

# Intimate Partner Violence in Muslim Communities in the United States: A Theological, Psychological, and Legal Perspective

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Department of Theology

College of Arts and Sciences Honors Program

**Intimate Partner Violence in Muslim Communities in the United States:**

**A Theological, Psychological, and Legal Perspective**

A thesis by

Amilia James

Thesis Advisor: Natana J. DeLong-Bas, Ph.D.

May 2016



To my Iranian grandmother, whose life was stolen by domestic violence:

I carry your story in my heart and pray for a better future for all women.

And to my mother, who broke the cycle of violence:

Your strength and bravery have forever shaped the trajectory of my life

and I will never be able to thank you enough.

Thank you.

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I would like to thank Salma Elkadi-Abugideiri, the team at KARAMAH, and Shaykh Yasir Fahmy at the Islamic Society of Boston Cultural Center for their willingness to answer my questions and share their experiences and wisdom. Thank you for the work you do to advocate for Muslim survivors of intimate partner violence.

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Lastly, I would like to express my sincere gratitude for everyone who has supported me throughout this thesis process, especially my friends at Boston College who listened to my ideas and offered me endless encouragement. Thank you.

Amilia James

May 2016

## **CHAPTER 1 - WHY MUSLIM INTIMATE PARTNER VIOLENCE?**

Intimate partner violence (IPV) is a global issue—it is in no way confined to one community, one ethnicity, or one religion. However, every community will have its own set of challenges to face when dealing with intimate partner violence. What is the community's understanding of marriage? How does the community understand gender roles? Does the community hold patriarchal or egalitarian views of husbands and wives, and how does their view affect their interpretation of IPV? Does the community's faith condemn IPV or affirm the use of violence in relationships? The answers to these questions start to form an understanding of how a community interprets and responds to intimate partner violence, and will therefore have to shape the response of IPV advocates who work with that community. It is important to assess the risk factors that may be present in a community—risk factors include behaviors and beliefs that may harm victims of intimate partner violence as they seek help, support, and safety. It is equally important to assess sources of strength found within the community that help victims fight oppression, re-gain self-esteem, live in safety, and face their experiences of intimate partner violence with a resilient spirit.

When I began discussing my thesis topic with family members, friends, acquaintances, and strangers, I found that most people immediately conjured up a list of risk factors for Muslim victims of intimate partner violence. Virtually no one I talked to assumed that Muslims have vast resources of strength and resilience in their religion, and this is hugely problematic.

I chose this thesis topic because it naturally evolved out of my passion for trauma therapy and my interest in examining how spirituality interacts with experiences of

trauma. One of the main reasons I chose to focus my study on Muslim experiences of intimate partner violence, versus Christian experiences, for example, is the tremendous lack of understanding many people in the U.S., including clinicians and other IPV advocates, have when it comes to Islam. If clinicians and advocates cannot work with victims within an Islamic framework, their hope for providing excellent and helpful care certainly diminishes. All clinicians should strive to give culturally and religiously sensitive counseling, and it is my hope that this project helps equip all advocates to work successfully with Muslim victims of IPV.

Another thing I noticed while completing this project is that most people are not very informed about intimate partner violence in general. Unless someone has specifically studied IPV in a class or workshop setting, it is likely that they hold incorrect assumptions about IPV. These assumptions have the potential to harm victims because they often dictate how a person understands and responds to a victim's experience. This thesis will discuss many of these common assumptions and provide a general overview of the dynamics of intimate partner violence. These sections may prove to be especially useful for religious leaders who often lack training in IPV but who are frequently sought out by victims for help and guidance.

### **Defining Intimate Partner Violence**

Even though intimate partner violence is a reasonably well-researched clinical concept, there is a lack of consensus in defining IPV. Researchers create somewhat unique definitions for each study they conduct, some including only physical and sexual violence, others broadening the definition to include emotional abuse and stalking. This thesis will define IPV using this definition: "Intimate partner violence is a pattern of assaultive and



coercive behaviors, including physical, sexual, psychological, and spiritual attacks and economic coercion, that adults or adolescents use against their intimate partners.”<sup>1</sup> For the purpose of this thesis, the terms “domestic violence” and “spousal abuse” will be used synonymously with intimate partner violence. Another important thing to note is that intimate partners can include gay and straight couples who are dating, as well as married. This thesis will focus exclusively on IPV that occurs within heterosexual marriage contexts because this is the focus of virtually all data and available research.

In order to narrow the scope of this thesis, I will focus on IPV perpetrated by men against women. It is important to note that women are not the only victims of IPV and the recognition of the existence of male victims is important in breaking the stigma surrounding male reporting. In fact, some studies indicate that women are just as violent as men in intimate relationships.<sup>2</sup> However, approximately 85% of reported IPV is perpetrated against women, and violence against women in relationships tends to be more controlling and more dangerous.<sup>3</sup> While some of the imams and counselors discussed in this paper address IPV perpetrated against men, there is still a lot of work to do to break the stigma of male reporting and gather evidence about male IPV specific to the Muslim community in the U.S.

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<sup>1</sup> Hassounah-Phillips, Dena. "Strength and Vulnerability: Spirituality in Abused American Muslim Women's Lives." *Issues in Mental Health Nursing* 24, no. 6-7 (2003): 681-94. doi:10.1080/01612840305324.

<sup>2</sup> Kelly, Joan, and Michael Johnson. "Differentiation Among Types Of Intimate Partner Violence: Research Update And Implications For Interventions." *Family Court Review* 46, no. 3 (2008): 476-99.

<sup>3</sup> Ibid.

## Muslims in the United States

Islam is one of the fastest growing religions in the United States with over 7 million people in the country identifying as Muslims.<sup>4</sup> Muslims are a culturally and ethnically heterogeneous group; 23.8% of Muslims in the U.S. are African-Americans, 26.2% are Arab-Americans, and 24.7% are South Asians, with the last quarter composed of all other ethnicities, including White converts.<sup>5</sup> While Muslims are united by their belief in Islam, it is important to distinguish between the religion of Islam and the lived experiences of Muslims.

While this thesis's focus is the intersection of religion and intimate partner violence, understanding culture will be an important component of the conversation. Each cultural and geographic context lends itself to slightly different religious and cultural influences, which means that attitudes surrounding intimate partner violence can vary greatly from one ethnic group to another.<sup>6</sup> Culture is defined as "the set of values, structures, and practices held in common by a group of people, who are usually identified by ancestry, language, and traditions."<sup>7</sup> Culture includes aspects such as race, ethnicity, gender, religion,

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<sup>4</sup> Alwani, Zainab, and Salma Elkadi Abugideiri. *What Islam Says about Domestic Violence: A Guide for Helping Muslim Families*. Herndon, VA: FAITH/Foundation for Appropriate and Immediate Temporary Help, 2003.

<sup>5</sup> United States Department of State. "Fact sheet: Islam in the United States." 2001. Accessed October 18, 2015, from <http://usinfo.state.gov/usa/islam/fact2.htm>

<sup>6</sup> Hassounah-Phillips, Dena. "Strength and Vulnerability: Spirituality in Abused American Muslim Women's Lives." *Issues in Mental Health Nursing* 24, no. 6-7 (2003): 681-94. doi:10.1080/01612840305324.

<sup>7</sup> KARAMAH: Muslim Women Lawyers for Human Rights, and Maryland Network Against Domestic Violence. "Cultural Competency Training." Lecture, Domestic Violence Through the Lens of Marginalized Communities: Improving Our Response, Gaithersburg, Virginia, November 6, 2016.

and historical context of oppression.<sup>8</sup> Culture is important because it is the lens through which people interpret their experiences—it shapes perception and behavior. It can influence an individual’s experience with IPV and a batterer’s response to intervention.<sup>9</sup> Culture has a remarkable impact on how people understand their world and assign meaning to their experiences, which means it greatly affects victims of intimate partner violence and the communities in which they live.<sup>10</sup> The importance of culture indicates the need for all advocates and faith leaders to grow in cultural competency, which is the “ability to interact effectively with people of different cultures.”<sup>11</sup> Much of cultural competency is maintaining an open attitude and not making assumptions based on one’s own expectations.<sup>12</sup> This is especially important when working with Muslims, who are often depicted by U.S. society as one large, homogenous group—a picture that finds little basis in reality.

As this thesis attempts to describe the experiences of Muslim IPV victims living in the U.S., it is crucial to note that there is no singular “Muslim experience.” Muslim IPV victims can include immigrants, U.S. citizens, refugees, upper class individuals with graduate degrees, impoverished and illiterate individuals, etc. This wide range of contexts makes this project that much more complicated—it is impossible to write one thesis that encompasses the experiences of every single Muslim IPV victim living in the U.S. However, all Muslims, regardless of nationality or ethnicity, are united by their faith in Islam and their desire to live out their lives as good, faithful Muslims. The unifying thread of faith will tie this project

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

together as we explore Islamic theology, counseling Muslims, and legal perspectives of intimate partner violence in Muslim communities in the United States.

## CHAPTER 2 - INTRODUCTION TO INTIMATE PARTNER VIOLENCE

**Definition:** *Intimate partner violence is a pattern of assaultive and coercive behaviors, including physical, sexual, psychological, and spiritual attacks and economic coercion, that adults or adolescents use against their intimate partners.*

*From Hassouneh-Phillips, Dena. "Strength and Vulnerability: Spirituality in Abused American Muslim Women's Lives." *Issues in Mental Health Nursing* 24, no. 6-7 (2003): 681-94. doi:10.1080/01612840305324.*

In the United States, a little over one in three women (35.6%) will be the victim of abuse in an intimate relationship.<sup>13</sup> It is my hope that this chapter illuminates the complex dynamics involved in intimate partner violence (IPV) relationships. Understanding abuse is the first step to being able to help victims from any community or religious background. While much of this chapter will be a review for clinicians and other advocates who frequently work with IPV victims, it may be especially helpful for religious leaders and lay-people who are not as familiar with the topic. The focus of this chapter is presenting a general understanding of IPV relationships while still drawing some connections on how these dynamics function specifically in Muslim homes. After this chapter, this thesis will specifically focus on Muslim IPV. I have decided initially to present the wider context of IPV to emphasize that this is a global issue not specific to one culture or religion.

Intimate partner violence is the most private form of violence found in society. While more awareness and open discussion about IPV is taking place now than in previous

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<sup>13</sup> "Intimate Partner Violence: Definitions." Centers for Disease Control and Prevention. 2016. Accessed April 06, 2016.

decades, it remains a deeply private and misunderstood issue.<sup>14</sup> In a 2005 public survey, 63.1% of respondents marked “agree” in response to the statement, “Most women could find a way to get out of an abusive relationship if they really wanted to.”<sup>15</sup> Twenty three percent agreed, “Some women who are abused secretly want to be treated that way,” 37.5% said they agreed with the statement, “A lot of what is called ‘domestic violence’ is really just a normal reaction to day-to-day stress and frustration,” and 46.9% believed that “Some violence is caused by the way women treat men.”<sup>16</sup> The majority of respondents believed that IPV has its roots in individual traits (versus viewing it as a societal or cultural problem) with 70.4% agreeing that “Most men who act abusively toward family members have psychological or personality problems,” and 84.7% agreed that “much domestic violence is caused by alcohol and drug abuse.”<sup>17</sup> Misconceptions about intimate partner violence prevent victims from being understood and supported by their communities. Victims of IPV can hold these same misconceptions, causing them to minimize the abuse (e.g. he only hit me because he was drinking) or blame themselves (e.g. I provoked him and that is why he abused me).<sup>18</sup> By the end of this chapter, readers will understand why many commonly held beliefs about IPV are incorrect.

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<sup>14</sup> Carlson, Bonnie E., and Alissa P. Worden. "Attitudes and Beliefs About Domestic Violence: Results of a Public Opinion Survey: I. Definitions of Domestic Violence, Criminal Domestic Violence, and Prevalence." *Journal of Interpersonal Violence* 20, no. 10 (2005): 1197-218. doi:10.1177/0886260505278530.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Both perpetrators and victims can make excuses for abuse if the perpetrator was under the influence of drugs/alcohol. Substance use or abuse should never be used as a justification for abuse. Because of Islam’s prohibition on drinking, this dynamic may not be as common in Muslim household as non-Muslim ones.

False beliefs about IPV create barriers for victims to report abuse and seek help. This can be especially true for minority groups who have less access to resources and may be worried that reporting IPV in their community will confirm the prejudices others have about their ethnic or religious group. Muslim victims, for example, may feel that they are confirming Islamophobic stereotypes that cast Muslim men as barbaric wife-beaters. Minority groups may also hesitate to involve predominantly white, American agencies for fear that they will be misunderstood or that reporting abuse would be a betrayal to their community and/or religious beliefs.

### **Types of Intimate Partner Violence**

The main forms of IPV include physical violence, stalking, sexual violence, psychological aggression, economic abuse, and spiritual abuse. While each form of IPV manifests in different ways, all abuse is motivated by the perpetrator's desire to exert power and control over his intimate partner.<sup>19</sup> The unequal distribution of power is central to IPV and is described in the Power and Control Wheel. All abusive relationships have this power and control dynamic, which can include any combination of the following techniques: using coercion and threats, using intimidation, emotional abuse, economic abuse, isolation, minimizing, denying, blaming, using children, and using male privilege (see Figure 1).<sup>20</sup>

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<sup>19</sup> "Wheel Gallery." The Duluth Model. 2011. Accessed November 23, 2015. <http://www.theduluthmodel.org/training/wheels.html>.

<sup>20</sup> Ibid.

Physical violence is the use of physical force, including pushing, shoving, choking, biting, slapping, hitting, and use of a weapon.<sup>21</sup> Having a gun in the home increases the victim's risk of being killed by her intimate partner by 500%.<sup>22</sup>

Stalking is repeated harassment or threatening behaviors, which can include following someone, making harassing phone calls, and leaving written messages.<sup>23</sup> Approximately 16% of women in the U.S. have experienced stalking at some point their lifetime in which they felt "fearful or believed that she or someone close to her would be harmed/killed."<sup>24</sup> A third of these women were stalked by a current or former intimate partner.<sup>25</sup>

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<sup>21</sup> "Intimate Partner Violence: Definitions." Centers for Disease Control and Prevention. 2016. Accessed April 06, 2016.

<http://www.cdc.gov/violenceprevention/intimatepartnerviolence/definitions.html>.

<sup>22</sup> "Firearms & Domestic Violence." The National Domestic Violence Hotline. Accessed April 09, 2016. <http://www.thehotline.org/resources/firearms-dv/>.

<sup>23</sup> Wallace, Harvey, and Cliff Roberson. *Family Violence: Legal, Medical, and Social Perspectives*. 7th ed. Routledge, 2013.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.



Figure 1: The Power and Control Wheel<sup>26</sup>



<sup>26</sup> "Wheel Gallery." The Duluth Model. 2011. Accessed November 23, 2015. <http://www.theduluthmodel.org/training/wheels.html>.

Sexual violence is a sexual act that occurs without the victim's consent and can include rape, unwanted sexual contact, non-contact unwanted sexual experiences (including harassment, unwanted exposure to pornography), and non-physically pressured unwanted penetration, in which the victim was forced to consent to being penetrated verbally, by intimidation, guilt, etc.<sup>27</sup> Nine percent of rape victims were raped by their husband/ex-husband, and 10% by their boyfriend/ex-boyfriend.<sup>28</sup> Currently, there is no modern-day Muslim legal system that recognizes marital rape as a criminal act, and it is not unusual to encounter the idea that Muslim husbands have the "right" to have unlimited sex with their wives, an idea which many wives reject.<sup>29</sup> To put this into perspective, however, it is important to understand that reform around marital rape has only occurred in recent decades in the United States. Marital rape was not recognized in the U.S. until the 1970s (South Carolina was the first state to criminalize marital rape in 1975, and North Carolina was the last to do so in 1993).<sup>30</sup>

Another issue regarding sexual abuse pertains specifically to Muslim couples as Islam has some limitations on sexual activity, prohibiting anal sex, sex while the wife is menstruating, and sex after the husband has pronounced divorce. If a husband forces intimacy with his wife in a prohibited way, it can present a spiritual dilemma for the wife

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<sup>27</sup> "Intimate Partner Violence: Definitions." Centers for Disease Control and Prevention. 2016. Accessed April 06, 2016.

<sup>28</sup> Wallace, Harvey, and Cliff Roberson. *Family Violence: Legal, Medical, and Social Perspectives*. 7th ed. Routledge, 2013.

<sup>29</sup> Macfarlane, Julie. *Islamic Divorce in North America: A Shari'a Path in a Secular Society*. Oxford: Oxford University Press, 2012.

<sup>30</sup> Ibid.

who feels that she has a duty to comply with her husband's wishes but also wants to stay faithful to the teachings of Islam.<sup>31</sup>

Psychological aggression, or emotional abuse, is the use of "verbal and non-verbal communication with the intent to harm another person mentally or emotionally, and/or to exert control over another person."<sup>32</sup> Behaviors can include name-calling, humiliation, exerting coercive control (isolating the victim, preventing access to transportation or money), threats of violence, control of reproductive health (refusal to use birth control, coerced pregnancy or pregnancy termination), and/or exploitation of the victim's immigration status or disability.<sup>33</sup>

Economic abuse describes abuse that cuts the victim off from financial resources, prevents her from getting a job, and/or taking any money she might make. It can also include racking up enormous amounts of debt under the victim's name, ruining her credit score and trapping her in debt.<sup>34</sup>

Spiritual abuse describes abuse that occurs in the context of a faith community in which a priest, pastor, imam, or other faith leader uses their position to exert control over the congregation. This type of abuse can also occur in IPV relationships. Examples of spiritual abuse in a marriage context include the perpetrator manipulating religious teachings to shame the victim and to rationalize abusive behaviors, preventing the victim

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<sup>31</sup> Salma Elkadi Abugideiri, "Domestic Violence," in *Counseling Muslims: Handbook of Mental Health Issues and Interventions*, ed. Ahmed, Sameera, and Mona M. Amer. New York: Routledge, 2012.

<sup>32</sup> "Intimate Partner Violence: Definitions." Centers for Disease Control and Prevention. 2016. Accessed April 06, 2016.

<sup>33</sup> Ibid.

<sup>34</sup> Wheel Gallery." The Duluth Model. 2011. Accessed November 23, 2015. <http://www.theduluthmodel.org/training/wheels.html>.

from practicing her religion, or telling her that she is a bad Christian/Muslim, etc. wife.<sup>35</sup> This type of abuse can be psychologically devastating for victims whose faith is a central aspect of their lives.

### **Why Does IPV Occur?**

While there are a variety of proposed factors that contribute to intimate partner violence, there is no clear consensus among clinicians or researchers on why people become abusers. Some clinicians focus on the psychopathology of the perpetrator, proposing that abusive individuals suffer from mental illness that causes them to abuse (i.e. personality disorders, substance abuse disorders).<sup>36</sup> It is important to understand that no psychological disorder *causes* someone to be abusive. If a perpetrator has a mental disorder, they need to seek treatment and support for that disorder, *and* they need to be held accountable for their abusive behaviors.<sup>37</sup> The presence of a psychological disorder or individual personality trait can never justify abuse. Other models, like the social-psychological model, analyze environmental factors, such as stress and the intergenerational transmission of violence.<sup>38</sup> A third prominent model, the sociocultural model, looks at systemic societal factors including the patriarchy theory, which proposes that intimate partner violence is the result of sexist culture and the societal oppression of

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<sup>35</sup> "What Is Spiritual Abuse?" The National Domestic Violence Hotline. Accessed April 10, 2016. <http://www.thehotline.org/2015/11/what-is-spiritual-abuse/>.

<sup>36</sup> Wallace, Harvey, and Cliff Roberson. *Family Violence: Legal, Medical, and Social Perspectives*. 7th ed. Routledge, 2013.

<sup>37</sup> "Abuse and Mental Illness: Is There a Connection?" The National Domestic Violence Hotline. Accessed April 10, 2016. <http://www.thehotline.org/2015/05/abuse-and-mental-illness-is-there-a-connection/>

<sup>38</sup> Ibid.

women.<sup>3940</sup> None of these models alone can adequately encompass the complexity of this problem. There is no single psychological disorder that defines all abusers, nor a universal upbringing or cultural background. For this reason it is helpful to use a multifactorial model, an example of which can be seen *in Figure 2*.

Feelings of powerlessness can increase the level of violence in the home.<sup>41</sup> Certain negative life events or times of change and transition can cause an individual to feel a lack of power and control in their social environments. For example, a husband who has lost his job or a family who has just moved to the U.S. as immigrants or refugees is experiencing tremendous amounts of stress because of circumstances outside the family. A husband who feels powerless outside the home may resort to violence in the home in order to try to control his wife and children. A wife in these situations can, in turn, become violent toward her children because she feels the need to gain some semblance of power and control in her life.<sup>42</sup> Power differentials between husband and wife are another risk factor for IPV, as abuse tends to be greater in relationships with large power differential. A wife who has no decision-making or economic power in the marriage may find herself at more risk for IPV.<sup>43</sup>

Common abuser characteristics include exposure to violence in the family of origin, low self-esteem, employment problems, emotionally inexpressive (incapable of expressing

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<sup>39</sup> Ibid.

