union shelter?

2) How long is the usual stay?

3) Do they receive counseling? Family or individual, both?

4) Do they return to their families when their stay is finished?

#### EXTRA RANA HUSSEINI QUESTIONS

1) In an article in the *Canadian Dimension* that was written about you, you were quoted as saying that in the Arab culture it is always seen as women's fault. Do men have any control over their sexual urges?

2) In another article you stated that honor crimes have their roots in local customs, and not in Islam. Can you expand on that?

3) You helped collect 15,000 signatures in 1999 and 2000, did it make a difference?

4) What changes to Article 340 were made?

5) Why is it that in recent year's men turn themselves into the police?

6) Do people still see you as tarnishing the Kingdom's reputation?

#### EXTRA DR. HANI JAHSHAN QUESTIONS

1) Tell me about your job?

2) How many years have you been in the field?

3) Is violence against women a criminal problem within Jordan?

4) Do you believe violence against women is reported or unreported?

5) Why do you think men inflict violence upon women?

6) Do you believe Jordanian laws and legislation provide sufficient protection for women victims of violence?

7) Your evaluation of the criminal justice system and its procedures?

8) Tell me about your experience with victims of:

- A) Sexual Abuse
- B) Physical Abuse
- C) Severe Injury
- D) Female Suicide
- E) Honor Crimes

## **Appendix B**

### **Interviews**

- ~ 16 Days of Activism Against Gender Violence  
November 28, 2005
  - ~Francis Abu Zeid
  - ~Princess Basma
  - ~Former Minister of Social Development, Abdullah Oweidat
  - ~Reem Abu Hassan
  - ~Enam Asha
  
- ~ Nadia Shanrush, Executive Director, Jordanian Women's Union  
November 29, 2005
  
- ~ Afaf Jabiri, Jordanian Women's Union  
November 29, 2005
  
- ~ Rula Haddadin, Mizan Legal Group  
November 29, 2005
  
- ~ Eva Abu Halaweh, Executive Director, Mizan Legal Group  
November 30, 2005
  
- ~ Lamis Nasser, Executive Director, Human Forum for Women's Rights  
December 1, 2005
  
- ~ Francis Abu Zeid, Executive Director, Freedom House  
December 1, 2005
  
- ~ Rama H. Ishaq, Freedom House  
December 1, 2005
  
- ~ Rana Hussein, Reporter, Jordan Times  
December 1, 2005
  
- ~ Enaam Asha, Executive Director, Sisterhood is Global Institute  
December 1, 2005
  
- ~ Furtu Yunis, National Forum for Youth and Culture  
December 3, 2005
  
- ~ Mohanad Al-Nawafrah, Cultural Program Director, Noor Al-Hussein Foundation,  
The Performing Arts Center  
December 3, 2005
  
- ~ Dr. Hani Jahshan, Family Protection Unit  
December 3, 2005
  
- ~ Performing Arts Center, Domestic Violence Play, Allan, Princess Rhama University  
December 4, 2005

~ Ghosson Rahal, Lawyer and Researcher  
December 4, 2005

~ Amal, Ministry of Social Development, Dar Al-Wefaq Al-Usaree  
December 6, 2005

## Appendix C

### WRITTEN CONSENT FORM

I, \_\_\_\_\_, hereby give written consent for the use of this interview in an SIT-Study Abroad, Independent Study Project (ISP) paper, and any further academic papers that the student, Danie M. Becknell, may produce from the material, i.e. Senior Thesis.

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