<sup>40</sup> This model receives criticism because it fails to explain abuse perpetrated by women against men. One in four men will be a victim of intimate partner violence in their lifetime "Intimate Partner Violence: Definitions." Centers for Disease Control and Prevention. 2016. Accessed April 06, 2016.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

emotions so they resort to violence), authoritarian personalities, traditionalist (in terms of gender roles), easily threatened masculinity, and need for power and control.<sup>44</sup>

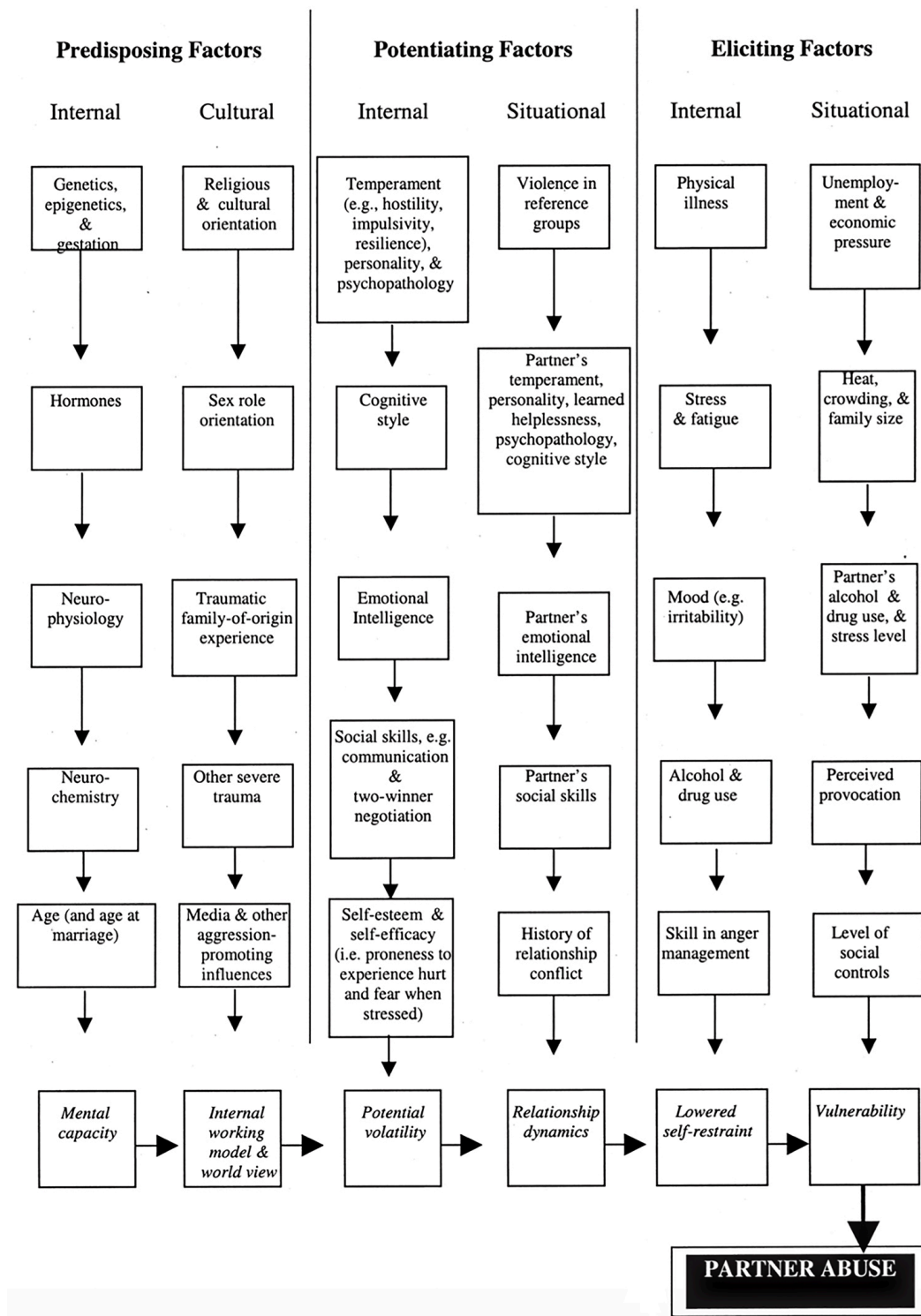
While no set profile of what constitutes an abuser exists, the effects of abuse on victims tend to be consistent. Consequences for victims include loss of self-esteem, feelings of shame and helplessness, self-blame, and difficulty trusting others.<sup>45</sup> Abuse victims generally have feelings of guilt and failure—this is especially true if they feel like it is their responsibility to make the marriage work, which is a pressure that Muslim women often face because of the importance the Qur'an places on marriage and the cultural shame and stigma from their communities that can accompany divorce.

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<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

Figure 2: The Etiology of Partner Abuse<sup>46</sup>



<sup>46</sup> Figure 2 from Stuart, Richard B. "Treatment for Partner Abuse: Time for a Paradigm

### The Costs of IPV

The costs of IPV are staggering, not only when measuring the lives lost to domestic violence but also in terms of medical expenses and lost productivity. In the United States, an estimated 25% of homicides are committed within the family, and 50% of those killings are perpetrated by husbands against their wives.<sup>47</sup> IPV perpetrated against women causes an estimated two million injuries a year, with more than 25% of those injured requiring medical attention.<sup>48</sup> Additionally, women victims lose nearly 8 million days of paid work each year because of IPV.<sup>49</sup> Women who were stalked lost the largest number of work days, averaging 10.1 days of missed work each year.<sup>50</sup> Women who were raped by intimate partners lost an average of 8.1 days of work and those physically assaulted lost 7.2 days.<sup>51</sup> The economic cost of violence against women is significant: the average cost of a woman who receives medical treatment is \$2,084 per IPV rape and \$2,665 for IPV physical assault.<sup>52</sup> The yearly economic cost of lost work days (as well as days lost for household chores) is estimated at \$858.6 million nationwide.<sup>53</sup>

Women who have experienced IPV are at higher risk for chronic physical and psychological health problems when compared to non-battered women. Psychological symptoms frequently associated with domestic violence exposure include depression,

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Shift." *Professional Psychology: Research and Practice* 36, no. 3 (2005): 254-63.  
doi:10.1037/0735-7028.36.3.254.

<sup>47</sup> CDC. "Costs of Intimate Partner Violence in the United States." 2003. Accessed November 5, 2015. <http://www.cdc.gov/violenceprevention/pdf/ipvbook-a.pdf>.

<sup>48</sup> Ibid.

<sup>49</sup> CDC. "Understanding Intimate Partner Violence." 2015. Accessed November 5, 2015. <http://www.cdc.gov/violenceprevention/pdf/ipv-factsheet.pdf>.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.



alcohol abuse, panic attacks, eating disorders, posttraumatic stress disorder, and suicidal ideation.<sup>54</sup> There are increased health risks including injury (often to the head, face, neck, thorax, breasts, and abdomen), chronic pain, gastrointestinal symptoms (loss of appetite, eating disorders), and sexually transmitted infections, including HIV.<sup>55</sup> In fact, violence in relationships increases the risk of contracting STIs fourfold.<sup>56</sup><sup>57</sup> Rates of IPV increase when the abuser's partner is pregnant: IPV has been found in 3-13% of pregnancies worldwide and negatively affects the health of both the mom and baby.<sup>58</sup>

### **Why Doesn't She Leave?**

One of the main misconceptions surrounding IPV is that victims exaggerate the severity of the abuse, because if the abuse were really as bad as they describe, they would leave. A tremendous number of women stay in their abusive relationships for years, and some never leave. This can be a source of frustration among their friends and family members who cannot understand why they would stay with the abuser. As shown in the survey discussed at the beginning of this chapter, most people believe that IPV victims can leave abusive situations if they truly want to, but this is absolutely false. There are many reasons a woman might not leave, including a general lack of support—the victim may not

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<sup>54</sup> Campbell, J. "Health Consequences Of Intimate Partner Violence." *The Lancet* 20, no. 2 (2002): 1331-336.

<sup>55</sup> Ibid.

<sup>56</sup> CDC. "Intersection of Intimate Partner Violence and HIV in Women." Centers for Disease Control and Prevention. 2014. Accessed November 23, 2015.

<sup>57</sup> There are several factors that cause the increased risk of contracting an STI in an IPV relationship, one of which is the husband's refusal to wear a condom and the wife's lack of power in the relationship to ask him to wear one.

<sup>58</sup> Campbell, J. "Health Consequences Of Intimate Partner Violence." *The Lancet* 20, no. 2 (2002): 1331-336.

have access to support because the perpetrator has isolated her from family and friends.<sup>59</sup> Alternatively, the victim's family and/or community may push her to stay with her husband because of religious or cultural beliefs. Another reason to stay may be that the perpetrator has made threats against the victim, and she believes that he will carry them out.<sup>60</sup> He may threaten to kill her, their children, their pets, etc., and might also make threats to circulate rumors against the victim, or to make private information public (for example, publicly sharing the victim's HIV status). The victim may also be in denial about the severity of the abuse, or she may believe the excuses the perpetrator makes to justify the violence.<sup>61</sup> Culture and religion can play a huge role in this decision—the victim might fear being treated unjustly by the judicial system because of her ethnicity, or she may feel that she will go against her own religious convictions if she leaves.<sup>62</sup>

Even if a victim makes the decision to leave the relationship, she faces a tremendous number of obstacles in the process. On average, it takes a victim *seven times* to leave an abusive relationship successfully.<sup>63</sup> The process of leaving is the most unsafe time for the victim. As the perpetrator starts to feel like he is losing power over his victim, he may act out in violent ways in an attempt to regain control over her. Women are significantly more likely to be murdered by their partners in the process of leaving and in the two weeks following her departure.<sup>64</sup>

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<sup>59</sup> "Obstacles to Leaving." The National Domestic Violence Hotline. June 2013. Accessed April 09, 2016. <http://www.thehotline.org/2013/06/50-obstacles-to-leaving-1-10/>.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

Aside from the very real safety issues involved, there are many other practical barriers that prevent women from leaving. Abused women often do not have access to money, transportation, community support (because their husbands have isolated them from all friends and family), or their important legal documents (especially important for immigrant victims). There is a tremendous shortage of space at battered women's shelters in the United States, so even women who wish to leave may not be able to find a safe place to stay.<sup>65</sup> Even if a victim is able to successfully leave, she will probably be left with nothing—she has no financial power, as most victims are economically dependent on their spouses, and she is emotionally vulnerable. The lack of material and emotional support can make the victim vulnerable to her husband's pleas for her to return home.<sup>66</sup>

Walker's Cycle Theory of Violence helps explain the psychological dynamics of battering and give insight to why so many women stay. The Cycle Theory of Violence proposes that IPV happens in three phases.<sup>67</sup> The first is the tension-building phase in which husbands may engage in minor battering.<sup>68</sup> In this phase, the wife attempts to calm the perpetrator and may feel like she deserves the abuse. The second phase is the explosion or acute battering phase, in which the abuser loses all control, resulting in violent aggression.<sup>69</sup> The first time this happens, both parties may feel shock and disbelief. The phase that follows is the calm, loving respite phase, in which the husband is kind and loving towards his wife. In this third phase, the abuser may convince his wife that he will never be

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<sup>65</sup> Wallace, Harvey, and Cliff Roberson. *Family Violence: Legal, Medical, and Social Perspectives*. 7th ed. Routledge, 2013.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

violent towards her again.<sup>70</sup> This “honeymoon phase” can last for a long time and the woman might convince herself that the abuse was a one-time experience and that her husband has changed. Unfortunately, what tends to happen is that the couple continues to cycle through these three phases, with shorter periods in the calm, loving phase and more instances of tension-building and acute battering. Statistically, abuse increases in intensity and severity—what began as a slap may evolve into choking, verbal put-downs can evolve to death threats, and any abusive situation has the risk of ending in the death of the victim or perpetrator.<sup>71</sup> Persistent abuse, like that described by Walker’s theory, can result in Battered Woman Syndrome, which is the gradual process of conditioning in which victims feel helpless and hopeless. Victims are left with psychological deficits as they experience learned helplessness (the feeling that nothing they do can change their situation and they are destined to continue living like this forever) and self-destructive coping responses.

### **Treating the Abuser**

Future chapters will discuss theological, counseling, and legal perspectives on intimate partner violence. There exists an idea among some religious leaders as well as in

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<sup>70</sup> Ibid.

<sup>71</sup> “Women Defending Women Fact Sheet” ([purpleberets.org/pdf/bat\\_women\\_prison.pdf](http://purpleberets.org/pdf/bat_women_prison.pdf)). Men are much more likely to murder than women (one survey of 10,000 murder cases found that men perpetrated 89.5% of the homicides and women perpetrated 10.5%). But among women who do commit murder, that majority killed their abusive significant others. Most women who murder (83% in one study) are motivated by self-defense, and the majority of imprisoned women have been abused in their lifetime (92% in one estimate of California prisons). Even though these women claim that they are motivated by self-defense, almost all are convicted and serve much longer sentences than the average male perpetrator. The average prison sentence for men who kill their partners is 2 to 6 years, but for women it is 15 years.

The documentary *Defending Our Lives* features testimonies of four women who are serving prison sentences for murdering their batterers. It is a compelling resource for those who wish to learn more on this topic.

the judicial system that abusers can be treated with counseling, and so interventions with the abuser should be a priority.

### **Children in the Home**

Having children in the home further complicates intimate partner violence relationships. A woman might have more motivation to leave the abusive relationship because she sees the damaging effects the abuse has on her children. However, it is harder to create an escape plan that allows her to leave with her children. Additionally, an abused mother may not want to remove her children from their school and friends. Another fear many mothers have is that their husbands will gain custody of their children if she leaves. Unfortunately, this is something that happens all too often. Abusive parents are *more likely* to seek sole custody of their children than nonviolent parents, and they are successful in about *70% of custody cases*.<sup>72</sup> Abusive men are often able to present themselves to others as very smart, kind, and competent, and they typically also have more economic power to hire good lawyers to fight for custody. Abused women often have no monetary resources and may not present well in court because of their victimization.<sup>73</sup> It is not hard to understand why mothers would prefer to stay in an abusive marriage than risk their abuser being granted full custody of their children. These statistics should be shocking, especially with the amount of information we have on the negative effects of IPV on children.

It is important that all advocates and faith leaders understand that IPV is tremendously damaging for adult victims, but it also has significant effects on children who

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<sup>72</sup> "10 Domestic Violence Myths and How to Counter Them." American Bar. Commission on Domestic Violence. July 2006.

[http://www.americanbar.org/content/dam/aba/publishing/cdv\\_enewsletter/custodymythsandcounter.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publishing/cdv_enewsletter/custodymythsandcounter.authcheckdam.pdf).

<sup>73</sup> Ibid.

live in violent homes. It is estimated that 25.6% of children 17 and younger are exposed to family violence at some point in their lifetime.<sup>74</sup> Being exposed to intimate partner violence has profound short and long-term effects, including developmental impairment, irritability, sleep problems, emotional distress, poor school performance, depression, suicidal tendencies, and PTSD.<sup>75</sup> Childhood exposure to IPV is the “single best predictor of children becoming either perpetrators or victims of domestic violence later in life.”<sup>76</sup> In addition to the damaging effects of exposure to IPV, 50% of men who frequently abuse their wives also abuse their children, putting children at even greater risk for the psychological and physical effects of trauma.<sup>77</sup>

Children can experience traumatic bonding with an abusive parent, just as wives often do with their abusive husbands. This can make it appear to a court as though the parent-child relationship is healthy and not abusive, but appearances may not reflect reality. After divorce, abusive men may use their children to manipulate their ex-wives, since they can no longer exert direct control over them.<sup>78</sup>

### **Effects of Spirituality on Intimate Partner Violence**

There are mixed findings on the impact of religiosity on intimate partner violence. Some studies show that more religious couples have lower levels of IPV. For example, a

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<sup>74</sup> Hamby, Sherry, David Finkelhor, Heather Turner, and Richard Ormrod. "Children's Exposure to Intimate Partner Violence and Other Family Violence." National Criminal Justice Reference Service. October 2011.

<https://www.ncjrs.gov/pdffiles1/ojdp/232272.pdf>.

<sup>75</sup> "Behind Closed Doors: The Impact of Domestic Violence on Children." Unicef.org. Accessed April 9, 2016. <http://www.unicef.org/protection/files/BehindClosedDoors.pdf>.

<sup>76</sup> Ibid.

<sup>77</sup> Wallace, Harvey, and Cliff Roberson. *Family Violence: Legal, Medical, and Social Perspectives*. 7th ed. Routledge, 2013.

<sup>78</sup> "10 Domestic Violence Myths and How to Counter Them." American Bar. Commission on Domestic Violence. July 2006.

variety of studies showed that those who practice Christianity are more committed to their marriages and are less likely to exhibit aggressive behaviors towards spouses.<sup>7980</sup>

Pournaghash-Tehrani, Ehsan, and Gholami summarize the existing literature on the intersection of IPV and religion: "A literature review of 139 studies conducted between 1978 and 1989 found a positive relationship between religiosity and good mental health, lower levels of anxiety, increased self-esteem, and generally lower levels of psychological disorders."<sup>81</sup> The researchers' own study of 180 Iranian couples living in Iran confirmed these findings, showing the religiosity was negatively correlated with instances of IPV.<sup>82</sup>

Some studies show that religion can mediate the negative effects of stressful life events, including IPV, but the results are moderated by theological interpretations of suffering. This means that specific theological understandings can impact women's experience of IPV. On the one hand, belief systems provide survivors with meaning, purpose, and hope. One study showed that higher religiosity was negatively correlated with symptoms of depression caused by stressful life events.<sup>83</sup> However, the study also found that "extrinsic religious orientation and negative religious coping (e.g., avoiding difficulties through religious activities, blaming God for difficulties) was associated with higher levels

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<sup>79</sup> Ellison, C. G., J. P. Bartkowski, and K. L. Anderson. "Are There Religious Variations in Domestic Violence?" *Journal of Family Issues* 20, no. 1 (1999): 87-113. doi:10.1177/019251399020001005.

<sup>80</sup> Fergusson, David M., L. John Horwood, Kathryn L. Kershaw, and Frederick T. Shannon. "Factors Associated with Reports of Wife Assault in New Zealand." *Journal of Marriage and the Family* 48, no. 2 (1986): 407. doi:10.2307/352408.

<sup>81</sup> Pournaghash-Tehrani, Said, Hadi Bahrami Ehsan, and Somaye Gholami. "Assessment Of The Role Of Religious Tendency In Domestic Violence." *Psychological Reports* 105, no. 3 (2009): 675-84. doi:10.2466/pr0.105.3.675-684.

<sup>82</sup> Ibid.

<sup>83</sup> Smith, Timothy B., Michael E. McCullough, and Justin Poll. "Religiousness and Depression: Evidence for a Main Effect and the Moderating Influence of Stressful Life Events." *Psychological Bulletin* 129, no. 4 (2003): 614-36. doi:10.1037/0033-2909.129.4.614.

of depressive symptoms.”<sup>84</sup> Additional studies confirm that belief systems that blame survivors and support abusers by creating a culture of secrecy can create additional trauma.<sup>85</sup> Religions that uniformly emphasize marriage and discourage divorce, as well as beliefs that promote the silent suffering of women, put abused women at risk. One study found that strong religious beliefs predict symptoms of posttraumatic stress disorder among abused women.<sup>86</sup> Varying theological understandings surrounding marriage and family can help explain how religion can be both harmful and helpful.

Hassouneh-Phillips conducted a small qualitative study of 17 American Muslim women, 13 of whom reported having experienced emotional abuse, 9 reported physical abuse, and 2 reported sexual abuse.<sup>87</sup> The study confirmed the somewhat dual role of religion in both helping and hindering healing from IPV. The women said that their faith in God provided them a means to cope with abuse, as did Qur’anic recitation, prayer, and meditation. However, their beliefs also increased their vulnerability to continued abuse because they were taught that life on earth is not what matters because heaven is the ultimate goal. The women were told that God would reward them for suffering at the hands of their husbands in the next life and that suffering was a form of righteousness.

For many individuals in the United States, faith is a crucial component of daily living and helps them understand and interpret their lives. The importance of faith signals the

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<sup>84</sup> Ibid, p. 1

<sup>85</sup> Hassouneh-Phillips, Dena. "Strength and Vulnerability: Spirituality in Abused American Muslim Women's Lives." *Issues in Mental Health Nursing* 24, no. 6-7 (2003): 681-94. doi:10.1080/01612840305324.

<sup>86</sup> Astin, M., K. Lawrence, and D. Foy. "Posttraumatic Stress Disorder among Battered Women: Risk and Resiliency Factors." *Violence and Victims* 8 (1993): 17-28.

<sup>87</sup> <sup>87</sup> Hassouneh-Phillips, Dena. "Strength and Vulnerability: Spirituality in Abused American Muslim Women's Lives." *Issues in Mental Health Nursing* 24, no. 6-7 (2003): 681-94. doi:10.1080/01612840305324.



necessity to understand how religion both positively and negatively impacts a victim's experience of intimate partner violence. Understanding how to work with victims of IPV within an Islamic framework is necessary for all advocates who work with Muslim victims. Chapter 4 will give an overview of what Islam teaches about marriage, the family, and abuse. Chapter 5 will help provide an Islamic framework that advocates and clinicians can use to counsel Muslim victims.

## ***CASE STUDIES: REAL STORIES OF INTIMATE PARTNER VIOLENCE***

Reading case studies of intimate partner violence relationships can always feel a little jarring, but after this chapter the reader should be able to identify the types of abuse in each case and better understand the IPV dynamics presented. While the three cases below describe severe IPV, they are real cases and describe what some women actually experience in their relationships.

### **Case Study 1**

A husband has strict guidelines for his wife's appearance. He tells her that if she gains weight over a certain number, he will kill her and grind her up in a meat grinder. He buys an industrial meat grinder and keeps it in the basement. He never lays a hand on his wife, he is not physically aggressive, but she believes with certainty that he will actually kill her if she does not comply with his demands.

### **Case Study 2**

A woman meets a man while living in Massachusetts. They fall in love, get married, and move to the Alaskan wilderness. The husband starts becoming physically and sexually abusive and controls every aspect of his wife's life. She is not allowed to keep any money and is completely isolated from her friends and family. The woman knew almost immediately that she needed to get out of the relationship. However, she had no way of buying a flight to leave the state. Every time she went grocery shopping she withdrew a small amount of cash, saving the money for five years until she had enough to buy a flight. She was able to get to the airport, pay cash for her flight, and leave without her husband.

stopping her. However, she had no way to take her dogs with her. Her husband had threatened her that if she ever left, he would kill her dogs. In therapy, she was in more distress because of the guilt she felt over leaving her dogs than the abuse she had endured.

### **Case Study 3**

A widow marries a physically and emotionally abusive man. She makes the decision to leave the relationship because she cannot continue to endure the abuse. However, the court grants full custody of her children to her husband. She is so emotionally distressed from being separated from her children that she returns to her husband. She eventually commits suicide because of the trauma she has endured.

## CHAPTER 3 - DO MUSLIMS EXPERIENCE MORE INTIMATE

### PARTNER VIOLENCE THAN NON-MUSLIMS?

The general assumption I have encountered in the process of completing this thesis is that there is a higher prevalence of intimate partner violence in Muslim households versus non-Muslim homes. But are Muslims really at a higher risk for IPV than the general U.S. population *because of* their culture and/or religion? One thing to keep in mind when analyzing IPV statistics is that all of them can vary study-to-study depending on the demographic surveyed and how IPV is defined. For example, some studies might define intimate partner violence as physical and sexual assault only, while others include emotional, economic, and spiritual abuse. Additionally, all surveys are potentially subject to underreporting and the presence of confounding variables. Confounding variables can include factors such as education level, geographic location, and social class, which are all factors that affect IPV rates in the general population. Surveys that show higher or lower IPV rates for Muslims could be affected by confounding variables or other statistical factors, which makes it even more difficult to answer our question. I will present some of the most recent research below, but the general answer is that ***no, Muslims do not experience more IPV than non-Muslims.***

Peaceful Families Project conducted one of the most comprehensive surveys to date to assess the prevalence rate and attitudes towards abuse among 801 American Muslims.<sup>88</sup> Seventy-nine percent of those surveyed were female and 21% were male. The largest

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<sup>88</sup> Peaceful Families Project. (2011). Attitudes towards and experiences with domestic violence of American Muslim. Unpublished raw data.

represented age group was 23 to 35 years old, and 61% of respondents were married. Over 25% of participants had completed 4 years of college, and almost 25% held Masters degrees. While the survey did not include questions about household income, the high levels of education attained suggest higher social class, at least above the poverty line. When asked how often respondents attend mosque, the most common answer was once a week (30%), with other responses ranging from daily ( $\approx 6\%$ ) to almost never ( $\approx 6\%$ ).

The Peaceful Families Project survey had a broad definition of abuse, including physical, sexual, emotional, verbal, and financial abuse in their definition. The vast majority (93% of men and 97% of women) responded “No” when asked “Is family abuse acceptable in any situation?” which is certainly an encouraging statistic.<sup>89</sup> When asked “Is physical force acceptable to maintain control in the family?” the majority (about 80%) said no.<sup>90</sup> Among those who said physical force was acceptable, the most common response was that it was permissible for parents to use physical force towards children. While approval of physical force towards children is not ideal, less than 5% of participants said that it was okay for husbands to use physical force against their wives, which is good news.<sup>91</sup>

While this study presented positive results in terms of general attitudes towards abuse, the lived experience of the Muslims surveyed was more discouraging. Sixty six percent of respondents said they knew a Muslim who had been physically abused and 53% said that they themselves had experienced abuse (this statistic included all abuse: child abuse and intimate partner violence).<sup>92</sup> Of those who had been abused, 83% were women.

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<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

The 53% statistic is upsetting, but it is important to know that it is actually not higher than non-Muslim populations in the U.S. When looking just at intimate partner violence in this study, the prevalence rate was 31% among all participants (men and women).<sup>93</sup> This rate is lower than the lifetime prevalence rate for the general U.S. population, which is 35.6% for women and 28.5% for men (or a combined 64.1% lifetime prevalence).<sup>94</sup> The most common type of abuse experienced by women was emotional (48%), followed by verbal (43%), physical (33%), financial (19%), and sexual (18%).<sup>95</sup>

A 2009 study conducted by Kulwicki and Miller presents a different view of the attitudes of Muslim community members towards abuse, finding evidence of deeply embedded patriarchal beliefs in both men and women. The study assessed beliefs surrounding domestic violence in an Arab American community in a large city in Michigan. The researchers administered the Husbands' Patriarchal Beliefs Questionnaire in the homes of 202 Arab American immigrants. Sixty-six percent of women and 85% of men responded either "strongly agree" or "agree" when asked if a man has the right to decide whether or not his wife should work outside the home.<sup>96</sup> Participants approved of a husband slapping his wife in the following situations: 34% of women and 33% of men if she insults him when they are at home alone, 17% of women and 43% of men if she insults him in public, and 59% of both women and men if she hits him first in an argument.<sup>97</sup>

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<sup>93</sup> Ibid.

<sup>94</sup> "Intimate Partner Violence: Definitions." Centers for Disease Control and Prevention. 2016. Accessed April 06, 2016

<sup>95</sup> Ibid.

<sup>96</sup> Kulwicki, Anahid and June Miller. "Domestic Violence In The Arab American Population: Transforming Environmental Conditions Through Community Education." *Issues in Mental Health Nursing* 20, no. 3 (1999): 199-215. doi:10.1080/016128499248619.

<sup>97</sup> Ibid.

Eighteen percent of women actually believed that a man should kill his wife if he learned she had been having an affair with another man.<sup>98</sup> The researchers observed, “Physical confrontation during conflict was accepted by nearly half of the respondents surveyed, especially if the wife was insubordinate or having an extramarital affair.”<sup>99</sup> In another survey of ethnic minority groups in Michigan, they found a higher prevalence of domestic violence and intimate partner homicide than in the Anglo American population.<sup>100</sup>

Kulwicki conducted another study in this same city, assessing the prevalence rate of IPV among 277 low income Arab women and found “25% of the women reported that they were beaten by their husband, 18.4% were kicked by them, 7% reported that their husbands used a gun or knife on them, about 20% were sexually abused, 56.6% were unable to do their daily activities because of stress, depression and emotional disorders, 41.9% experienced nervousness and 35.4% suffered from fatigue.”<sup>101</sup>

Why do these two Michigan studies present vastly different results of the attitudes of Muslims towards IPV than the Peaceful Families study? While some might immediately conclude that cultural and religious beliefs about violence are the cause of these results, another incredibly important demographic detail is the fact that the Michigan participants were low-income. In comparison with the first study, 46.01% of Michigan participants had less than a high school education, and only 6.44% completed college and 1.98% held

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<sup>98</sup> Ibid.

<sup>99</sup> Ibid, pg. 205

<sup>100</sup> Ibid.

<sup>101</sup> Kulwicki, Anahid, Barbara Aswad, Talita Carmona, and Suha Ballout. "Barriers in the Utilization of Domestic Violence Services Among Arab Immigrant Women: Perceptions of Professionals, Service Providers & Community Leaders." *J Fam Viol Journal of Family Violence* 25, no. 8 (2010): 727-35. doi:10.1007/s10896-010-9330-8.

graduate degrees.<sup>102</sup> In terms of income, 42.13% of participants had an annual family income of less than \$10,000, and another 30.46% had an annual family income between \$10,000 and \$19,999.<sup>103</sup> Poverty is a tremendous risk factor for IPV. Women who live in households that earn less than \$10,000 annually have *four times greater risk* of experiencing IPV than women who live in higher income homes.<sup>104</sup> I propose that these studies more clearly demonstrate the effects of social class and education on attitudes towards and prevalence of violence than the effects of Muslim religion and culture. In fact, Kulwicki conducted another study in this same area to assess risk factors of IPV specific to the Arab American community. She found that the major risk factors included high levels of poverty, social isolation, and the intergenerational transmission of violence. Other contributors include patriarchal views, use of corporal punishment, and cultural values surrounding honor and shame.<sup>105</sup> That is to say, culture and religion may play some part in these results, but they are not the main factor. These particular studies demonstrate how complex of an issue IPV is and how easy it can be to jump to conclusions about the impact of culture and religion, when there are other factors, like poverty, that are responsible for the increased prevalence of IPV.

It can be helpful to look at statistics gathered by organizations that serve Muslim victims to better understand how intimate partner violence affects Muslim women. One

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<sup>102</sup> Kulwicki, Anahid and June Miller. "Domestic Violence In The Arab American Population: Transforming Environmental Conditions Through Community Education." *Issues in Mental Health Nursing* 20, no. 3 (1999): 199-215. doi:10.1080/016128499248619.

<sup>103</sup> Ibid.

<sup>104</sup> "Violence and Socioeconomic Status." American Psychological Association. Accessed April 14, 2016. <http://www.apa.org/pi/ses/resources/publications/factsheet-violence.aspx>.

<sup>105</sup> Kulwicki, Anahid. "Teen Health Needs Assessment Survey: Report to Michigan Department of Public Health." *Unpublished Manuscript*, 1989.



survey of eight domestic violence organizations around the U.S. that specifically serve Muslims presents a general picture of Muslim IPV victims. The surveyed organizations collectively serve 1,962 women annually, and 55% percent have Islamic programming and 22% require mandatory participation in the religious programming.<sup>106</sup> The organizations provided an average of 19 months of services to each woman.<sup>107</sup> The average age of survivors served was 32, although ages ranged from 18 to 70 years old.<sup>108</sup> Thirty three percent of survivors had less than a high school education, 25% had a high school diploma, 23% had a bachelor's degree, and 7% held graduate degrees.<sup>109</sup> Eighty five percent were immigrants with 63% of the women speaking very limited English.<sup>110</sup> Immigration is a risk factor for IPV because it increases stress, including loss of family support, social status, career, threat of deportation, post 9/11 racism. Husbands who were never abusive before immigrating might start abusing their wives in response to added stress.<sup>111</sup> Eighty eight percent of the women were married when they sought services and 60% were experiencing mental health issues (primarily situational depression).<sup>112</sup> The most common type of abuse experienced was emotional (82%) followed by physical (74%), financial (65%), spiritual (49%), and then sexual (30%, although the agencies noted that sexual

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<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> "A Perspective of Domestic Violence in the Muslim Community." Faith Trust Institute. 2010. <http://www.faithtrustinstitute.org/resources/articles/DV-in-Muslim-Community.pdf>.

<sup>112</sup> Kulwicki, Anahid. "Teen Health Needs Assessment Survey: Report to Michigan Department of Public Health." *Unpublished Manuscript*, 1989.

abuse was largely underreported).<sup>113</sup> Sixty nine percent of women decided to remain in their abusive relationships and 31% left.<sup>114</sup> In cases of divorce, 92% of the abusers remarried without any sort of rehabilitation. In terms of family support, 19% reported experiencing some sort of family support during the abuse, 17% while seeking services from the various organizations, and 23% had family support after leaving the abusive relationship.<sup>115</sup>

The emotional and physical consequences of abuse as reported by the Peaceful Families Project survey are consistent with the consequences of abuse in the non-Muslim population. Victims had emotional difficulties, the most common of which included low self-esteem, depression, anxiety, and helplessness.<sup>116</sup> The most common resulting injuries included bruises and aches and pains, while some victims did experience as severe injuries including broken bones, unconsciousness, internal injuries, and miscarriage.<sup>117</sup> When asked, "What did you do afterwards?" the most common response left their spouse, followed by left their home, did what their spouse wanted, verbally retaliated, retaliated physically, and did nothing.<sup>118</sup> Those who sought help most frequently turned to friends and family.<sup>119</sup> Some did go see a counselor or social worker and others sought help from an imam, police officer, or attorney.<sup>120</sup> The main reason respondents stayed after the abuse

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<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> Peaceful Families Project. (2011). Attitudes towards and experiences with domestic violence of American Muslim. Unpublished raw data.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

was because they hoped their spouse would change.<sup>121</sup> The second most common response was that they stayed because of their children.<sup>122</sup> Other answers included “I thought it would affect my reputation,” “I didn’t know where to go,” “I had no money,” “I was scared,” and “love for my spouse.”<sup>123</sup> The overall response of community members after finding out about abuse was to pray (43%), talk to the victim (44%), seek advice from imam (20%), talk to abuser (19%), seek advice from domestic violence program (18%), and directly intervene (13%).<sup>124</sup> When asked, “If a woman victim is hospitalized, what action should be taken?” the majority of participants responded counseling (90%), talk to trained imam (83%), take legal action (72%), file a report (71%), and remove abuser (70%).<sup>125</sup> While the percentages should ideally be higher for each category of response, the overall trend is that respondents agree that action should be taken, at least in severe cases of abuse.

Muslims are not a homogenous group and so their attitudes and beliefs towards intimate partner violence are not going to be homogenous. Presented in this chapter is a general overview of the existing research, and it will be helpful to remember these main points in the discussion to follow on Islamic theology, counseling Muslims, and legal implications for survivors.

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<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

Figures 3 – 8 from *Peaceful Families Project. (2011). Attitudes towards and experiences with domestic violence of American Muslim. Unpublished raw data.*

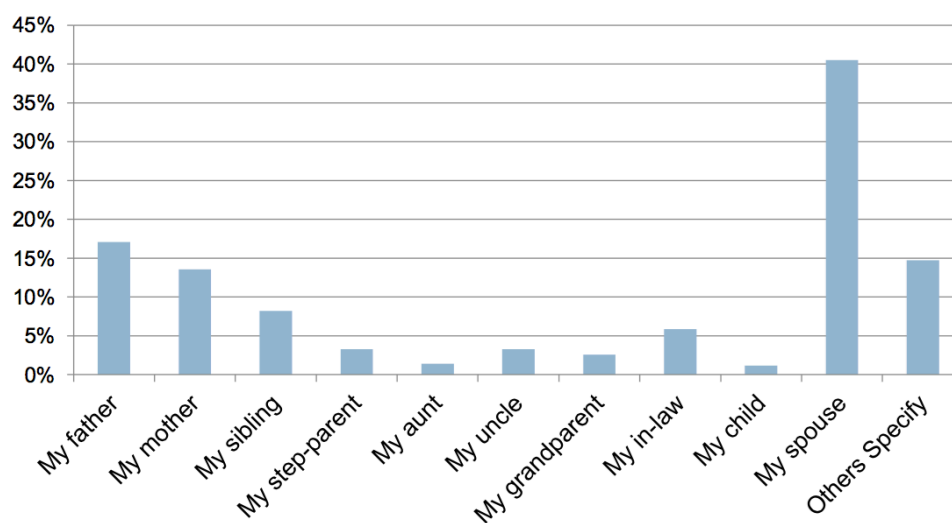
## Types of Abuse Experienced by Gender

	Emotional	Verbal	Physical	Sexual	Financial	Other
Men 170	34% 58	33% 56	23% 39	5% 9	5% 8	3% 5
Women 353	48% 305	43% 273	33% 210	18% 114	19% 120	3% 19

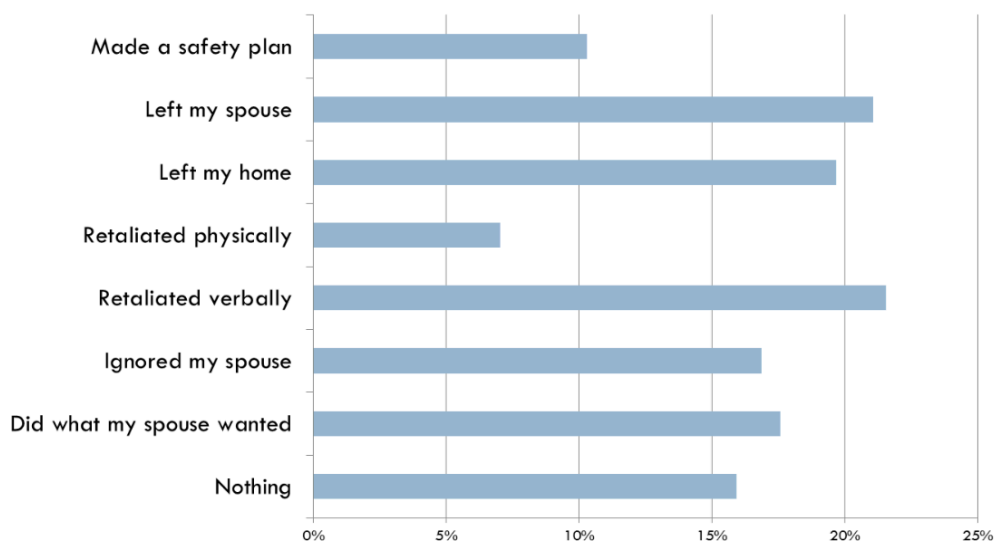
## Ages of Abuse by Gender

	Young Child	Teenager	Adult	Last 12 mths	Other
Men 74	6% 45	4% 35	3% 21	1% 11	0.5% 4
Women 353	21% 169	18% 148	29% 232	8% 61	3% 22

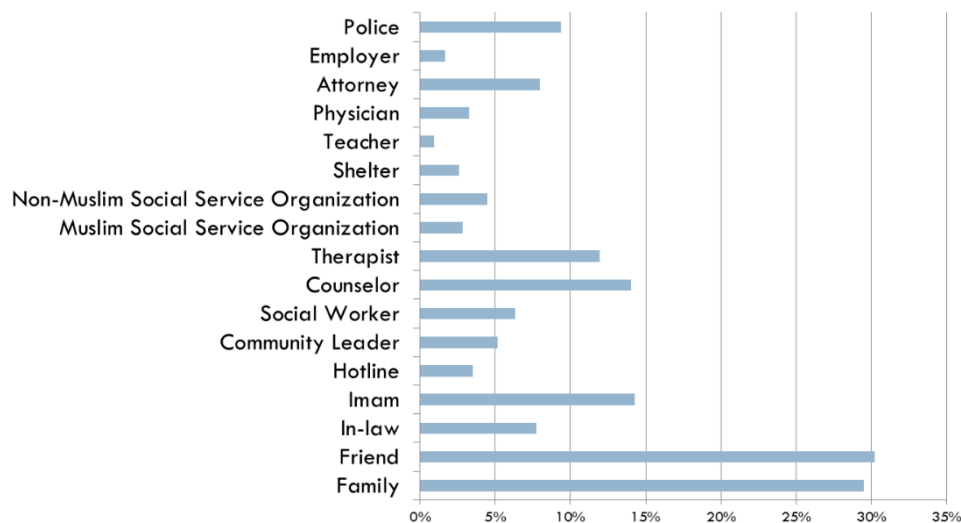
## Experienced Abuse as Adult



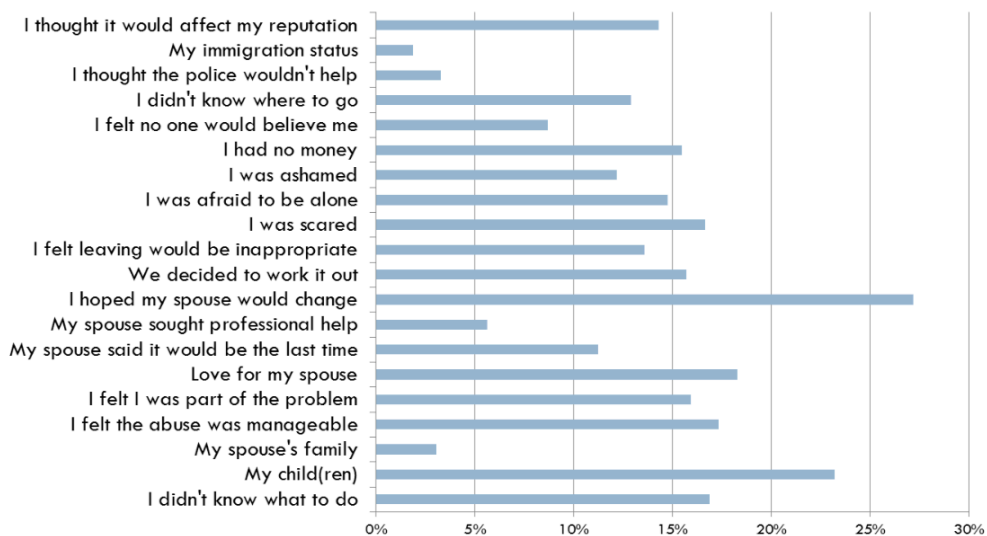
## What did you do afterwards?



## After the abuse, did you seek help from any of the following?



## If you stayed after the abuse, why did you stay?



## CHAPTER 4 - WHAT DOES ISLAM TEACH ABOUT INTIMATE PARTNER VIOLENCE?

When looking at intimate partner violence through an Islamic framework, two things become clear: 1. Islam can be used to *justify* spousal abuse; and 2. Islam can be used to *condemn* spousal abuse. When working with Muslim victims of IPV, advocates should know that there are aspects of Islamic theology that can be sources of risk or obstacles for victims. But they also need to know that Muslims have a resource in their religion, as Islam firmly upholds core principles of justice, equality, and freedom.<sup>126</sup> If Islam is understood from a holistic perspective, it cannot be used to trap and oppress victims. The key is understanding what Muslim victims might be up against—the challenges Islam presents concerning abuse—while also empowering victims to use their religion to walk into freedom and safety from violence.

As I have spoken with Muslim advocates throughout this thesis process, it has become clear that theology does matter when it comes to understanding intimate partner violence. Theology has particularly important implications in both U.S. and Islamic legal proceedings (as outlined in Chapter 5), and understandings of the Qur'an and the will of God can help or hinder a victim's response to the abuse she experiences. With that being said, I have also learned that theology does not matter as much as I initially assumed. This chapter will discuss one particular verse in the Qur'an that has been used to justify spousal abuse, 4:34. What I found, however, is that many imams (religious leaders) and advocates do not in any way affirm an interpretation of this verse that condones spousal abuse. While

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<sup>126</sup> Alwani, Zainab, and Salma Elkadi Abugideiri. *What Islam Says about Domestic Violence: A Guide for Helping Muslim Families*. Herndon, VA: FAITH/Foundation for Appropriate and Immediate Temporary Help, 2003.

this chapter will outline the varying theological perspectives in Islam for understanding Q. 4:34, the reality is that “whatever interpretation, however ambiguous or definitive, is given to this single verse, religious dogma (from any religious tradition) can be used to justify particular actions that may or may not be a part of that religious faith, in order to maintain the power and privilege of an individual or group.”<sup>127</sup> If a victim finds herself in a situation where her faith is being used against her, the core issue might not actually be theology. This is important to keep in mind throughout the rest of this chapter, which will try to answer the question, “What does Islam teach about intimate partner violence?”

The sources of authority in Islam are the Qur’an, which is God’s sacred and holy revelation to Muslims, and the example (Sunna) of the prophet Muhammad (peace be upon him),<sup>128</sup> as recorded in the Hadith. The Hadith are the sayings and deeds of the prophet, as recorded by his companions and other community members. Some Hadith are regarded as more authoritative than others, depending on the chain of transmission and who recorded them (were they close to the prophet, trustworthy, etc.). The discrepancies between Islamic scholars and imams concerning intimate partner violence often have to do with how the Qur’an and Hadith are interpreted.

### **Sources of Risk**

*Men are the protectors and maintainers (qawwāmūn) of women, because Allah has given (faddala) the one more (strength) than the other, and because they support them from their means. Therefore the righteous women (sālihāt) are devoutly obedient (qānitāt), and guard*

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<sup>127</sup> Macfarlane, Julie. *Islamic Divorce in North America: A Shari’a Path in a Secular Society*. Oxford: Oxford University Press, 2012.

<sup>128</sup> When Muslims speak or write about the Prophet Muhammad, they typically say/write “peace be upon him” following his name.



*in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct (nushūz), admonish them (first), (Next), refuse to share their beds, (And last) beat them (lightly) (wa-dribūhunna); but if they return to obedience (ata'nakum), seek not against them Means (of annoyance): For Allah is Most High, great (above you all). (4:34)<sup>129</sup>*

The main challenge for Islamic scholars and theologians who desire to completely condemn spousal abuse using Islamic principles is verse 4:34 in the Qur'an. In the Islamic tradition, this verse has been used grant husbands the right to hit their wives, and there are still imams and theologians who affirm that reading of the verse today.

#### **Interpreting Q. 4:34**

##### ***“Men are the protectors and maintainers (qawwāmūn) of women”***

The word *qawwāmūn* has several meanings, but all of them deal with hierarchy.<sup>130</sup> The word has been interpreted to mean that husbands are protectors, directors, commanders, and overseers of their wives, indicating their financial, social, and religious authority<sup>131</sup>. Husbands, therefore, had the responsibility to ensure that their wives were fulfilling their religious obligations and had the authority to keep them in the home.<sup>132</sup>

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<sup>129</sup> Ali, Abdullah Yusuf. *The Holy Qur'ān: Text, Translation and Commentary*. Brentwood, MD: Amana, 1983.

<sup>130</sup> Chaudhry, Ayesha S. *Domestic Violence and the Islamic Tradition: Ethics, Law, and the Muslim Discourse on Gender*. Oxford: Oxford University Press, 2013.

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

***“Because Allah has given (faddala) the one more (strength) than the other”***

Another translation of this verse says, “Because God has preferred some over others,” as *faddala* means to prefer, to like better, to give preference.<sup>133</sup> Who is God preferring, and why? Pre-colonial exegetes interpreted this verse as meaning that God has preferred men over women, because men have superior strength and intellect.<sup>134</sup> Exegetes further justified this preference with cultural and religious arguments; since all prophets were men, the testimony of two women was equivalent to one man, men had the right to unilateral divorce, they received larger inheritance, and could become military and political leaders.<sup>135</sup> Since men had authority in every other aspect of life, exegetes reasoned that this preference should also extend to marriage.

***“And because they support them from their means.”***

Muslim husbands have the responsibility to provide financially for their wives, which gives men financial and social control.<sup>136</sup> In exchange for financial provision, wives owe their husbands obedience and sexual access.<sup>137</sup> This touches on the idea that marriage is a property arrangement, with wives becoming their husbands’ property in exchange for the payment of the *mahr* (husband’s gift to his bride), as discussed later in this chapter.

***“Therefore the righteous women (sālihāt) are devoutly obedient (qānitāt)”***

Righteous women are obedient, but are they obedient to God or to their husband, or both? While some exegetes affirmed that women were required be obedient to God alone,

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<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

the majority believed that wives should be obedient to their husbands, “as long as their husbands did not ask them to violate God’s commands.”<sup>138</sup>

***“As to those women on whose part ye fear disloyalty and ill-conduct (nushūz), admonish them (first), (Next), refuse to share their beds, (And last) beat them (lightly) (wa-dribūhunna).”***

This is the most problematic part of Q. 4:34 as it explicitly gives husbands permission to hit their wives. It is important to note that in this version of 4:34, the translation Abdullah Yusuf Ali has added his own interpretation in parentheses. The original text does not include the “first,” “next,” or “last,” and also does not include the “lightly” after “beat them.” These phrases are added because they are in line with some exegetes’ understanding of the text, but do not exist in the original Arabic.

Husbands had religious authority over their wives, and so if their wives were *nushūz* (which various translations translate as ill-conduct, disloyalty, rebellion, non-compliance, arrogance, and desertion), they had the right to chastise, discipline, and punish their wives.<sup>139</sup> The system for punishment in this verse is admonish, abandon in bed, and then hit them. There are Hadith that support the idea that husbands have the right to physically punish their wives. In one such account, a woman complains to her father that her husband has beaten her severely (leaving a mark) and the father responds, “Be patient, my daughter, for al-Zubayr is a righteous man,” which suggests that a man’s righteousness is not affected if he hits his wife.

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<sup>138</sup> Ibid. p. 49

<sup>139</sup> "4 Surah An-Nisa." The Noble Quran. Accessed May 11, 2016. <http://quran.com/4>.

## Pre-Colonial Exegetes

Ayesha Chaudhry studied the Islamic tradition to try to find pre-colonial Islamic scholars who gave egalitarian interpretations of this verse, interpretations that would affirm the equal worth of men and women and reject the view that one gender has “intrinsic moral and disciplinary privileges over each other.”<sup>140</sup> She was confident that egalitarian voices existed and had just been overlooked in favor of patriarchal ones.<sup>141</sup> Unfortunately, she did not find a single pre-colonial scholar who challenged the right of husbands to hit their wives.<sup>142</sup>

While no pre-colonial jurists or exegete forbade husbands to hit their wives, some did have ethical concerns about the practice, proposing interpretations that mitigated the severity of the abuse.<sup>143</sup> Some scholars believed that each step in the verse (admonishment, abandonment in bed, and hitting) should be done sequentially, not simultaneously, and that hitting was reserved as a punishment for huge infractions (e.g. adultery).<sup>144</sup> They also debated what sort of hitting was permitted, with some believing that hitting should be a symbolic act, done with a tissue or toothbrush, while others believed that using one’s hand, a sandal, switch, or whip were all acceptable.<sup>145</sup> Husbands could only be held legally liable for hitting their wives if they caused extensive, observable damage (i.e. broken bones),

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<sup>140</sup> Chaudhry, Ayesha S. *Domestic Violence and the Islamic Tradition: Ethics, Law, and the Muslim Discourse on Gender*. Oxford: Oxford University Press, 2013.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid.

ignoring the impact of emotional and psychological abuse, along with effects of sexual and physical violence that does not leave marks.<sup>146</sup>

### **The Context of Q. 4:34**

The Prophet Muhammad did not receive a revelation of the entire Qur'an at once; rather he received separate revelations over a span of approximately twenty-two years.<sup>147</sup> The revelations were thought to be responsive to situations in the community, and so pre-colonial exegetes used the occasion of revelation (*sabab al-nuzūl*) to help them better understand verses.<sup>148</sup> Q. 4:34 has two documented *sabab*.

The first, less-documented *sabab* was narrated by Umm Salama, one of Muhammad's wives. She narrated that the verses 4:32 and 4:34 were given in response to women in Medina asking the Prophet why men had preference over women in inheritance (men receive a larger inheritance than women).<sup>149</sup> According to this *sabab*, these two verses affirm the privilege of men over women and instate a gender hierarchy.<sup>150</sup>

The more frequently cited *sabab* says that a prominent Medinan woman was hit by her husband and took the case to Muhammad, who ruled in her favor and offered her retribution.<sup>151</sup> However, he then received the revelation of Q. 4:34, and revoked his decision, to which some say he responded, "I desired one thing and God desired another."<sup>152</sup> Many exegetes felt uneasy about this *sabab*, not because of the plight of the abused woman, but because of the way it presented a discrepancy between God and his

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<sup>146</sup> Ibid.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

<sup>152</sup> Ibid.

messenger.<sup>153</sup> To resolve this tension, some said that Muhammad did not know all the details of the story, namely that the woman had committed *nushūz*.<sup>154</sup> Others alter the timeline of the narrative, saying that Muhammad was inclined to rule in the woman's favor but decided to wait to consult God before giving a decision.<sup>155</sup> No matter how one reconciles this difference between God and the Prophet, the context of this verse has led to some Islamic schools of law to permit husbands to hit their wives who have committed *nushūz* without being held liable unless he kills her.<sup>156</sup>

The context of this verse is also concerning because it is thought that Medinan women in 7<sup>th</sup> century Arabia had legal recourse against their husbands if they were beaten.<sup>157</sup> If this is true, the revelation of Q. 4:34 would mean that Muslim women had fewer rights in the 7<sup>th</sup> century than non-Muslim women.

### **Wives as Property**

Marriage is not only viewed as a contract (see Chapter 6 for in-depth discussion on marriage contracts), but also as a property arrangement. By offering his wife the *mahr*<sup>158</sup> and marrying her, the husband takes possession of her reproductive capacity. It is part of her duty to raise children, take care of the home, and sexually satisfy her husband. The Qur'an compares women to fields and says husbands can approach their wife (sexually), as they would till their field.

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<sup>153</sup> Ibid.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> Marriage gift that the husband gives his wife. The *mahr* can be a large amount of money, or something more sentimental like a poem or a Qur'an. See Chapter 6 for more about the *mahr*.

*"Your wives are as a tilth unto you; so approach your tilth when or how ye will; but do some good act for your souls beforehand; and fear Allah. And know that ye are to meet Him (in the Hereafter), and give (these) good tidings to those who believe" (2:223).<sup>159</sup>*

This view of women is objectifying—they are inanimate objects, and objects cannot give consent. When dealing with domestic violence and talking to men about how to treat their wives, they often take a property attitude towards them. Their mindset is that once they acquire a piece of property, they can do with it what they will. There are other Hadith that even more explicitly affirms the wife's requirement to always be sexually available to her husband:

*"A women should not refuse herself [to her husband] even if she is on the back of a camel."<sup>160</sup>*

*"When a man calls his wife to [fulfill] his need/desire, she should go to him even if she is at the baking oven."<sup>161</sup>*

*"The Prophet said, 'If a man invites his wife to sleep with him and she refuses to come to him, then the angels send their curses on her till morning.'"<sup>162</sup>*

While the third Hadith does not necessarily condone marital rape (as the wife has the ability to refuse sex) all the Hadith communicate that women are wrong to refuse their husbands sexually. Abusive husbands often manipulate their wives with guilt in order to

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<sup>159</sup> Ali, Abdullah Yusuf. *The Holy Qur'ān: Text, Translation and Commentary*. Brentwood, MD: Amana, 1983.

<sup>160</sup> Chaudhry, Ayesha S. *Domestic Violence and the Islamic Tradition: Ethics, Law, and the Muslim Discourse on Gender*. Oxford: Oxford University Press, 2013.

<sup>161</sup> Ibid. These two Hadith affirm a wife's responsibility to sexually satisfy her husband, even in highly inconvenient and even ridiculous situations (while riding a camel).

<sup>162</sup> Bukhari. "Wedlock, Marriage (Nikaah)." *Sahih Bukhari*. Accessed May 09, 2016. <http://www.theonlyquran.com/hadith/Sahih-Bukhari/?chapter=62>.

get what they want. It is possible for sexual abuse to occur, even in the absence of physical force.

### Sources of Strength

#### Modern Exegetes

The good news is that Chaudhry did find modern exegetes who proposed non-violence and egalitarian interpretations of Q. 4:34. These theologians reject the idea that husbands have the right to hit their wives, instead proposing sophisticated and complex interpretations in their fight for justice.<sup>163</sup>

***“Men are the protectors and maintainers (qawwāmūn) of women because Allah has given (faddala) the one more (strength) than the other”***

Feminist theologian Amina Wadud asserts that a more faithful translation of this verse is, *“Men are (qawwāmūn) women, [on the basis] of because Allah has preferred (faddala) some of them over others, and [on the basis] of what they spend of their property (for support of women).”*<sup>164</sup> She finds evidence for adding “on the basis of” from the original Arabic, saying that this indicates that men’s authority (*qawwāmūn*) over women is conditional.<sup>165</sup> Their authority is determined by the preference (*faddala*) they have been given and the economic support they provide for their wives, and “if either condition fail, then the man is not ‘qawwam’ over that women.”<sup>166</sup> What, then, does this preference actually mean? There is only one reference in the Qur’an to God’s preference, and that is

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<sup>163</sup> Chaudhry, Ayesha S. *Domestic Violence and the Islamic Tradition: Ethics, Law, and the Muslim Discourse on Gender*. Oxford: Oxford University Press, 2013.

<sup>164</sup> Wadud, Amina. *Qur’an and Woman: Rereading the Sacred Text from a Woman’s Perspective*. New York: Oxford University Press, 1999.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid. p. 70



concerning inheritance—men are entitled to double the inheritance of women.<sup>167</sup> The preference, therefore, is not absolute—rather, it demonstrates the “reciprocity between privileges and responsibilities. Men have the responsibility of paying out of their wealth for the support of women, and they are consequently granted a double share of inheritance.”<sup>168</sup> Further support for the conditional nature of preference is the fact that this verse says that “some” are preferred over “others”—it does not explicitly state men are preferred over women.<sup>169</sup>

With this understanding of God’s *faddala*, how should one understand men’s *qawwāmūn*? Wadud proposes that the authority men have over material resources in the marital relationship is meant to balance the relationship.<sup>170</sup> She explains that women have the responsibility to bear children, which is of utmost importance to society and requires great “strength, stamina, intelligence, and deep personal commitment.”<sup>171</sup> In light of women’s enormous responsibility, what is the man’s role in the family? In order to create balance and justice in the family, the Qur’an establishes that men have a responsibility that is “equally significant to the continuation of the human race,” namely, his responsibility to care for his wife.<sup>172</sup> This reading views marriage as giving equal responsibility to the man and woman in a marriage relationship and seeks to maintain balance and avoid oppressive situations.

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<sup>167</sup> Ibid.

<sup>168</sup> Ibid. p. 71

<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

<sup>171</sup> Ibid. p. 73

<sup>172</sup> Ibid. p. 73

### ***Qānitāt, Nushūz and Wa-dribūhunna***

In contrast to the pre-colonial scholars previously discussed, Wadud finds evidence that *qānitāt* (obedience) cannot refer to a wife's obedience to just her husband, as this same word is used in the Qur'an to describe the obedience of both men and women towards God.<sup>173</sup> *Nushūz* has been translated "disobedience to the husband," but this translation cannot be correct because both men and women are described as *nushūz* in the Qur'an.<sup>174</sup>

This verse has to be read with the perspective that the *goal* is reconciliation and peace between the couple. The first step towards making amends is a verbal solution. The second is to separate and not sleep in the same bed, which allows for a cooling-off period. The third measure is for the husband to hit his wife. The Arabic word that is translated as "hit" or "strike" has a variety of different translation, including to "strike out on a journey."<sup>175</sup> Some theologians suggest that this is a better translation of this third part of Q. 4:34 because it goes along with the idea of creating distance between the husband and wife and seems like a natural progression from sleeping apart.<sup>176</sup>

A different proposed interpretation of 4:34 seeks to look at the verse symbolically, rather than literally, suggesting that the progression of the three steps in the verse reveal the breakdown of the marriage. Wadud find similarities between the three-month separation a husband and wife must complete before their divorce is final, during which

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<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid.

<sup>176</sup> Ibid.

the couple cannot have sex (sleep in beds apart).<sup>177</sup> DeLong-Bas draws parallels between the three stages of *talaq*<sup>178</sup> and the three steps of this verse. Perhaps this verse is communicating that by the time a couple arrives at the final stage of 4:34, the marriage is over.

One crucial distinction between the physical punishment that may be acceptable in light of Q. 4:34 and intimate partner violence is that perpetrators of IPV do not follow the two previous steps of admonishment and sleeping in beds apart. Additionally, IPV is a *pattern* of coercive and controlling behaviors that destroys a victim's self esteem and leads to the degeneration of the relationship. The goal of Q. 4:34 is not to terrorize one's wife, rather to bring the relationship back into peace and tranquility. While no hitting or abuse should be condoned in a marriage, it is important to mark the distinctions between what is presented in Q. 4:34 and the dynamics of an IPV relationship.

### **Reading the Qur'an as a Whole**

It is always dangerous to pick out one verse from holy books and use that verse to dictate how one understands an issue as important as intimate partner violence. When one reads the Qur'an as a whole, it becomes evident that the core values of Islam are justice, equality, and freedom—three values that are utterly destroyed in IPV relationships.<sup>179</sup>

*O you who believe! Stand out firmly for God as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart you from justice. Be just:*

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<sup>177</sup> Ibid.

<sup>178</sup> *Talaq* is the process by which a husband divorces his wife. He must declare *talaq* ("I divorce you") three times before the divorce is final. Read more about Islamic divorce procedure in Chapter 6.

<sup>179</sup> Alwani, Zainab, and Salma Elkadi Abugideiri. *What Islam Says about Domestic Violence: A Guide for Helping Muslim Families*. Herndon, VA: FAITH/Foundation for Appropriate and Immediate Temporary Help, 2003.

*that is next to piety. And fear God. For God is well-acquainted with all that you do” (5:8).<sup>180</sup>*

*O you who believe! Stand out firmly for justice, as witnesses to God, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: for God can protect you both. Follow not the lusts (of your hearts), lest you swerve and if you distort (justice) or decline to do justice, verily God is well-acquainted with all that you do” (4:135).<sup>181</sup>*

The Qur’an affirms the equality of all people in its creation account. There is no hierarchy of creation in Islam, instead the Qur’an says:

*“O mankind! We created you from a single (pair) of a male and female, and made you into nations and tribes, that you may know each other (not that you may despise each other). Verily, the most honored of you in the sight of God is the most righteous of you...” (49:13)*

The Qur’an says that husbands and wives are supposed to live in tranquility with each other. One of the defining characteristics for abusive relationships is a lack of peace and tranquility in the marriage, which suggests that abusive marriages cannot fit within the framework of a God-honoring Islamic marriage.

*“And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect.” (30:21)*

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<sup>180</sup> Ali, Abdullah Yusuf. *The Holy Qur’ān: Text, Translation and Commentary*. Brentwood, MD: Amana, 1983.

<sup>181</sup> Ibid.

### Example of the Prophet

Muslims are supposed to follow the example of the Prophet, who is said to be a “walking Qur’an.”<sup>182</sup> When one looks at the example of the Prophet, it becomes evident that his life was in no way compatible with intimate partner violence. The Prophet was married to multiple women, as was culturally and religiously acceptable, but his marriages were marked by his servant-heart attitude. He never hit any of his wives and is portrayed as a kind husband who even helped complete chores around the home.<sup>183</sup> The Prophet is reported to have said, “Do not beat Allah’s handmaidens,” and said that husbands who beat their wives are “not the best among you.”<sup>184</sup> An example of another Hadith that shows him to strongly condemn domestic violence in his community is the story of the wife of Al-Waleed:

*Ali ibn Abu Talib reported: The wife of Al-Waleed ibn Uqbah came to the Prophet, peace and blessings be upon him, and she complained to him saying, “O Messenger of Allah! Indeed, Al-Waleed has beaten me!” The Prophet said, “Say to him: he has protected me.” She did not stay but for a while until she returned and she said, “He did not give me anything except more beatings!” The Prophet tore a piece of cloth from his shirt and he said, “Say to him: Verily, the Messenger of Allah has given me protection.” She did not stay but for a while until she returned and she said, “He did not give me*

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<sup>182</sup> Chaudhry, Ayesha S. *Domestic Violence and the Islamic Tradition: Ethics, Law, and the Muslim Discourse on Gender*. Oxford: Oxford University Press, 2013.

<sup>183</sup> "Hadith on Wife and Women Beating - Domestic Violence in Traditional Islamic Sources." Quran434. Accessed May 11, 2016. <http://www.quran434.com/hadith-wife-women-beating.html>.

<sup>184</sup> Ibid.

*anything except more beatings!" The Prophet raised his hands and he said, "O Allah, you must deal with Al-Waleed for he has sinned against me twice."<sup>185</sup>*

This Hadith demonstrates the Prophet's direct intervention in an abusive situation and his desire to grant this wife protection. Muhammad's response to spousal abuse seems to show a concern for caring about women as people, and not to treat them as a pieces of property. The Hadith also perhaps highlights the Prophet's inability to end the abuse, even though he wanted to. He implores Allah to bring justice to the situation by dealing with Al-Waleed, but does not show how the situation was resolved on earth. While this Hadith shows clearly that domestic violence was against the will of both the Prophet and God, it also shows that some abusers will not change, no matter who tells them to. This is important for religious leaders to remember—it might not always be possible to change an abuser, and in these situations the safety and well being of the wife should not suffer because of an imam's desire to intervene with the abuser's actions.

### **The Role of the Imam**

When participants in the Peaceful Families survey were asked how often their mosques held khutbahs (sermons, typically conducted during Friday prayers) on domestic violence, the most common response was *never* (43%) or *a few times a year* (53%).<sup>186</sup>

When asked how their imams directly address domestic violence, 37% said khutbahs on domestic violence, 25% said crisis intervention/counseling, 24% said premarital classes,

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<sup>185</sup> Elias, Abu Amina. "Hadith on Women: The Prophet Protects a Woman from Her Abusive Husband." Daily Hadith Online. January 17, 2013. Accessed May 09, 2016. <http://dailyhadith.abuaminaelias.com/2013/01/17/hadith-on-women-the-prophet-protects-a-woman-from-her-abusive-husband/>.

<sup>186</sup> Peaceful Families Project. (2011). Attitudes towards and experiences with domestic violence of American Muslim. Unpublished raw data.

and 33% said their imams did not address domestic violence in any way.<sup>187</sup> Imams need to do a better job of addressing this issue in their community by giving khutbahs on the subject, making themselves available to community members experiencing IPV, and facilitating interventions with abusers and referrals to counselors.<sup>188</sup> In order to do this, imams need to attend trainings about IPV to become educated on the dynamics of intimate partner violence and how they can effectively help victims in their communities (discussed in depth in Chapter 5).

The silence surrounding IPV in religious settings is not limited to Muslim contexts. In a survey of Protestant pastors, 22% said they speak about domestic violence to their congregations once a year, 33% said they speak about it rarely, and 10% never speak about it.<sup>189</sup> They also vastly underestimated the amount of domestic violence in their congregations, with 37% of the pastors estimating that less than 5% of their congregation had experienced domestic violence and 21% estimated 6-10% of the members in their congregation were victims of IPV (keep in mind that U.S. rate of IPV is 35.6% for women and 28.5% for men).<sup>190</sup> When speaking about domestic violence to their congregations, 72% of pastors did so because they believed that IPV was an issue in their *local communities* with only 25% of pastors speaking out because they believed IPV to be an

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<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup> "Broken Silence: A Call for Churches to Speak Out." IMAworldhealth. 2014. [http://www.imaworldhealth.org/images/stories/technical-publications/PastorsSurveyReport\\_final.pdf](http://www.imaworldhealth.org/images/stories/technical-publications/PastorsSurveyReport_final.pdf).

<sup>190</sup> Ibid.

issue *in their congregation*.<sup>191</sup> The results of this survey indicate the massive amount of education and advocacy that still needs to take place in the Protestant Christian church.

I do not think the data necessarily support the idea that religious communities are unique in their conspiracy of silence surrounding intimate partner violence; rather I believe that general U.S. society is silent and uneducated when it comes to this issue. With that said, religious leaders and faith communities have significant spheres of influence that they could use to break the silence surrounding intimate partner violence and offer real support and restoration to victims.

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<sup>191</sup> *Ibid.*



***CASE STUDY: INTERVIEW WITH ISLAMIC SOCIETY OF BOSTON CULTURE CENTER'S******SHAYKH YASIR FAHMY***

I interviewed Shaykh Yasir Fahmy, who is the senior imam at the Islamic Society of Boston Culture Center (ISBCC), about his experience of dealing with intimate partner violence in his congregation. Shaykh Yasir Fahmy said he periodically deals with domestic violence cases in his community, the majority of which are cases of emotional, psychological, verbal, and financial abuse. He says that he deals with sexual and physical abuse much less frequently. Shaykh Yasir Fahmy believes that when abuse is occurring, the Shaykh or Imam, family members, and close friends should be made aware of the domestic violence so that they can intervene in the situation by impacting the abuser. He said, "If abuse reaches a certain level, then one should involve the authorities," but gave no specification as to what would determine the appropriate level for involvement of the police.<sup>192</sup>

When meeting with domestic violence victims, Shaykh Yasir Fahmy's goal is to assess the severity of the abuse to ensure it is not life threatening and make sure that the victims are safe and secure. He highlights the need for spiritual counseling in order to empower victims and to also ensure that victims know that the community cares about them. Highlighting the community support available to victims indicates a strong desire to break the stigma that victims so often feel when disclosing intimate partner violence.<sup>193</sup>

Shaykh Yasir Fahmy says that there is still work to be done when it comes to his community's awareness of domestic violence and that "people need continuous reminders

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<sup>192</sup> Shaykh Yasir Fahmy. Interview with author. April 5, 2016.

<sup>193</sup> Ibid.

and education.” He says that he often addresses domestic violence in his talks and sermons, both in his community and at other mosques in the U.S. He says that other imams have responded very positively to his speaking out against IPV and notes that he is not alone in addressing this issue. Intimate partner violence is being discussed in increasing frequency, as demonstrated by U.S. and European initiatives such as Imams Against Domestic Violence.<sup>194</sup>

The ISBCC provides victims with a variety of resources, including free counseling with a professional counselor as well as spiritual counseling. Additionally, they refer people to ICNA Relief, which can connect victims with a variety of local resources. The fact that the ISBCC has connections with local organizations puts them leaps and bounds ahead of many other Muslim communities whose imams have no connections with external advocacy organizations. It is also encouraging to know that they have a licensed counselor, who is likely more qualified to provide culturally-sensitive counseling for the community than an outside counselor, and is also more equipped to help victims in comparison with untrained religious leaders.<sup>195</sup>

When asked, “Do you work within the parameters of Islamic law in terms of how you counsel domestic violence victims, or do you also make use of the United States judicial system?” Shaykh Yasir Fahmy affirmed that these two systems are not mutually exclusive. ISBCC works within the paradigm of the United States judicial system, especially in cases of

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<sup>194</sup> Ibid.

<sup>195</sup> Ibid.

critical abuse where the authorities should always be involved. In terms of counseling and pastoral issues, they make use of Islamic principles and law to guide the conversation.<sup>196</sup>

In terms of how he developed his theological understanding of IPV, Shaykh Yasir Fahmy said, “My perspective is very much rooted in the Islamic tradition. There is no room for violence or abuse within the Islamic tradition and that is something that is very much rooted in the Prophetic ethic. Any manifestation of abuse and violence I have come across are purely influenced by cultural dynamics and not a genuine articulation of what the Islamic tradition holds or says.” The Shaykh did affirm that there is a lot of ignorance surrounding certain traditions or verses in the Qur’an that people have misused and misinterpreted to support domestic violence. However, he says Islam does not present a challenge for victims; rather, it works to protect the weak in society. Islam offers strength for victims from both a judicial and a spiritual perspective. Traditionally, Muslims have always had recourse to go to courts, judges, or muftis who would ensure that a person’s rights are being met, with a zero tolerance perspective on abuse. As far as spiritual support, Islam provides a framework that helps strengthen the person and helps victims find personal growth in the face of pain or violence. “You will not meet a scholar that is credible who will condone violence or abuse of any kind within the home whether its against a woman, children or in few cases when it is against men, which is actually something that we see...in some of our circles.”<sup>197</sup>

Shaykh Yasir Fahmy says a strong emphasis on community is rooted in the Islamic tradition, referencing the countless traditions of women who went to the Prophet or his

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<sup>196</sup> Ibid.

<sup>197</sup> Ibid.

companions to seek advice about their husbands. The spirit of community created an environment in which the husbands listened to the companions in order to “strengthen the bonds of their own families.” The Islamic tradition provides strong judicial, communal, and spiritual support with a focus on harmonizing the affairs of the community.<sup>198</sup>

Fostering an open community in which women can freely discuss the things that occur in the home is a critical step in reducing the stigma and secrecy surrounding spousal abuse. I wonder, however, what happens with abusers who will not listen to counsel from the imam or community members, just as Al-Waleed rejected the Prophet’s command that he stop beating his wife. In fact, the biggest challenge ISBCC faces in domestic violence cases according to the Shaykh is engaging the abuser in a meaningful conversation. Often times, the abuser is uninterested in engaging in conversation about the domestic violence and Shaykh Yasir Fahmy says it is challenging to know how to meaningfully connect with them. He does not say what his response is if the abuser ultimately cannot be involved in the conversation. In their focus on fostering open community conversation, the ISBCC seems to be missing the next point of action in case abuse does not stop and the perpetrator is not open to conversation or change. Along these same lines, the one topic that was conspicuously absent from Shaykh Yasir Fahmy’s discussion on his response to IPV was divorce. The fact that he did not mention divorce as a valid response to domestic violence does not necessarily indicate that he is against suggesting divorce in these situations. However, I believe the absence of a discussion on divorce might highlight some of the stigma and general feelings of hesitancy that continues to surround it in his community. Several times in the interview, he mentioned assessing the severity of the

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<sup>198</sup> Ibid.

domestic violence in order to gauge the appropriate response to the situation. While there certainly are some domestic violence situations that are more imminently dangerous or harmful than others, his phrasing is reminiscent of some of the imams Macfarlane interviewed (see Chapter 6) who said that whether or not they would grant a wife divorce depended on the severity of the abuse. The implication of statements like these is that some forms of abuse are acceptable in marriage. Macfarlane also noted that several social workers she spoke with said that most imams “did not recognize the existence or the impact of emotional abuse.” While I certainly do not want to accuse Shaykh Yasir Fahmy of supporting the view that emotional abuse is not harmful, or that some forms of abuse are acceptable in marriage, his discussion of judging the “severity of abuse” leads me to question his overall understanding of domestic violence.<sup>199</sup>

Overall, I am encouraged by the work being done at ISBCC and believe, based off my interview with Shaykh Yasir Fahmy, that this community would be a supportive one for a victim of intimate partner violence. My hesitancies drive me to advocate for even more workshops and trainings for imams and mosque community members to ensure that everyone has a solid understanding of IPV dynamics and is equipped to offer holistic support to all victims.

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<sup>199</sup> Ibid.

## CHAPTER 5 - COUNSELING MUSLIMS

Many clinicians, including social workers, psychologists, and counselors, are trained to help domestic violence victims by providing psychological support and by meeting practical needs such as safety planning and connecting them to shelters and medical care. Clinicians can help clients identify abusive behaviors in their relationships and can provide therapy to help victims overcome the often long-term psychological consequences of intimate partner violence. Therapy depends on building a therapeutic alliance—the bond between client and therapist that helps them collaboratively work together in the therapy space. This therapeutic alliance can be hard to form if the client comes from a different ethnic or cultural background than the clinician. Both the clinician and client can bring preconceived ideas and stereotypes into counseling, which need to be openly addressed in order to build a productive therapeutic relationship. Clinicians need to work to provide interventions to domestic violence victims that are applicable and sensitive to their specific cultural and religious context.

The majority of mental health professionals receive limited training in the area of religion, especially with regards to Islam. However, the American Counseling Association's code of ethics says that counselors are required to recognize how culture, religion, and spirituality affect their clients.<sup>200</sup> Texts such as this thesis, as well as a selection of others written for IPV advocates, can help clinicians gain an understanding of Islam, Muslims in the United States, and effective interventions for Muslims experiencing intimate partner violence.

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<sup>200</sup> Onedera, Jill Duba. *The Role of Religion in Marriage and Family Counseling*. New York: Routledge, 2008.

### Role of Imams in Counseling

Imams are the most frequent counselors of Muslims who need mental health services. In one study, 95% of imams from across the U.S. reported spending a significant amount of their time providing counseling to members of their congregations.<sup>201</sup> Another study surveyed 22 imams and 102 worshippers and found that 94% of the surveyed Muslims perceived their imam as a counselor, and yet most imams do not have formal education in crisis interventions or psychotherapy.<sup>202</sup> Ninety five percent of the imams surveyed reported difficulty identifying symptoms of mental illness, 91% said they were not familiar with the available mental health services in their communities, and 95% had no set system for following up with individuals who came to them for help.<sup>203</sup> However, 95% affirmed modern psychotherapy methods of treatment and 82% agreed with the use of medication for treatment.<sup>204</sup> Even though virtually all of the imams were supportive of Western psychotherapy techniques, they themselves were untrained to administer such counseling, and completely lacked connections to community organizations to which they could refer their congregants in need. This is troubling in all contexts, but particularly when dealing with situations of intimate partner violence. Imams lack the training to fully understand domestic violence dynamics, the psychological ramifications of abuse (including depression, anxiety, posttraumatic stress disorder, and suicidality), and techniques to facilitate safety for victims. The lack of follow-up is also disconcerting, as

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<sup>201</sup> Ciftci, Ayse, Nev Jones, and Patrick W. Corrigan. "Mental Health Stigma in the Muslim Community." *Journal of Muslim Mental Health* 7, no. 1 (2013).

<sup>202</sup> Abu-Ras, Wahiba, Ali Gheith, and Francine Cournos. "The Imam's Role in Mental Health Promotion: A Study at 22 Mosques in New York City's Muslim Community." *Journal of Muslim Mental Health* 3, no. 2 (March 22, 2008): 155-76.

<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

abuse almost always escalates and relationships become more dangerous and damaging over time. Imams are usually the first contact for Muslims in need of counseling, and, due to their lack of knowledge about available resources, they usually end up being the only contact.<sup>205</sup>

The troubling lack of knowledge and training among imams when it comes to IPV is not confined to Muslim contexts. A recent survey of protestant pastors had equally disturbing findings. Pastors, like imams, are often the first point of contact for victims of IPV, and yet pastors are not equipped to help victims. A 1981 study found that all of the surveyed pastors were involved in counseling parishioners.<sup>206</sup> In a 1979 study, pastors rated themselves as “very inadequate” when counseling parishioners who were having issues with child or spousal assault.<sup>207</sup> A recent study supported the findings of these older studies, reporting that among pastors who had dealt with incidents of IPV in their community, 62% said they had responded by providing marriage and couple’s counseling, which is an approach strongly discouraged by professionals because it has the potential of putting the victim in significant danger.<sup>208</sup> Many pastors did not know about local resources: 27% said they were familiar with resources, 48% said somewhat familiar, and

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<sup>205</sup> The imams in this study were foreign-born and had difficulties speaking English. This likely contributed to their lack of connections with non-Muslim community mental health services.

<sup>206</sup> Abramczyk, Lois. "The Counseling Function of Pastors: A Study in Practice and Preparation." *Journal of Psychology and Theology* 9, no. 3 (1981): 257-65.

<sup>207</sup> Virkler, Henry. "Counseling Demands, Procedures, and Preparation of Parish Ministers: A Descriptive Study." *Journal of Psychology and Theology* 7, no. 4 (1979): 271-80.

<sup>208</sup> "Broken Silence: A Call for Churches to Speak Out." IMAworldhealth. 2014.

[http://www.imaworldhealth.org/images/stories/technical-publications/PastorsSurveyReport\\_final.pdf](http://www.imaworldhealth.org/images/stories/technical-publications/PastorsSurveyReport_final.pdf).



8% were not at all familiar with the resources in their community.<sup>209</sup> There are strong indications that these issues are somewhat uniform across religions and have their roots in a society that is generally uneducated about the realities of IPV.

### **Educating the Counselor**

One of the reasons for the disconnect between Muslim communities and counseling services is that lack of experienced mental health workers who are familiar with Islam. Even if counseling referrals are made, most clinicians are not familiar with treating Muslim patients and, therefore, may not be effective in therapy. Muslim communities in the U.S. are among the most misunderstood and negatively perceived by American society. This misrepresentation has led to “racism, biases, and faulty assumptions on the part of health care professionals and social service providers.”<sup>210</sup> There is a tendency to perceive Muslim family violence as something normal and expected, attributing Muslim IPV to effects of culture and religion, while non-Muslims who commit the *exact same acts* of domestic violence are thought of as *exceptions* to mainstream society who abuse because of specific psychological or environmental factors.<sup>211</sup> These stereotypes are evident in media reporting of IPV. Macfarlane writes, “When Aasiya Hassan was brutally murdered by her husband Muzzammil in Buffalo in 2009, media coverage constantly referenced Muzzammil’s Muslim heritage, the fact that the Hassans ran a Muslim television station, and the fact that Aasiya was decapitated. In the same week, a white American man also

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<sup>209</sup> Ibid.

<sup>210</sup> Abu-Ras, Wahiba, Ali Gheith, and Francine Cournos. "The Imam's Role in Mental Health Promotion: A Study at 22 Mosques in New York City's Muslim Community." *Journal of Muslim Mental Health* 3, no. 2 (March 22, 2008): 155-76.

<sup>211</sup> Macfarlane, Julie. *Islamic Divorce in North America: A Shari'a Path in a Secular Society*. Oxford: Oxford University Press, 2012.

murdered his wife by decapitating her, but that story never mentioned their culture or (Christian) faith.<sup>212</sup> It is crucial for clinicians to educate themselves about Islam so that they will be able to rid themselves of harmful and untrue stereotypes and provide effective care.

Mental health professionals, with the proper training, can help Muslim IPV victims plan safe futures and recover from psychological disorders stemming from trauma. The two main issues preventing this therapy from happening is 1. Populations in need are not seeking counseling because of specific barriers and 2. Counselors are not properly trained to help the individuals who do come for counseling. This chapter will address these two areas, providing methods for forming collaborative relationships with imams in order to encourage more individuals to seek counseling, as well as tools for the IPV counselor to be more effective in therapy. Finally, the chapter will conclude with an interview from a licensed counselor who helps lead the Peaceful Families Project, an organization devoted to ending intimate partner violence in Muslim homes.

### **Collaboration Between the Imam and Counselor**

If mental health professionals desire to effectively reach and counsel Muslims dealing with intimate partner violence, it is essential to build relationships with the imams in their community. The good news is that there is a chance that the imams will be receptive to such a collaborative relationship, since many seem to support Western psychotherapy methods and understand that they themselves are not qualified to deal with all the issues they are confronted with among the worshippers in their community. Counselors who are trained in Muslim religious and cultural issues should reach out to imams in their communities. By reaching out, “practitioners facilitate adaptive responses to

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<sup>212</sup> Ibid. p. 135

post-9/11 stressors, reduce the growing anger and alienation among U.S. Muslims, and help them to build trust in their adopted city and country.”<sup>213</sup> One practical technique is for counselors to provide printed materials detailing referral information in multiple languages.<sup>214</sup>

Imams can also teach counselors about Islam and help counselors be more effective in providing Islamically-sensitive psychotherapy. Eighty six percent of imams in one study believed that combining the Islamic tradition with psychotherapy and medication would most effectively help treat individuals with mental health problems.<sup>215</sup> Although the study was aimed at mental health problems in general, it would make sense that this approach would be most helpful to domestic violence victims as well. A clinical perspective that emphasizes the physical and emotional safety of the IPV victim, combined with an understanding of how Islam deals with issues of family, marriage, and abuse, would likely create the most supportive environment for victims. A counselor equipped with this sort of training could also help Muslim clients draw strength and resilience from their religion. Instead of viewing Islam as the problematic cause of abuse, counselors can encourage clients to see how their religion helps them seek justice and a life of peace and safety.

The majority of domestic violence victims in general (82% in one 2005 study)<sup>216</sup> do not seek help from a counselor, regardless of religion. The most commonly named reasons

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<sup>213</sup> Abu-Ras, Wahiba, Ali Gheith, and Francine Cournos. "The Imam's Role in Mental Health Promotion: A Study at 22 Mosques in New York City's Muslim Community." *Journal of Muslim Mental Health* 3, no. 2 (March 22, 2008): 172.

<sup>214</sup> Ibid.

<sup>215</sup> Ibid.

<sup>216</sup> Fugate, Michelle, Leslie Landis, Kim Riordan, Sara Naureckas, and Barbara Engel. "Barriers to Domestic Violence Help Seeking: Implications for Intervention." *Violence Against Women* 11, no. 3 (2005): 290-310.

for not seeking counseling were that the women did not feel it was needed or useful (because they believed the IPV was not serious enough, the counseling would not be helpful, or because of feelings of self sufficiency), there were barriers to access (partner prevented, lack of knowledge of available resources, and fear of shame and criticism), fear that the counseling would not be private or confidential, and a desire to protect the partner and preserve the relationship.<sup>217</sup> Barriers to access can be exacerbated when a Muslim woman is trying to decide whether or not to seek counseling help. She might believe that counselors are prejudiced against Muslims, she might fear that her close-knit community would find out (concerns about privacy), there may be language barriers, and she might worry that the counselor is going to automatically suggest divorce, without taking into account the value Islam places on marriage. If imams have solid referral relationships built with local counselors and social workers, and can attest to their credibility, the amount of Muslim women who seek help from a licensed counselor may increase.

I propose that one of the reasons referral networks do not already exist between clinicians and imams is because clinicians are not adequately trained in how to effectively counsel Muslim IPV victims (or Muslims in general). This next section is aimed at equipping clinicians with the tools they need to effectively counsel Muslim IPV victims.

### **Tools for the Counselor**

Clinicians need to honestly examine their biases surrounding Muslim clients before they can provide effective treatment. Entering the therapeutic relationship with certain expectations (Islam is oppressive to women, the client will never divorce her husband or

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<sup>217</sup> Ibid

the client is determined to divorce her husband) will hinder the formation of a solid therapeutic alliance and the efficacy of treatment.<sup>218</sup>

Religious and cultural sensitivity in therapy should start with the assessment, which usually takes place during the very first session a client has with her counselor. During the assessment, the clinician can ask about the importance of religious faith in the client's life, the impact faith has on her life, whether or not she is a member of a religious or spiritual community (as well as any possible religious leaders who could serve as consultants in the therapeutic process), and if there are any religious needs she would specifically like to address in counseling.<sup>219</sup> By including these questions about religion and spirituality, the counselor is signaling to the client that religion is an acceptable topic to bring into the counseling session. This conversation is especially important if a non-Muslim counselor is conducting therapy with a Muslim IPV victim. The client may already have reservations about going to therapy and bringing a non-Muslim into her private life, worrying that she is reinforcing the counselor's stereotypes of Islam. It is also crucial to remember that Muslim clients, especially those who agree with patriarchal cultural norms, may not realize they are in an abusive relationship (they may be seeking counseling for anxiety, depression, or general marriage problems).<sup>220</sup> Gathering a complete history that includes past and present abuse, preexisting trauma, and situational, environmental, and historical trauma and

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<sup>218</sup> Salma Elkadi Abugideiri, "Domestic Violence," in *Counseling Muslims: Handbook of Mental Health Issues and Interventions*, ed. Ahmed, Sameera, and Mona M. Amer. New York: Routledge, 2012.

<sup>219</sup> Onedera, Jill Duba. *The Role of Religion in Marriage and Family Counseling*. New York: Routledge, 2008.

<sup>220</sup> Salma Elkadi Abugideiri, "Domestic Violence," in *Counseling Muslims: Handbook of Mental Health Issues and Interventions*, ed. Ahmed, Sameera, and Mona M. Amer. New York: Routledge, 2012.

oppression will give the clinician a better understanding of who the client is and what she wants from therapy. For a full list of factors to consider during assessment, see *Figure 9*.

It is also crucial for the counselor to have a basic understanding of Islam, as well as how religious and cultural considerations affect the response to intimate partner violence. The counselor should be careful to maintain a family focus in her interventions with Muslims, framing intervention goals as prioritizing safety and the health and well-being of all family members.<sup>221</sup> The family is the basic unit of society in Islam and divorce should be presented as a final option, not an automatic response or first resort. While the safety of the victim always has to maintain first priority for the clinician, failing to understand the importance of the family is an easy way to alienate the client.

Muslims in the United States are a very diverse group. Counselors may need to change their intervention techniques depending on whether the client was born and raised in the U.S., is an immigrant, or refugee. The client's cultural background and national status can affect her perspective on IPV, as well as have large impacts on legal issues.

For most Muslim clients, the objective of therapy is to stop the abuse and preserve the marriage.<sup>222</sup> A potentially useful treatment approach is family systems therapy, which connects with the centrality of the family in Islam.<sup>223</sup> Cognitive distortions are common for abuse victims, and Muslim victims may express these cognitions in religious terms, "God must be punishing me for being a bad Muslim" or "If I were more patient or stronger in my

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<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

<sup>223</sup> Ibid.

faith, I would not be here.”<sup>224</sup> Spiritually modified cognitive therapy can be used to address these cognitive distortions and to distinguish them from genuine theological beliefs.<sup>225</sup>

### **Applying Islamic Principles**

As detailed in Chapter 4, the core principles of Islam are justice, equality, and freedom. Domestic violence situations completely jeopardize those principles and are against Islam. However, perpetrators can manipulate certain Qur’anic verses or cultural practices to make it seem as though Islam supports IPV. Many Muslim women struggle because they believe that their husbands have the right to abuse them, a belief that can stem from patriarchal cultural norms as well as manipulated theology.<sup>226</sup> These women are reluctant to do anything to stop the abuse because of their fear of disobeying God or breaking up the family. The abusers use these fears to entrap the victims and psychologically and spiritually abuse them in order to maintain the abusive relationship.<sup>227</sup> If clinicians can help women conceptualize domestic violence through the lens of Islam, it will help them see that violent relationships are not compatible with their religion.

Education often plays a key role in therapy for all clients, but can be especially useful for Muslim victims. Intimate partner violence has tremendous detrimental effects on the victim, children in the home, and even on the abuser. The victim might believe that keeping the family intact is the best thing for her children, but research clearly shows that growing up in violent homes has long-term negative psychological effects on children.

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<sup>224</sup> Ibid.

<sup>225</sup> Ibid.

<sup>226</sup> Alwani, Zainab, and Salma Elkadi Abugideiri. *What Islam Says about Domestic Violence: A Guide for Helping Muslim Families*. Herndon, VA: FAITH/Foundation for Appropriate and Immediate Temporary Help, 2003.

<sup>227</sup> Ibid.

Additionally, 50% of men who abuse their wives also abuse their children.<sup>228</sup> If the children are not currently being abused, there is a real chance that the abuse could escalate and cause them direct harm. Abugideiri writes, "In considering the value placed on having intact families, education can be provided that the family unit is 'broken' when abuse begins, not when the victim leaves."<sup>229</sup> In this way, the provider can use core cultural and religious collectivism to help clients and their families make positive changes to foster safe and healthy environments.

Another aspect of the education process might include educating victims about Islam. In some communities, women learn about Islam only from their husbands, and if their husbands are abusive, they may only have learned a distorted theology. For example, women may not know that they have a religious right to divorce or that husbands do not have the right to abuse their wives. Familiarity with Qur'anic passages that speak out against oppression, specifically in marital contexts, can help the clinician assuage the client's guilt for seeking counseling and/or divorce (see Chapter 4).

Islam's emphasis on the inherent equality of genders, the importance of justice and fighting against oppression, individual responsibility for wrongful actions, and having tranquility in marriage can help victims find strength to seek help when they are in domestic violence situations and can even help them leave their abusive marriages.

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<sup>228</sup> Hart, Barbara. "Children of Domestic Violence: Risks and Remedies." CASA for Children. July 2001. Accessed March 27, 2016.

<http://www.casaforchildren.org/site/c.mtJSJ7MPiSE/b.5525199/>.

<sup>229</sup> Salma Elkadi Abugideiri, "Domestic Violence," in *Counseling Muslims: Handbook of Mental Health Issues and Interventions*, ed. Ahmed, Sameera, and Mona M. Amer. New York: Routledge, 2012. pg. 322



**Figure 9: Factors to Consider During Assessment** from Salma Elkadi Abugideiri, "Domestic Violence," in *Counseling Muslims: Handbook of Mental Health Issues and Interventions*, pg.321, slightly modified.

Current and/or past abuse

- Specific abusive behaviors (hitting, isolation, threats, etc.)
- Level of anxiety or fear related to perpetrator

Preexisting trauma

- History of child abuse
- Other experiences of violence outside the home
- Living in a war zone
  - Torture and maltreatment in refugee camps
  - Inner-city crimes
  - Politically motivated torture
- Immigration-related
  - Separated from significant family members
  - Fear of deportation
  - Safety threatened in process of leaving home country

History of Oppression

- Colonization
- Slavery
- Discrimination
- Governmental persecution

Geopolitical Circumstances

- Family members impacted by current wars in Muslim countries
- Frequent watching of news coverage depicting war casualties and destruction of country of origin
- Increased scrutiny of Muslims post 9/11; 2004 Madrid bombings; 2005 London Bombings; and the more recent Paris (2015) and Brussels (2016) bombings

Acculturation issues for immigrant Muslims

- Adjusting to individualistic culture
- Loss of socioeconomic status
- Lack of language and job skills
- Role reversal due to women's incomes
- Change in gender roles
- Loss of extended family support

Cultural norms related to gender and violence

- Level of acceptance of domestic violence, and specifically male-perpetrated violence
- View of abuse by client, family, and community
- Sources of support within family and community
- Anticipated responses from family and community

Importance of religion and degree of practice

- Role of Islam in daily life, decision making, and current crisis
- Interpretation of Islamic teachings with regard to gender violence

**CASE STUDY: PEACEFUL FAMILIES PROJECT:****INTERVIEW WITH SALMA ELKADI ABUGIDEIRI, LPC**

The Peaceful Families Project (PFP) is an organization devoted to ending violence in Muslim families in the United States. PFP was founded in the year 2000 and was recently acquired by United Muslim Relief. PFP brings about greater awareness of domestic violence in the context of Muslim families by “facilitating awareness workshops for Muslim leaders and communities, providing cultural sensitivity trainings and technical assistance for professionals, conducting research, and developing resources.”<sup>230</sup> The organization does a handful of local Washington D.C. workshops, but mainly operates on a national scale, conducting workshops and trainings around the U.S. and Canada.

I traveled to Virginia to meet with Salma Elkadi Abugideiri, LPC., a trainer and consultant for PFP. Salma runs many of the Peaceful Families Project’s workshops, which include imam trainings and workshops on a variety of topics including healthy relationships, domestic violence, cultural competency, and marital bliss. She has conducted research and contributed to many books that address the issue of domestic violence in Muslim communities. As a licensed professional counselor with years of experience working with Muslim families through the Peaceful Families Project and her private practice, her perspective on this important topic is invaluable.

For all the trainings, PFP uses Islamic teachings found in the Qur’an as common ground, because all Muslims can agree on them. Salma says, “I can’t go in and criticize your culture, but I can go in and say here’s this book, we all believe it’s God’s word. We all

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<sup>230</sup> “About PFP.” Peaceful Families Project. <http://www.peacefulfamilies.org/about-pfp/> (retrieved March 14, 2016).

believe we have to follow it, and we have to follow the prophet's example. Let's try to understand it, and try to be better Muslims. Then it becomes all of us working to be better Muslims. No one is opposed to learning their religion better, so it seems like it's a safe way to go about things."<sup>231</sup>

### **Imam Trainings**

The Peaceful Families Project's imam trainings are small, two-day workshops designed to help imams gain a preliminary understanding and awareness of domestic violence. One thing that Salma has observed is that a lot of imams simply do not know enough about domestic violence or how to help victims in their faith community. When Peaceful Families Project started over a decade ago, Salma says that it was difficult to convince imams to attend these workshops. Initially they heard imams saying that domestic violence was not something that affected their communities. However, throughout the years the workshops have gained popularity and now they even have to turn people away. The imams that Salma has encountered through these workshops realize that they are not trained to handle intimate partner violence. While they know the theology, they are unsure how to deal with the real IPV cases they are confronted with in their community.

Occasionally, logistical challenges make it hard for imams to attend these trainings. One of these challenges is funding for the imams, many of who are not supported by their boards to take the time off or to get the funding to travel to workshop locations. Additionally, there are still imams who are uninterested in attending and are in denial that domestic violence is an issue in their communities. Overall, however, Salma has noticed an

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<sup>231</sup> Salma Elkadi Abugideiri. Interview with author. November 9, 2015.

encouraging trend with more imams becoming interested and involved. Once the imams are trained and aware, Peaceful Families Project does not have to do community training because the imams will educate their own communities, showing the broad effect these trainings can have.

A diverse group of imams attend the workshops, and Salma has noticed that the imams' training, education, and personalities (how rigid/open they are) tend to affect their perspectives on domestic violence more prominently than their cultural or ethnic backgrounds. It is interesting to note that PFP has never had a Saudi imam or Shia imam.<sup>232</sup>

A large part of the imam training is focused on educating the imams on the power and control dynamics and physical, psychological, and emotional effects of intimate partner violence. Many imams do not understand that IPV poses real safety risks for the victim(s) involved. "The critical shift occurs when they understand the safety issues...no imam intentionally wants to do harm, they just didn't know they were doing harm. We really provide education about the dynamics and safety issues; we have them watch survivors on video, which really nails it for them. Then we start getting them to think about what their role is and how can they ensure safety." Understanding the safety issues affects how imams counsel abuse victims, including their willingness to suggest divorce as an option. Divorce is allowed in Islam, but it is only to be used as a last resort. If an imam believes that a victim is "just being overdramatic" and that "she just needs to be patient," they will not think divorce is necessary and therefore will not present it as a viable option to the abused woman. Once the imams understand the psychological damage of IPV, the safety

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<sup>232</sup> Salma says she is unsure why she has never had a Saudi or Shia imam. It could be that there are not that many in the United States or it could be that those two groups are not interested in IPV training for whatever reason.

implications, and how harmful it is for children, they are much more open to presenting divorce as an option. Imams are trying to keep families together because they think it is better for the children, but when they understand that this is not the case, it changes their whole perspective. While they are not eager to present divorce as an option, they will not pressure someone to stay in an abusive relationship.<sup>233</sup>

### **Theology**

During the imam training, PFP and the imams have an in-depth discussion on Q 4:34-35, but not because the imams need help understanding it, but because they need to see how their community members may be using this verse to justify spousal abuse. The imams Salma encounters do not interpret Q 4:34 as a license for a husband to abuse his wife. However, they often do not understand that people in their community are using this verse to justify abuse. The imams argue that perpetrators cannot be using this verse to justify abuse because they do not follow the prescribed steps in the verse (to first talk to your wife and then to separate from her). Their discussion on this verse helps them see the importance of explicitly discussing this verse with their community and clearly communicating that spousal abuse is not compatible with Islam.

Salma notes that she often encounters a different theological understanding from communities, where “many men and women believe that husbands have the right, and even the responsibility, to beat their wives” (see Chapter 2 for a discussion on Muslim attitudes on IPV). This perspective can have both cultural and religious roots. People tend to follow the theology they have been taught, and if community members misinterpret this verse, it can perpetuate a cycle where men and women accept IPV. Theological interpretations can

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<sup>233</sup> Ibid.

combine with cultural beliefs that value submissiveness from women and assert that women can only learn about Islam from their husbands.<sup>234</sup>

Salma very strongly says that Islam is not compatible with abuse, but that “abusive people use Islam the same way abusive Jews or Christians manipulate religion as another control tactic.” Oppression is not an inherent part of religion, in fact the Qur’an speaks out very strongly against oppression, but it comes down to a manipulation issue. “If there are things in the *culture* that support oppression, people will read religion in that way.”<sup>235</sup>

### **Economic Abuse**

In Islam, the husband is given the responsibility to provide for his family, and he is considered the head of the household. This position gives the husband more power, which increases power differentials in the relationship (a risk factor for IPV). Salma has observed a significant amount of economic abuse in Muslim homes, but emphasizes that having power does not automatically mean that husbands will be abusive. In their workshops, PFP talks about what it means to be a provider—it is a responsibility, it is not something to lord over one’s spouse. Salma says, “There are verses in the Qur’an that say it is not right to do something good for someone and then hold it over their head. We teach people to look at the Qur’an as a whole. If you take one verse out of context it might sound like men have a superior position, but you have to look at it as a package deal.” In providing for their wives, husbands are the leaders of their households. However, a good leader follows the servant-leadership model of the prophet.<sup>236</sup>

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<sup>234</sup> Ibid.

<sup>235</sup> Ibid.

<sup>236</sup> Ibid.

### **Impact of Culture**

All cultures experience intimate partner violence. What might vary is the degree to which the society accepts IPV. Patriarchal beliefs are alive and well in mainstream American culture, Salma points out, but the degree to which U.S. society accepts IPV may be less than a more traditional society that has not been openly talking about this issue for as long a period of time.

Some forms of abuse tend to be more culturally specific. Salma gives the example of mother-in-law abuse from the South Asian community. In this culture, mothers-in-law have the power in the family, and may be abusive to their sons' wives, or even to their own sons. Immigrant dynamics are different as well, because the perpetrator can make threats to deport the wife or withhold passports. While some things are specific to certain groups, the overarching themes of power and control are consistent in every ethnicity and community around the world.

### **Community Workshops**

Both men and women attend the Peaceful Families Project's community workshops. In some communities, the room is filled with both men and women who want to start the conversation about domestic violence and learn together. In other communities, more of the men feel like that this is a women's issue so they do not need to participate. Salma commented that she does not know what causes this disparity among communities.<sup>237</sup> She has observed that many men in the workshops can get defensive, saying that not all men are abusers, etc., and occasionally there are men who outright support IPV, saying women need to be put in their place.

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<sup>237</sup> See Chapter 3.

Salma carefully says that women can be part of the problem, too, because they are generally the ones who raise children. Some mothers teach their children that girls are below boys. She shared an experience she had of a grandmother telling her grandsons to convince their mom to have a girl so they could have someone to make breakfast for them and do the chores around the house. This sort of upbringing perpetuates the notion that boys and men should be catered to by girls. Women have power in the home to change these dynamics. Salma receives pushback from women when she makes these statements. However, she believes that change in the Muslim community has to partially come from moms, because moms are raising kids.

### **Victims' Support Systems**

Support systems can be crucial for abused women whose abusers often attempt to isolate them from everyone. Supportive friends, family, and community members can help women see that their relationships are not normal or healthy. They can also help victims safety plan a way to leave successfully. Family members, friends, neighbors, co-workers, and English teachers are examples of potential support. However, some women really do not have any support from others. This might be because of beliefs in her community about IPV, she might be an immigrant who does not speak English and therefore has not formed new relationships in her new country, or it might just be that she has no relational connections because of the way her husband has isolated her from everyone.

Salma has seen a wide range of responses from the families of domestic violence victims. There are some families that intervene at the first sign of abuse, while others tell their daughters that if they complain or speak out about the abuse, they will beat them up, too. Salma estimates that there are as many families that respond negatively as positively



(although the statistics presented about family support in Chapter 3 indicate much less family support).

### **Leaving Abusive Relationships**

It is difficult for *all* abused women to leave violent relationships, but there are a few factors specific to Islam that affect how successfully a woman can leave abuse.

Most mothers face the fear and real risk of losing their children to the abuser in a custody battle. Among Muslims, there is often a fear that U.S. courts are anti-Islam. Part of the imam training aims to teach imams to learn about laws and collaborate with the courts, in order to help the women in their communities understand their rights. Women have both a legal and religious right to their children. However, this does not mean that courts or law enforcement always support the mother and children as they should. In fact, many times these system make things incredibly difficult for abuse victims, who are already vulnerable. Salma says, “We tell women that if you choose to leave, you may feel like you’ve left one hell and entered in to another hell.”<sup>238</sup>

Muslim women face cultural barriers to leaving. Some may be from communities where it is unacceptable for women to live alone. If an abused woman lives far away from her family, or if her family is not supportive of her leaving the abusive relationship, it can be difficult for her to overcome the stigma of living alone. Women can also have misconceptions about shelters. Salma says there is a fear of what kinds of people live in shelters—fear of drugs, criminals, dirty conditions, etc. Many Muslim women worry that

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<sup>238</sup> Ibid.

they will not be able to practice their religion. They may fear that others in the shelter will try to convert them, or that the meat will not be halal.<sup>239</sup>

Even when women leave, there is a lot of societal pressure for them to go back. Salma says that she could work with a woman who is determined to stay away from her husband, and has the support of her family and her imam, but one random person in the community might say, “Don’t you know it’s better for you to stay with her husband?” and that will be enough for her to go back. There is a lot of pressure within the community for the wife to stay in the marriage and return to her husband.<sup>240</sup>

When asked, “Who would be a woman who could most successfully leave an abusive situation?” Salma replied, “Someone who recognizes that this is abuse and who feels confident that she doesn’t deserve to live like that.” Women are often motivated to leave because they want to protect their children. Some are more likely to leave if they have support from others, but, at the same time, Salma says that some women with no support systems do successfully leave. Sometimes it is a woman’s faith that gives her the strength to leave. Salma described one case of a woman who left her husband because he kept pronouncing divorce on her and then forcing intimacy, which is unlawful. He threatened to shoot her if she left and she still did, at gunpoint. She ended up having to sleep in a car and lost custody of her children (and even had to pay child support). Her religious conviction is what pushed her to leave the abusive situation. According to Salma, “there has to be something inside that’s stronger than the fear of being alone or getting hurt.”<sup>241</sup>

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<sup>239</sup> Ibid.

<sup>240</sup> Ibid.

<sup>241</sup> Ibid.

### **Counselor Training**

When asked, “What do you see as the main need among providers to help Muslim domestic violence victims?” Salma answered, “They need to let go of their stereotypes and be educated.” Uneducated counselors can have an “obsession with the exotic,” focusing on things like a client’s hijab, instead of the fact that she is a victim of abuse. Stereotypes can also lead clinicians to believe that all Muslim women are abused because it is a part of their religion and/or culture, so there is nothing that can be done to solve the problem in therapy. Therapists need to be more educated so that they will not be distracted or prejudiced in these ways. Additionally, they need to know that Muslims have a resource in their religion. In this way, they can help their clients draw resilience and strength from their faith.<sup>242</sup>

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<sup>242</sup> Ibid.

## CHAPTER 6 - LEGAL PERSPECTIVE

This chapter will discuss the response of U.S. law enforcement and the judicial system to intimate partner violence in general, followed by a focused discussion on Shari'a law surrounding Islamic marriage, divorce, and response to IPV. I will then address how these two legal systems intersect in the U.S. context. The U.S. legal system is already difficult for victims to navigate, and when you add issues of immigration, religion, and Islamophobia to the discussion, everything gets that much more complicated.

Much of this chapter will use data from Julie Macfarlane's book *Islamic Divorce in North America: A Shari'a Path in a Secular Society*. Macfarlane started her project in response to the "Shari'a debate" in Ontario, Canada, where the government decided to ban recourse to Islamic law after "public alarm at the disclosure that mosques were conducting Muslim marriages and divorces."<sup>243</sup> Frustrated by the lack of information about the format and outcomes of these Islamic processes, she decided to gather information from Muslims in Canada and the U.S., conducting interviews with 41 imams, 70 Muslim social workers, therapists, religious scholars, and Muslim family lawyers, and 101 Muslim individuals who shared their stories about marriage and divorce.<sup>244</sup>

Part of the fear surrounding Shari'a is the fact that most people do not understand what Shari'a is. In the U.S., the media depicts Shari'a law as a violent jihadist movement focused on oppressing women and violently killing all non-Muslims, when in reality, Shari'a

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<sup>243</sup> Macfarlane, Julie. *Islamic Divorce in North America: A Shari'a Path in a Secular Society*. Oxford: Oxford University Press, 2012. p. xvi.

<sup>244</sup> Ibid.

is the “principles that govern a Muslim way of life” and describes a Muslim’s personal responsibilities for living a good life towards God and others.<sup>245</sup>

Virtually none of the respondents in Macfarlane’s research advocated a formal legal status for Islamic family law. Instead, they supported maintaining both systems side by side in order to meet the needs of North American Muslims. As this chapter presents information about the U.S. legal system process and the Islamic process, I encourage the reader to consider how these two processes can be used together to meet the legal and spiritual needs of U.S. Muslims.

### **Police Response to Intimate Partner Violence**

The U.S. police and judicial response to IPV has improved over the past few decades as public consciousness has been raised around this issue and victims have actively fought for their rights, starting with the case of *Thurman v. City of Torrington* in the mid-1980s. Tracey and Charles Thurman, a married couple in Torrington, Connecticut, had a violent separation in 1982.<sup>246</sup> Shortly after, Charles attacked Tracey and used physical force to remove their son from the residence. Tracey went to file a complaint at the Torrington Police Department and they refused to accept her complaint.<sup>247</sup> A month later, Charles broke Tracey’s car windshield (while she was sitting in the car). He was convicted of a breach of the peace and received a suspended sentence of six months in jail and a two-year “conditional discharge.”<sup>248</sup> He was not allowed to have any contact with Tracey during the two-year period. However, during this period, Tracey repeatedly called the police

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<sup>245</sup> Ibid.

<sup>246</sup> "Case Brief: *Thurman v. City of Torrington*." Ncdsv.org. Accessed April 26, 2016. [http://www.ncdsv.org/images/CaseBrief\\_ThurmanVCityOfTorrington\\_1985.pdf](http://www.ncdsv.org/images/CaseBrief_ThurmanVCityOfTorrington_1985.pdf).

<sup>247</sup> Ibid.

<sup>248</sup> Ibid.

department and reported that Charles was violating the conditional discharge.<sup>249</sup> Even after Charles threatened to kill Tracey, the police refused to help her. One day, Charles appeared at Tracey's residence and Tracey called the police, asking for Charles to be arrested.<sup>250</sup> After 15 minutes, Tracey went outside to persuade Charles to leave. He began to stab Tracey in the chest, neck, and throat. About 25 minutes after Tracey called the police, a single officer arrived at the scene.<sup>251</sup> Charles continued to assault Tracey after the arrival of the officer, kicking her in the head.<sup>252</sup> Soon after, three more police officers arrived, but they still did not arrest Charles, who continued to threaten Tracey.<sup>253</sup> It was not until Charles approached Tracey, who was now lying on a stretcher, that the police finally arrested him.<sup>254</sup>

In 1985, *Thurman v. City of Torrington* ruled that the police had discriminated against Tracey because she was a victim of a domestic dispute, and awarded her \$2.3 million.<sup>255</sup> The court found evidence that the police consistently gave less protection to victims who were assaulted by an intimate partner and children who were abused by a parent or stepparent, compared to victims who had no relation to the perpetrator.<sup>256</sup> The court ruled that the police cannot discriminate against a victim of violence just because the violence is a domestic dispute.<sup>257</sup> After this law went into effect, the number of reported

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<sup>249</sup> *Ibid.*

<sup>250</sup> *Ibid.*

<sup>251</sup> *Ibid.*

<sup>252</sup> *Ibid.*

<sup>253</sup> *Ibid.*

<sup>254</sup> *Ibid.*

<sup>255</sup> *Ibid.*

<sup>256</sup> *Ibid.*

<sup>257</sup> *Ibid.*

domestic violence assaults increased by 92% and arrests doubled.<sup>258</sup> Tracey was the first woman to sue a town and its police department for violating her civil rights, and her case propelled sweeping reform including Connecticut's Family Violence Prevention and Response, also called the "Thurman Law."<sup>259</sup> The law states that all abusers must be arrested, regardless of the victim's desire to prosecute, and the abuser has to appear in court the following day.<sup>260</sup> Police are no longer able to dismiss domestic violence calls and there are now 18 shelters in the state for victims of IPV.<sup>261</sup>

Between 1975 and 1980, 44 states passed domestic violence laws, but the police are still reluctant to enforce the laws.<sup>262</sup> Police may believe that intimate partner violence is a private, family matter on which they are reluctant to interfere.<sup>263</sup> They might also believe that arresting the perpetrator will not make a difference and may even pose a financial hardship on the family.<sup>264</sup> Another fear is that domestic violence calls are potentially dangerous—police may be unwilling to quickly respond to the call so they can wait for backup.<sup>265</sup> There are police stations that are involved in call screening, which means they

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<sup>258</sup> Wallace, Harvey, and Cliff Roberson. *Family Violence: Legal, Medical, and Social Perspectives*. 7th ed. Routledge, 2013.

<sup>259</sup> Geigis, Deborah. "Tracey Thurman Motuzick: Marital Crimes." *Hartford Courant*. 1992. Accessed April 28, 2016. [http://articles.courant.com/1992-03-15/news/0000204455\\_1\\_domestic-violence-domestic-abuse-family-violence-prevention](http://articles.courant.com/1992-03-15/news/0000204455_1_domestic-violence-domestic-abuse-family-violence-prevention).

<sup>260</sup> *Ibid.*

<sup>261</sup> *Ibid.*

<sup>262</sup> Wallace, Harvey, and Cliff Roberson. *Family Violence: Legal, Medical, and Social Perspectives*. 7th ed. Routledge, 2013.

<sup>263</sup> *Ibid.*

<sup>264</sup> *Ibid.*

<sup>265</sup> *Ibid.*

downgrade the service priority assigned to IPV calls, giving the perpetrator time to assault the victim and then leave the scene before the police arrive.<sup>266</sup>

The classification of domestic violence used to hinder the police's ability to arrest perpetrators. Many state laws classify battery, which is the unlawful application of force to a person, as a misdemeanor.<sup>267</sup> Until recently, police officers could not make an arrest for a misdemeanor unless they had actually *witnessed* it happening.<sup>268</sup> The result was that the police could show up to a couple's home, see that the victim had clearly been physically assaulted by the perpetrator, and leave without making any sort of arrest.

In 1984, an experiment was conducted in Minneapolis to test the efficacy of three different responses to domestic violence. When responding to IPV cases, police were randomly assigned to one of three responses: arresting the perpetrator and having them spend at least one night in jail, sending the offender away, or offering advice/mediation.<sup>269</sup> Follow up with the victims showed that arrest produced the lowest rate of repeated violence—19% of those arrested, 33% sent away, and 37% advised/given mediation committed another offense.<sup>270</sup> Replications of this study in other locations had mixed findings, but, across all the studies, arresting batterers was consistently shown to reduce subsequent aggression against female partners and had no relationship to increased risk of

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<sup>266</sup> Ibid.

<sup>267</sup> Ibid.

<sup>268</sup> Ibid.

<sup>269</sup> Ibid.

<sup>270</sup> Ibid.



aggression towards their partners.<sup>271</sup> Before this study, only 10% of police departments encouraged officers to make arrests in IPV situations, and after it was 84%.<sup>272</sup>

Before the Minneapolis study, mediation was the number one most frequently used response to domestic violence.<sup>273</sup> Mediation is a strategy that both the police and courts can use in response to disputes. However, mediation assumes that each party enters mediation as equals, which is not the case for domestic violence relationships where the abuser exerts power and control over the victim.<sup>274</sup> The shift from mediation to arrest highlights why it is so important for all individuals who interact with victims of IPV to understand the underlying dynamics of abuse in order to respond to it in a constructive way.

When responding to domestic violence, police officers should offer medical care for the victim as she may have internal injuries that are not visible that need medical attention.<sup>275</sup> It is important to provide transportation for the victim, either to a hospital or a domestic violence shelter if the victim chooses to go.<sup>276</sup> Police should also educate the victim on legal options and available community resources.<sup>277</sup> Lastly, police should leave their contact information with the victim so she can follow up if needed.<sup>278</sup>

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<sup>271</sup> Ibid.

<sup>272</sup> Ibid.

<sup>273</sup> Ibid.

<sup>274</sup> Ibid.

<sup>275</sup> Ibid.

<sup>276</sup> Ibid.

<sup>277</sup> Ibid.

<sup>278</sup> Ibid.

Laws regarding restraining orders, also called protective orders and peace orders, vary by state.<sup>279</sup> In general, restraining orders are court orders that prohibit offenders from having any sort of contact with victims.<sup>280</sup> Most states allow people to request the issuance of restraining orders if they are married, related by blood, or cohabiting.<sup>281</sup> Restraining orders can order the offender to not contact the victim and her children, to stay away from her home, place of work, or school, move out of a shared residence, not have a gun, pay child and spousal support, stay away from the victims' pets, not make changes to insurance policies, and return certain property, among other things.<sup>282</sup> If an offender violates the order, he can be charged with civil contempt, criminal contempt, or a misdemeanor violation—typically people need to be charged with criminal contempt to be arrested.<sup>283</sup> Restraining orders have their advantages—most arrests for domestic violence only last a day or two, but restraining orders can provide protection for as long as a year.<sup>284</sup> Additionally, the consequences of violating the order can act as a deterrent to offenders. One study found that 72% of victims reported that their restraining orders were effective and they had no continuing problems with the offenders.<sup>285</sup> However, restraining orders are not as effective against violent offenders, and many abusive men are violent offenders. There are disadvantages to restraining orders, including the fact that the victim is not

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<sup>279</sup> Some states, like Maryland, offer peace orders for victims who do not qualify for protective orders.

<sup>280</sup> Wallace, Harvey, and Cliff Roberson. *Family Violence: Legal, Medical, and Social Perspectives*. 7th ed. Routledge, 2013.

<sup>281</sup> Ibid.

<sup>282</sup> "Domestic Violence." California Courts. 2016. Accessed April 28, 2016. <http://www.courts.ca.gov/selfhelp-domesticviolence.htm>.

<sup>283</sup> Wallace, Harvey, and Cliff Roberson. *Family Violence: Legal, Medical, and Social Perspectives*. 7th ed. Routledge, 2013.

<sup>284</sup> Ibid.

<sup>285</sup> Ibid.

under protection until the order is served to the offender, and abusers can be hard to locate.<sup>286</sup> Offenders can also threaten victims to stay silent and not report if/when the offender violates the order. If abuse happens after hours (and domestic violence typically takes place between 6pm and 6am), there may be no one available to file the order in an emergency situation.<sup>287</sup> The biggest disadvantage to restraining orders is that fact that they only offer protection when they are violated. In the end, a restraining order is a piece of paper and is not going to stop a violent offender from assaulting or killing his partner. Still, even though restraining orders do not necessarily offer all the desired protection for IPV victims, they can be helpful to victims and can often be worth pursuing. No matter what, a victim should be informed of her rights to file a restraining order and should be given guidance on how to do so if she chooses to move forward with requesting the order.

The 1994 federal law, Violence Against Women Act (VAWA), was an important step to enact a comprehensive approach to fight violence against women, provide victims with services and resources, and to hold offenders accountable.<sup>288</sup> Some of the provisions of the act include mandating that victims do not have to pay for their own rape exams or protective orders, requiring protective orders to be upheld and enforced in all states, increasing prosecution and conviction rates of offenders, and training half a million law enforcement officers, lawyers, and judges each year.<sup>289</sup> The VAWA also funds important

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<sup>286</sup> Ibid.

<sup>287</sup> Emergency protective orders (EPO) may be available in after-hours situations. Judges are authorized to issue EPOs 24 hours a day and the orders start right away and can last up to seven days.

<sup>288</sup> "Factsheet: The Violence Against Women Act." Whitehouse.gov. Accessed April 28, 2016. [https://www.whitehouse.gov/sites/default/files/docs/vawa\\_factsheet.pdf](https://www.whitehouse.gov/sites/default/files/docs/vawa_factsheet.pdf).

<sup>289</sup> Ibid.

research regarding violence against women and established the National Domestic Violence Hotline.<sup>290</sup>

### **Judicial System—Prosecuting Intimate Partner Violence**

Partner assault is a crime, but that does not mean that it will necessarily be prosecuted. Very few offenders are actually fined or incarcerated (only 3/136 abusers who were arrested in the Minneapolis experiment described above were fined or served time).<sup>291</sup> When a victim files a complaint or the police bring in an IPV case to the district attorney's office, a prosecutor will review the case in order to decide whether or not to file charges.<sup>292</sup> They review the extent of any injuries, the intent of the defendant, use of a weapon, threats made to the victim, a prior history of violence, use of drugs/alcohol, and any other pertinent details of the case.<sup>293</sup> At this point, the district attorney decides whether or not to file charges—the victim gets no say in how the DA's office decides to proceed.<sup>294</sup>

During the criminal justice process, the offender may have the opportunity to avoid prosecution by agreeing to counseling.<sup>295</sup> The defendant has to initially plead guilty, but, after they have completed their counseling program, the plea is withdrawn and case dismissed.<sup>296</sup><sup>297</sup> Judges are ordering offenders to treatment with the goal of rehabilitation,

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<sup>290</sup> Ibid.

<sup>291</sup> Wallace, Harvey, and Cliff Roberson. *Family Violence: Legal, Medical, and Social Perspectives*. 7th ed. Routledge, 2013.

<sup>292</sup> Ibid.

<sup>293</sup> Ibid.

<sup>294</sup> Ibid.

<sup>295</sup> Ibid.

<sup>296</sup> Ibid.

<sup>297</sup> "Correcting Your Record—Sealing Dismissed Criminal Cases in Colorado." Patterson Weaver Law, LLC. Accessed May 11, 2016.

but there is very little evidence that the treatment is working.<sup>298</sup> There is no empirical evidence that the Duluth Model Treatment, which is the most commonly used treatment method by courts, reduces recidivism rates.<sup>299</sup> There are other treatment methods that show some reduction of recidivism rates, but the results are so variable it is hard to identify one particular treatment approach that is effective.<sup>300</sup> More research needs to be done in this area to determine the best course of treatment that actually brings about rehabilitation.<sup>301</sup> Until then, all treatment methods should be considered experimental. It is dangerous to assume that an offender who has completed the court-ordered “treatment” is rehabilitated.

One of the most difficult aspects of prosecuting domestic violence is that victims often are scared to testify against their abusers. A perpetrator might even threaten the victim to get her to change her testimony in court. There are two ways to support victims throughout the judicial proceedings. The first is to assign an advocate to the victim who goes with her to all court appointments, provides support, and explains all court proceedings.<sup>302</sup> This can be especially helpful for a victim who is an immigrant and is not

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<http://www.pattersonweaverlaw.com/correcting-your-recordsealing-dismissed-criminal-cases-in-colora.html>. If a case is dismissed, it can still show up on a background check. In order for the record to disappear completely, the perpetrator might have to petition to have the case sealed (in which case it would only be visible to law enforcement) or expunged (which means there would be no record of the case anywhere). Specific laws surrounding sealing and expunging records vary by state.

<sup>298</sup> Miller, M., E. Drake, and M. Nafzinger. "What Works to Reduce Recidivism by Domestic Violence Offenders?" Washington State Institute for Public Policy. January 2013.

[http://www.wsipp.wa.gov/ReportFile/1119/Wsipp\\_What-Works-to-Reduce-Recidivism-by-Domestic-Violence-Offenders\\_Full-Report.pdf](http://www.wsipp.wa.gov/ReportFile/1119/Wsipp_What-Works-to-Reduce-Recidivism-by-Domestic-Violence-Offenders_Full-Report.pdf).

<sup>299</sup> Ibid.

<sup>300</sup> Ibid.

<sup>301</sup> Ibid.

<sup>302</sup> Ibid.

familiar with the U.S. justice system. Second, prosecutors can help victims by asking them specific questions during their testimony, such as “Would you prefer to talk privately?” “Why do you feel reluctant to testify?” “Are you financially dependent on the defendant?” “Has the defendant threatened your children or family?” and “Has the defendant threatened you to not testify or to tell us a different story?”<sup>303</sup>

The increased societal awareness of intimate partner violence, along with federally funded research initiatives, has made a difference in the way police and the judicial system handle IPV cases. However, there is still a need for police and judicial response to be improved in all areas. Addressing IPV within the legal context is already complicated, but when it is combined with issues of immigration, varying cultural contexts, and prejudices and misunderstandings about Islam, everything becomes even more difficult.

### **Islamic Marriage**

Traditionally, Islamic marriages involve a Muslim marriage contract, called *nikah*. Many Muslims in the United States still marry using this marriage procedure, and there are some who only have an Islamic marriage, not a legal U.S. marriage registered by their state.<sup>304</sup> This can present problems for IPV victims, as will be discussed later in this chapter.

Islamic law stipulates that the *nikah* can only be made with the consent of both parties. Even in the 7<sup>th</sup> century, women needed to consent to the marriage.<sup>305</sup> Islamic law does allow for marriage at the time of puberty or onset of menses, and, in these cases, a

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<sup>303</sup> Ibid.

<sup>304</sup> Macfarlane, Julie. *Islamic Divorce in North America: A Shari'a Path in a Secular Society*. Oxford: Oxford University Press, 2012.

<sup>305</sup> Ibid.

guardian, or wali, can consent on behalf of the child.<sup>306</sup> While it is illegal to marry minors in the United States, there are cases of the North American courts recognizing overseas marriages of minors.<sup>307</sup> It is interesting to note that there were participants in the Peaceful Families Project survey (discussed in Chapter 3) who had been abused by their spouses as children and/or teenagers.<sup>308</sup>

Islam distinguishes between forced marriage, which is forbidden, and arranged marriage, which is lawful.<sup>309</sup> In an arranged marriage, parents should help their child make the decision on a suitable spouse, but the son or daughter should still have a real say in the matter.<sup>310</sup> However, there are cases in which a culture's focus on family loyalty can "blur the distinction" between arranged and forced marriages.<sup>311</sup>

Brides generally need permission from their *wali* to marry.<sup>312</sup> It is the *wali's* responsibility to protect the woman and look out for her interests in the marriage.<sup>313</sup> For example, the *mahr* (husband's gift to the wife) is stipulated in the *nikah*. It is the *wali's* job to ensure that the terms of the *nikah* are in the best interest of the woman.<sup>314</sup>

The *mahr* is a husband's gift to his bride and is stipulated in the marriage contract. The *mahr* can be immediately given to the wife at the time of the marriage, or it can be

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<sup>306</sup> Ibid.

<sup>307</sup> Ibid.

<sup>308</sup> Of the participants who had experienced abuse as a young child, about 14% said that the abuse had been perpetrated by a spouse. This shows that while child marriage is illegal in the U.S., there are Muslims in the U.S. community who were married as children and experienced intimate partner violence as children.

<sup>309</sup> Macfarlane, Julie. *Islamic Divorce in North America: A Shari'a Path in a Secular Society*. Oxford: Oxford University Press, 2012.

<sup>310</sup> Ibid.

<sup>311</sup> Ibid.

<sup>312</sup> Ibid.

<sup>313</sup> Ibid.

<sup>314</sup> Ibid.

delayed and paid when the husband dies or if the couple divorces.<sup>315</sup> The *mahr* is decided upon by the couple and/or their families and can be a substantial financial sum, like \$100,000, or a sentimental gift, like a poem or a Qur'an.<sup>316</sup> If the marriage ends at the wife's initiation and with the husband's agreement, the wife must generally forfeit the *mahr* in exchange for being released from the marriage.<sup>317</sup> However, in cases of spousal abuse, some scholars suggest that a deferred *mahr* must still be paid to the wife even if she initiates divorce.<sup>318</sup> This can be a contentious issue, and it can often be difficult to get husbands to actually pay the *mahr*.<sup>319</sup> Many husbands see the *mahr* as a symbolic gift, even though it is a legal part of the marriage contract, and refuse to pay in cases of divorce.<sup>320</sup>

There is a precedent in U.S. courts that supports the ordering of *mahr* in divorce cases. In the 1996 case of *Akileh v. Elchahal*, the court upheld the *mahr* agreement based on the principles of contract law.<sup>321</sup> In this case, the husband, wife, and wife's father had agreed upon a \$50,001 *mahr*—\$1 was paid in advance and the \$50,000 was deferred payment in the case of divorce.<sup>322</sup> After a year of marriage, the relationship became contentious and the wife filed for divorce. During trial, the husband argued that a woman seeking divorce forfeited her right to the *mahr* unless she was abused, and the wife argued that she had an absolute right to the postponed *mahr* unless she waived her rights or

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<sup>315</sup> Ibid.

<sup>316</sup> Ibid.

<sup>317</sup> Ibid.

<sup>318</sup> Ibid.

<sup>319</sup> Ibid.

<sup>320</sup> Ibid.

<sup>321</sup> "Akileh v. Elchahal." Karamah. Accessed April 28, 2016.

<http://karamah.org/cases/akileh-v-elchahal>.

<sup>322</sup> Ibid.



committed adultery.<sup>323</sup> The trial court held that the *mahr* was not enforceable, but the appellate court reversed the decision finding that the *mahr* was enforceable as a type of contract and that the wife had fulfilled her obligation by entering into the marriage.<sup>324</sup>

The vast majority of Muslims in North America get a *nikah*, and many view it as an expression of their faith.<sup>325</sup> While the *nikah* is a contract, many view it as a sign of the commitment the couples makes to each other and to God.<sup>326</sup> Some of the imams interviewed by Macfarlane noted that even secular Muslims still get *nikahs* in order to keep their families happy.<sup>327</sup> The majority of Muslims who get married in the U.S. also register their marriage with the state, but there are some who only obtain a religious marriage. MacFarlane notes that she found two particular communities that consistently only had religious marriages: African-American Muslims living in Highland Park, Michigan, and Somali Canadians in Toronto and Ottawa.<sup>328</sup> She found that the African-American community suffered high levels of unemployment and poverty, and the community had a distrust of state institutions and legal systems.<sup>329</sup> The majority of the community members felt that there was very little advantage for legally registering their marriage and preferred to stay “under the radar” of the state.<sup>330</sup> The Somali-Canadian community had a different reason for not registering marriages—namely, they felt that there was no point because

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<sup>323</sup> Ibid.

<sup>324</sup> Ibid.

<sup>325</sup> Macfarlane, Julie. *Islamic Divorce in North America: A Shari'a Path in a Secular Society*. Oxford: Oxford University Press, 2012.

<sup>326</sup> Ibid.

<sup>327</sup> Ibid.

<sup>328</sup> Ibid.

<sup>329</sup> Ibid.

<sup>330</sup> Ibid.

they felt married with just the *nikah*.<sup>331</sup> Registering marriages may not actually be necessary if the couple lives in a jurisdiction or state that recognizes common law marriages (which is the case for the Somali-Canadian community). However, this becomes a real issue when couples live in states (like Michigan) that do not recognize common law marriages. In these cases, wives are not entitled to spousal support or other financial relief.<sup>332</sup>

### **Polygamy**

While polygamy is not very prominent in the United States, where the practice is illegal, it does still occur and places women in the U.S. at risk. The Prophet Mohammad had multiples wives and, according to the Qur'an, a man can marry up to four women.<sup>333</sup> The Qur'an does stipulate that men are not required to take additional wives, and, if he does, he cannot favor one wife over another.<sup>334</sup> Some scholars say that this is impossible in a U.S. context because second, third, and fourth wives are always going to have live in secret.<sup>335</sup> They will not have the same rights afforded to them as a first wife, since their marriages cannot be legally registered.

There are a small number of Muslims in the U.S. who do live in polygamous families, with some estimates ranging from 50,000 to 100,000.<sup>336</sup> Because polygamy is illegal in the U.S., it is hard to gain statistics about the issue or have open conversations with imams and

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<sup>331</sup> Ibid.

<sup>332</sup> Ibid.

<sup>333</sup> Ibid.

<sup>334</sup> Ibid.

<sup>335</sup> Ibid.

<sup>336</sup> Hagerty, Barbara B. "Some Muslims in U.S. Quietly Engage in Polygamy." NPR. May 2008. Accessed April 30, 2016. <http://www.npr.org/templates/story/story.php?storyId=90857818>.

Muslims about polygamy. While some imams openly condemn the practice, there are many who turn a blind eye, and others who defend the practice, asserting that multiple marriages are a better alternative to having secret mistresses.<sup>337</sup> In the case of a polygamous marriage, the husband has to acknowledge paternity for all the children he has with his wives.<sup>338</sup> The typical practice is for a husband to marry a wife and register that marriage with the state.<sup>339</sup> If he chooses to take additional wives, they will only be married by the *nikah*. It is possible to add a clause in the *nikah* that prevents the husband from taking additional wives, but many women do not anticipate that their husband would exert his “right” to take another wife.<sup>340</sup>

It can be hard to keep track of how many wives a man has, especially if the marriages are not registered with the state. A man might have a wife overseas that his new wife does not know about, or he might move to the U.S. and get married without his wife overseas knowing. This could cause an imam to approve a marriage without knowing that the husband is already married to someone else. In order to prevent this, some imams run background checks to make sure men are not already married overseas.<sup>341</sup>

Polygamous marriages are not necessarily abusive, but they pose some potential risk factors for IPV. A second or third wife is not going to have any legal standing. Her religious-only marriage will not grant her any power in court if she and her husband divorce. A husband can also use his “right” to polygamy against his first wife, threatening to

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<sup>337</sup> Macfarlane, Julie. *Islamic Divorce in North America: A Shari'a Path in a Secular Society*. Oxford: Oxford University Press, 2012.

<sup>338</sup> Ibid.

<sup>339</sup> Ibid.

<sup>340</sup> Ibid.

<sup>341</sup> Hagerty, Barbara B. "Some Muslims in U.S. Quietly Engage in Polygamy." NPR. May 2008. Accessed April 30, 2016.

take another wife if she does not do what he says, submit to him, etc. The issue of polygamy can intersect with immigration issues. Men living in the U.S. on a green card cannot sponsor their second, third, or fourth wives, meaning that those wives cannot obtain visas and will be illegal immigrants in the U.S.<sup>342</sup> Sometimes women move to the U.S. without knowing that their husbands already have first wives—they were expecting to be legally married and instead are condemned to live in the shadows.<sup>343</sup> Both the husband and wives can be arrested for polygamy if the government finds out, creating a situation of oppression and secrecy. The husband is in a position of power over his wife because he has legal rights while she does not. Her lack of knowledge of the U.S. legal system and her husband's threats against her keep her fearful and silent.

### **Immigration Issues**

Immigration issues can further complicate the police and judicial response to IPV. In many cases, a wife may be dependent on her spouse for her visa. For example, the couple may have moved to the U.S. because of the husband's job. It is crucial for victims of IPV to get their status not dependent on their partner so they can stay in the country, if they so choose. Victims can file an immigrant visa petition under the Violence Against Women Act (VAWA) without her spouse being notified.<sup>344</sup> In order to qualify for the visa under VAWA, the couple has to have been married.<sup>345</sup> This can be a problem if the couple was married overseas and their marriage is not recognized in the U.S., or if they had a religious-only marriage in the U.S. and never registered it with the state.

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<sup>342</sup> Ibid.

<sup>343</sup> Ibid.

<sup>344</sup> "Battered Spouse, Children & Parents." USCIS. February 16, 2016. Accessed May 06, 2016. <https://www.uscis.gov/humanitarian/battered-spouse-children-parents>.

<sup>345</sup> Ibid.

Another difficulty for immigrant victims is that their spouses may keep their passports and legal documents. If possible, all women should keep their own passports and important documents, as well as hide cash and maintain access to a phone.

### **Divorce**

The Prophet, according to a Hadith, said, “Among lawful things, divorce is most hated by Allah,” and yet divorce seemed to carry very little stigma in the early Islamic community.<sup>346</sup> There are Quranic verses that treat divorce not only as permissible, but also as “somewhat unexceptional” if two spouses cannot live happily together.<sup>347</sup> For example, in a well known Hadith, a woman named Jamilah came to the Prophet and told her that she could find no moral failing in her husband, Thabit, but that she simply could not stand him.<sup>348</sup> The Prophet told her to return the gift Thabit had given to her when they were married (an orchard) and he then granted her the divorce.<sup>349</sup> This Hadith suggests that there does not need to be any abuse or adultery in order for couples to seek Islamic divorce. In present-day Islam, divorce seems to carry great stigma, both among U.S. Muslims and Muslims living in Islamic states. While divorce in many Islamic nations has tremendous stigma and legal restrictions (especially with regards to women initiating divorce), Muslim divorce rates in the United States are on the rise, with one study finding a divorce rate of 32%.<sup>350</sup>

Just as most Muslims in the U.S. choose to obtain a civil marriage in addition to the

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<sup>346</sup> Macfarlane, Julie. *Islamic Divorce in North America: A Shari'a Path in a Secular Society*. Oxford: Oxford University Press, 2012.

<sup>347</sup> Ibid.

<sup>348</sup> Ibid.

<sup>349</sup> Ibid.

<sup>350</sup> Ibid.

*nikah*, the majority of Muslims who divorce choose to get a civil divorce as well as an Islamic divorce.<sup>351</sup> Getting a religious divorce is a way to gain closure, affirm Islamic identity, and is seen by many as necessary in order to be “spiritually divorced.”<sup>352</sup>

Husbands do not need to get permission in order to initiate divorce and can divorce their wives without any effort towards reconciliation and without involving a third party or even witnesses.<sup>353</sup> The divorce initiated by a husband is called *talaq*, and it essentially involves the husband saying, “I divorce you.”<sup>354</sup> After the *talaq* is pronounced, the couple starts a period of temporary separation in which they live in the same house for approximately three months (or three menstrual cycles) without engaging in sexual intercourse.<sup>355</sup> This period, called *iddat*, is meant to give the couple a chance to reconcile and also to ensure that the wife is not pregnant. *Talaq* has to be pronounced three times in order for the divorce to be final and irrevocable. Different schools disagree as to whether or not the *talaq* can be repeated three times all at once, or if there has to be time in between each pronouncement to allow the chance for reconciliation.<sup>356</sup> In general, the idea of having to pronounce *talaq* three times, combined with the *iddat* period, is meant to give the husband time to process his decision and allow for a chance at reconciliation.<sup>357</sup> Some scholars do believe that the three *talaqs* can be pronounced at the same time—one woman interviewed by Macfarlane said that her husband pronounced a triple *talaq* over her telephone answering machine and, after speaking to various scholars, the woman accepted

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<sup>351</sup> Ibid.

<sup>352</sup> Ibid.

<sup>353</sup> Ibid.

<sup>354</sup> Ibid.

<sup>355</sup> Ibid.

<sup>356</sup> Ibid.

<sup>357</sup> Ibid.

the divorce as valid.<sup>358</sup> In husband-initiated divorces, women generally keep any marital gifts as well as her *mahr*—if her *mahr* was deferred in case of divorce, she is entitled to receive the full quantity.<sup>359</sup> The Quran exhorts husbands who divorce their wives to treat them fairly, but there is nothing in Islamic law that requires any sort of spousal support or alimony payments beyond the *iddat* period, although the husband is still required to financially support his children.<sup>360</sup> *Talaq* is often a painful process a wife as it strips her of her “marital status without her consent and sometimes...without her knowledge.”<sup>361</sup> It is important to note that many Islamic countries have placed restrictions around unilateral *talaq* or outlawed the practice altogether, so when men in the U.S. use the triple *talaq* tactic for divorce, they are often using a process that would not be available to them in other countries.<sup>362</sup> In Islamic countries, couples use the Islamic courts to divorce, meaning that their religious divorces are administered by the state. In the U.S., individual imams are typically the ones to oversee marriage and divorce, meaning the state may not be at all involved.

Women, in contrast, have the right to initiate divorce but must obtain permission for divorce, either from their husbands or a third party.<sup>363</sup> Approximately 90% of the religious divorce cases studied by MacFarlane were facilitated by a third party, typically an imam.<sup>364</sup> Most of the interviewed imams believed their role in the divorce was to agree to or refuse

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<sup>358</sup> Ibid.

<sup>359</sup> Ibid.

<sup>360</sup> Ibid.

<sup>361</sup> Ibid. p. 163

<sup>362</sup> Ibid.

<sup>363</sup> Ibid.

<sup>364</sup> Ibid.

the divorce, leaving discussions about custody and alimony to the U.S. courts.<sup>365</sup> Wife-initiated divorce is called *khula*, and in this process the wife must buy her freedom from the marriage, usually by returning her *mahr*.<sup>366</sup> If the husband does not give his wife permission to divorce, she must seek the advice and permission of a third party.<sup>367</sup> The request for *khula* must be based on a good reason, but the definition of a “good” reason can vary, with some imams accepting virtually any reason (like the Prophet in the story of Jamilah) while others urge wives to be patient and pray instead of getting divorced.<sup>368</sup> In a *khula* marriage, the imam acts as a mediator between the husband and wife so they can reach a mutually agreed upon decision.<sup>369</sup> There are cases where husbands (and even imams) pressure women to ask for *khula* instead of declaring *talaq* so that the husband does not have to pay the *mahr*.<sup>370</sup>

In cases where the husband refuses to grant his wife divorce and there is evidence of abuse, abandonment, or other ill-treatment of the wife, an Islamic judge can substitute his permission for that of the husband’s in an annulment process called *faskh*.<sup>371</sup> While Muslim men can move on and marry another wife, Muslim women are stuck in their marriages unless their husband releases them or they obtain a *faskh*.<sup>372</sup> In the U.S., imams have been known to grant *faskh* to women, and there is an emergence of Muslim panels of imams in North America, similar to the courts in Islamic countries, to help grant these

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<sup>365</sup> Ibid.

<sup>366</sup> Ibid.

<sup>367</sup> Ibid.

<sup>368</sup> Ibid.

<sup>369</sup> Ibid.

<sup>370</sup> Ibid.

<sup>371</sup> Ibid.

<sup>372</sup> Ibid.



annulments to women.<sup>373</sup> Many of the imams Macfarlane interviewed insisted that IPV was grounds for granting *faskh*, while others said that it depended on the severity of the abuse.<sup>374</sup> Some imams responded to complaints of domestic violence by telling the wife to be patient and try again, while others responded to descriptions of IPV with “I’ve heard worse.”<sup>375</sup>

While the response of imams can vary, Muslim women need to know that they have an Islamic right to divorce. In cases of intimate partner violence, women have the right to a divorce, or annulment if the husband will not grant divorce, and she has the right to her *mahr*.

#### **United States Courts—Recognition of Islamic Marriage and Divorce**

While some Muslims prefer to get married and divorced through a religious process only, many attempt these processes through U.S. courts. However, there are situations in which the U.S. courts may not recognize a marriage or divorce as legally binding.

There are several cases in which a Muslim woman petitions the U.S. courts to recognize her religious-only marriage as valid so that she can get a legal divorce (which then entitles her to legal rights such as alimony). In *Yaghoubinejad v. Haghighi*, the wife sought a divorce through the New Jersey courts.<sup>376</sup> The court ruled in the husband’s favor, invalidating the couple’s marriage because they never obtained a marriage license. The same outcome was found in *Ellehaf v. Taffaf* in Michigan, where the court determined that

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<sup>373</sup> Ibid.

<sup>374</sup> Ibid.

<sup>375</sup> Ibid.

<sup>376</sup> KARAMAH. "Case Studies." KARAMAH. Accessed May 11, 2016. <http://karamah.org/resources/articles/case-studies>.

the couple's religious ceremony was not a legal marriage.<sup>377</sup> However, in *Aghili v. Saadatnejadi*, the Tennessee courts ruled in favor of the wife, upholding the couple's Islamic marriage as valid.<sup>378</sup>

In divorce situations, the courts often rule in the wife's favor. In *Tarikonda v. Pinjari*, the Michigan appellate court ruled that the husband's triple *talaq*, which was recognized in India, was not recognized in the United States as it violated her right to due process.<sup>379</sup> In another case, *Maklad v. Maklad*, a husband took three of his children with him to Egypt without the wife's knowledge and then obtained a divorce certificate in Egypt.<sup>380</sup> The Connecticut court ruled that Egyptian divorce denied the wife's right to due process, and so the divorce was not legal in the U.S. and the wife received temporary custody of their children.<sup>381</sup>

### **Child Custody**

As discussed in Chapter 2, many women fear losing custody of their children if they choose to leave the abusive relationship. Unfortunately, these fears are often confirmed in U.S. courts where abusers are more likely to seek full custody than non-violent fathers, and are awarded full custody in 70% of cases.<sup>382</sup>

United States courts follow the (somewhat subjective) standard of determining

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<sup>377</sup> Ibid.

<sup>378</sup> Ibid.

<sup>379</sup> Ibid

<sup>380</sup> Ibid.

<sup>381</sup> Ibid.

<sup>382</sup> "10 Domestic Violence Myths and How to Counter Them." American Bar. Commission on Domestic Violence. July 2006.

[http://www.americanbar.org/content/dam/aba/publishing/cdv\\_newsletter/custodymythsandcounter.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publishing/cdv_newsletter/custodymythsandcounter.authcheckdam.pdf).

contested custody based on the “best interests of the child.”<sup>383</sup> Courts may take into account the health and safety of the child, the mental and physical health of the parents, the existing relationship with each parent, need for continuation of a stable home environment, domestic violence in the home, any history of child abuse in the home, and religious and cultural considerations.<sup>384</sup> Historically, the default in U.S. courts has been to grant custody to the mother, but this has changed in recent years and the outcome of contested cases is now approximately fifty-fifty.<sup>385</sup> Most courts now generally lean towards shared custody and want the child to have contact with both parents.

Often times, a court cannot give any form of custody to a parent who was convicted of domestic violence in the past five years unless the offending parent:

“Proves to the court that giving joint or sole custody of the children to him or her is in the best interest of the children, has successfully completed a 52-week batterer intervention program, has successfully completed substance abuse counseling if the court ordered it, has successfully completed a parenting class if the court ordered it, is on probation or parole and has complied with the terms of probation or parole, has a restraining order against him or her and has followed the orders; and, has NOT committed any further domestic violence.”<sup>386 387</sup>

There are several issues with these criteria. First of all, very few domestic violence

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<sup>383</sup> "Determining the Best Interest of the Child." Child Welfare. November 2012.

[https://www.childwelfare.gov/pubPDFs/best\\_interest.pdf](https://www.childwelfare.gov/pubPDFs/best_interest.pdf).

<sup>384</sup> Ibid.

<sup>385</sup> Macfarlane, Julie. *Islamic Divorce in North America: A Shari'a Path in a Secular Society*. Oxford: Oxford University Press, 2012.

<sup>386</sup> "Children and Domestic Violence." California Courts. Accessed May 06, 2016.

<http://www.courts.ca.gov/1268.htm>.

<sup>387</sup> Note that these criteria are specific to California courts and may vary by state.

offenders are actually convicted—without the determination that domestic violence has occurred, the court will not treat the case as a domestic violence case. Another issue is that the successful completion of court-ordered treatment programs does not necessarily indicate that the offender is rehabilitated, as discussed above.

Classic Islamic law contrasts with U.S. courts in that it assumes that the custody lies with the father. The Qur'an gives this advice when it comes to child custody after divorce: "Take mutual counsel together, according to what is just and reasonable" (65:6).<sup>388</sup> The ideal situation would be for a couple to mutually decide on a custody arrangement that is best for their children.<sup>389</sup> However, mutual agreement and cooperation is not something that can be expected when it comes to abusive relationships.<sup>390</sup> While Islamic law does look at custody on a case-by-case basis, fathers typically gain full custody of children following divorce.<sup>391</sup> If the children are young, the general rule is that mothers get physical custody of boys until the age of two and girls until the age of seven (although some schools extend the mother's custody for daughters to when the daughter is a teenager, or even until she is married).<sup>392</sup> Islamic law says that girls cannot be raised by stepfathers, meaning that mothers forfeit their custody rights if they choose to remarry.<sup>393</sup> The reasoning behind this is that a man may not be willing to raise another man's children, so to protect the wellbeing of the children, their biological father gets full custody. This puts the mother in a difficult

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<sup>388</sup> Ibid.

<sup>389</sup> Ibid.

<sup>390</sup> Ibid.

<sup>391</sup> Ibid.

<sup>392</sup> Ibid.

<sup>393</sup> Ibid.

decision, however, forcing her to choose between her children and starting a new life.<sup>394</sup>

The father's custody rights are not affected by remarriage.

There are situations in which the father would not get full custody under Islamic law, including violence, cruelty, neglect, or mistreatment of the children.<sup>395</sup> Islamic law can certainly be used to support mothers' fight for full custody after intimate partner violence.<sup>396</sup> One big issue is that IPV can sometimes be difficult to prove—and this applies to all cases of intimate partner violence, not just cases of Muslim IPV. Unless the abuse is clearly documented with pictures, police reports, hospital records, etc., court or mediation proceedings might say there is not sufficient evidence proving the abuse. Of course, the reason there might not be documented evidence of abuse might be because the perpetrator prevented the victim from going to the police or to the hospital.

There seems to be some evidence that imams in the U.S. context are very practical when it comes to issues of divorce and child custody. MacFarlane found strong themes of pragmatism among the imams she interviewed, and many of these imams adopted the "best interests of the child" standard of the U.S. courts.<sup>397</sup> She notes:

"I found very little evidence of any school-based differences in decision making among the imams. Instead, I came across numerous examples of pragmatic choices that matched the desired outcome in any one case with whatever legal theory could provide a rationale. As a group, imams are extremely pragmatic about their

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<sup>394</sup> Some scholars argue that there are multiple Hadith that prove that mothers should not have to forfeit their rights to their children in the case of remarriage.

<sup>395</sup> Ibid.

<sup>396</sup> Ibid.

<sup>397</sup> Following the "best interest" standard caused many of the imams to say that they would not separate siblings (as would happen in classic Islamic law once the son/daughter reaches a certain age). 4

application of Islamic law. Almost all emphasize the need to make the solution fit the problem. As one imam told me, 'We are not here to be Hanifi, Malkiki et cetera—but to be human beings.' Another imam commented, 'As a Muslim living in the West I cannot afford to follow just one school. I must construct a modern approach that responds to the reality of the contemporary West and in particular the difference between the reality of the seventh and twenty-first century—and the diversity of [Muslim] communities.'<sup>398</sup>

### **Islamic Theology and Shari'a Law in the Court Room**

Theology matters in the courtroom. A judge's theological interpretation of the Qur'an and Islamic law can harm Muslim victims of intimate partner violence. In 2007, a German judge denied an expedited divorce to a German-Moroccan woman who was physically abused by her husband because of the judge's interpretation of Q 4:34.<sup>399</sup> The judge justified her denial of expedited divorce on the argument that the Qur'an "sanctions such physical abuse."<sup>400</sup>

Expert witnesses are specialists in a subject who can be called before the court to give their opinions on a case without having been a witness to the case.<sup>401</sup> Experts are paid large hourly fees by the attorneys who hire them, and give their expert testimony of their opinions on the case.<sup>402</sup> Expert witnesses can be called in domestic violence and child

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<sup>398</sup> Ibid. p. 23

<sup>399</sup> Chaudhry, Ayesha Siddiqua. "Wife-beating in the Pre-modern Islamic Tradition: An Inter-disciplinary Study of Hadith, Qur'anic Exegesis and Islamic Jurisprudence." PhD diss., New York University, 2009.

<sup>400</sup> Ibid. p. 2

<sup>401</sup> Hill, Gerald N., and Kathleen T. Hill. "Expert Witness." Legal Dictionary. Accessed May 6, 2016. [http://legal-dictionary.thefreedictionary.com/Expert\\_witnesses](http://legal-dictionary.thefreedictionary.com/Expert_witnesses).

<sup>402</sup> Ibid.

custody cases. The main issue this presents is the fact that, statistically, the perpetrator of abuse has financial power meaning they have the economic means to pay for excellent lawyers and to pay for expert witnesses to support their case. An abuser may hire an “expert in Islam” to tell the court that Islam always grants fathers full custody of children, or that in Islam, men have unlimited sexual rights to their wives. Uneducated judges who hear these expert testimonies may side with the abuser, and unfortunately, abused women typically do not have the resources to hire an expert witness of her own to contradict the expert testimony. Unfortunately, this is exactly what happened in a 2010 New Jersey case.

The plaintiff in the case was a Moroccan woman who was recently divorced from the defendant, a Moroccan man.<sup>403</sup> She was in court seeking a restraining order against the defendant. There was also a pending criminal suit that was being brought against the defendant at the same time as this case.<sup>404</sup> The couple, who were both Muslim, moved to New Jersey a month after their arranged marriage because of the defendant’s job. The plaintiff described severe abuse at the hands of the defendant, including sexual abuse, rape, and physical abuse.<sup>405</sup> There was photographic evidence of the injuries sustained as a result of the abuse, which were taken by a detective from the Hudson County Prosecutor’s office when the plaintiff escaped her house and went to the hospital.<sup>406</sup> According to the plaintiff, the defendant always told her, “You are my wife, I can do anything to you. The

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<sup>403</sup> Superior Court of New Jersey, Appellate Division. "S.D., Plaintiff-Appellant, v. M.J.R., Defendant-Respondent." Judiciary.state.nj. July 2010.

[https://www.judiciary.state.nj.us/mcs/case\\_law/sd\\_v\\_mjr.pdf](https://www.judiciary.state.nj.us/mcs/case_law/sd_v_mjr.pdf).

<sup>404</sup> Ibid.

<sup>405</sup> Ibid.

<sup>406</sup> Ibid.

woman, she should submit and do anything I ask her to do” during the abuse.<sup>407</sup> The couple’s imam testified for the defense, confirming that a “wife must comply with her husband's sexual demands, because the husband is prohibited from obtaining sexual satisfaction elsewhere.” The court report states, “The Imam did not definitively answer whether, under Islamic law, a husband must stop his advances if his wife said ‘no.’ However, he acknowledged that New Jersey law considered coerced sex between married people to be rape.”<sup>408</sup> The judge ruled that while he affirmed that assault and harassment did occur between the couple, the defendant did not have a “criminal intent” to sexually assault the plaintiff.<sup>409</sup> The court “believes that he was operating under his belief that it is, as the husband, his desire to have sex when and whenever he wanted to, was something that was consistent with his practices and it was something that was not prohibited.”<sup>410</sup> Because the defendant did not act with criminal intent when he “repeatedly insisted upon intercourse, despite the plaintiff’s contrary wishes,” the judge found the restraining order unnecessary.<sup>411</sup> The main reasons for this ruling were that the judge categorized the abuse as a “bad patch” in the marriage and the plaintiff’s injuries as “not severe.”<sup>412</sup> Additionally, the judge said that since the couple was now divorced, there was no reason for them to see each other and therefore a restraining order was unnecessary. This completely ignored the fact that the plaintiff was pregnant with the defendant’s child.

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<sup>407</sup> Ibid. p. 6

<sup>408</sup> Ibid. p. 9

<sup>409</sup> Ibid.

<sup>410</sup> Ibid. p. 10

<sup>411</sup> Ibid. p. 10

<sup>412</sup> Ibid. p. 10



The plaintiff appealed the case and won. The appeals court found that the trial court had “abused its discretion by finding that domestic violence had been committed but failing to issue a final restraining order.”<sup>413</sup> The appellate court reported, “In this action pursuant to the Prevention of Domestic Violence Act (PDVA), we held that the Free Exercise Clause of the First Amendment does not require a Family Part judge to exempt defendant, a practicing Muslim, from a finding that he committed the predicate acts of sexual assault and criminal sexual contact and thus violated the PDVA. We also found that the judge was mistaken in failing to enter a final restraining order in the matter.”<sup>414</sup>

This case highlights a national dilemma surrounding the inclusion of Shari’a law in U.S. courts. On the one hand, banning Islamic law infringes upon the civil liberties of Muslims as outlined in the constitution, and yet not having such a ban can lead to absurd cases such as the New Jersey rape case discussed above. This all-or-nothing approach misses important distinctions between cases where Islamic law should be considered in U.S. courts and those where it should have no influence on the judicial outcome.<sup>415</sup> Instead, the use of Islamic law should be guided by principles—the good use of Islamic law would enforce an individual’s constitutional right to religious liberty, while a bad use would violate an individual’s civil rights, such as physical security (which is what happened in the New Jersey case).<sup>416</sup>

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<sup>413</sup> Ibid. p. 1

<sup>414</sup> Ibid. p. 1

<sup>415</sup> Kim, Eun-Jung Katherine. "Islamic Law in American Courts: Good, Bad, and Unsustainable Uses." *Notre Dame Journal of Law, Ethics, & Public Policy* 28, no. 1 (May 2014): 287-307.

<sup>416</sup> Ibid.

### **CASE STUDY—KARAMAH TRAINING**

I participated in a one-day training hosted by KARAMAH: Muslim Women Lawyers for Human Rights and the Maryland Network Against Domestic Violence. KARAMAH, which means “dignity” in Arabic, was founded in 1993 by Dr. Azizah al-Hibri.<sup>417</sup> Dr. al-Hibri was a law professor and Islamic scholar at the University of Richmond and she wanted to promote the view that “Islam does not require a choice between human rights and faith.”<sup>418</sup> KARAMAH is an educational organization that conducts training and research while also providing direct legal services to victims of IPV out of their base in Washington D.C.<sup>419</sup> KARAMAH has a grant that allows them to provide pro bono legal aid to victims of IPV. While their grant is to help Muslim victims of IPV, they legally cannot turn away non-Muslims.

The focus of the training I attended was to provide a background of the legal system and how it intersects with Islamic issues, as outlined in this chapter. They also gave suggestions on how the advocates in attendance could modify their services to be culturally sensitive towards Muslims. They discussed concrete steps to help make domestic violence agencies more welcoming to marginalized survivors, including having greeting signs in different languages, having a network of advocates and translators who speak a variety of languages, training all staff members in cultural sensitivity, and offering transition housing. They also talked about the importance of the Lethality Assessment Program (LAP), which was created by the Maryland Network Against Domestic Violence. The LAP is an assessment tool used that can be used by law enforcement and other advocates to help

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<sup>417</sup> "Vision and Mission." Karamah. Accessed May 06, 2016. <http://karamah.org/>.

<sup>418</sup> Ibid.

<sup>419</sup> Ibid.

identify victims who are at high risk for being seriously injured or killed by their intimate partners.<sup>420</sup> Widespread training in the LAP is an important step in creating educated law enforcement officers, clinicians, and advocates.

During the training, KARAMAH made the point that awareness about domestic violence is the first step in creating change and implementing services. Part of the training was focused on educating everyone in attendance about the dynamics of IPV and the importance of culturally sensitive intervention. Prejudices surrounding Islam were discussed as well. There is a fear among Muslim victims of IPV that they will be judged because of their faith. Creating a culturally sensitive environment helps alleviate some of those fears and ultimately allows for the best possible treatment for victims.

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<sup>420</sup> "Lethality Assessment." Maryland Network Against Domestic Violence. Accessed May 06, 2016. <http://mnadv.org/lethality/>.

## CHAPTER 7 - CONCLUDING THOUGHTS

Intimate partner violence is a significant issue among Muslims living in the U.S., *just as it is for every other people group in this country*. Muslim women are at no more risk for experiencing intimate partner violence than other U.S. women; in fact, some studies show they might be at lesser risk. While this thesis has revealed aspects of the Muslim community that can be harmful to victims, it has also demonstrated that many of these risk factors also exist in U.S. society in general. Grave, systemic injustice is committed against victims of intimate partner violence every day, regardless of religious or cultural background.

Every community has its own set of challenges to face when dealing with intimate partner violence. Muslim victims face specific challenges because of their religion and culture. They often have to overcome patriarchal theology and imams who dismiss their complaints of domestic violence. They have to overcome their own feelings of guilt and shame when their husbands, religious leaders, and even family members tell them that they are bad Muslim wives. Patriarchal cultural traditions and understandings of Islam can strip them of their power when it comes to reporting abuse and negotiating divorce and child custody. Other factors such as polygamy, immigration, and having religious-only marriages can further complicate an already difficult situation. While there are organizations that specifically help Muslim victims of IPV, there are just not enough resources to meet the large need.

On the other hand, Islam provides strength for Muslim victims. The religion's focus on justice, equality, and freedom drive women to fight against oppression in their marriages and in their communities. A victim's Muslim faith may be the reason she leaves

her abusive relationship, because she knows the abuse she is enduring is un-Islamic. Imams are becoming more trained and aware of intimate partner violence and feminist theologians are slowly but surely changing long-held theological ideas about gender roles and spousal abuse. While Islamophobia persists in some U.S. courts, others are recognizing Muslim women's rights to their *mahr*, and legislation in the past several decades has made it easier for all victims to seek help from the police and court systems.

I have spent the past year researching intimate partner violence in Muslim communities in the United States. I have spoken to religious leaders, lawyers, and clinicians, read case studies, analyzed numerous studies and raw data, and read countless articles and books. I have been faced over and over again with the horrifying realities of intimate partner violence—the sheer number of victims is staggering and their stories are heart breaking. But I have also encountered brave, resilient, and faith-filled women and men who fight tirelessly for justice. These individuals are the reason I complete this thesis filled with hope. The more I delved into this topic, the more I discovered the many theologians, religious leaders, social workers, nurses, lawyers, counselors, researchers, advocates, and survivors who are already doing incredible work in this field. They are fighting for egalitarian understandings of Islam, freedom from the patriarchy embedded in culture, and culturally and religiously sensitive counseling. They are taking arms against the pervasive Islamophobia that continues to permeate U.S. society and the constant silence surrounding intimate partner violence. My hope is that you come away from this thesis with a greater understanding of how pervasive and dangerous intimate partner violence truly is. But I also hope you are encouraged by the work already being done, and motivated to jump into this struggle with your own activism and advocacy.

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