



# FACTS ABOUT SEXUAL VIOLENCE WITHIN MUSLIM COMMUNITIES

People, communities, and systems use many techniques to silence and blame victims, while protecting perpetrators of sexual violence (i.e. harassment, abuse, and assault). While victim blaming occurs across all cultural and religious communities, it's important to explore and understand the nuances that show up in specific communities. This document explores how religious and cultural tradition can be misused in Muslim communities to silence victims and protect the perpetrator.

PREVENTION	PROTECTING PERPS / SILENCING VICTIMS	WHO CAN BE A PERP / VICTIM?	RELIGIOUS RULINGS
Hijab & modesty	Seventy excuses	Gender	Four witnesses
Interaction with opposite gender	Marriageability	Spiritual abuse	Marital rape
Drinking	Forgive to be forgiven	Trauma responses	Slander
Risk reduction	Fuel for Islamophobes	False accusations	Zina

## MISUSE OF RELIGIOUS VALUES AND EXPECTATIONS TO PROMOTE PREVENTION OF SEXUAL ASSAULT:



### *Risk reduction vs. prevention*

There is no perfect formula that potential victims can follow to prevent sexual assault, abuse, and harassment. Arming individuals with knowledge on how to avoid sexual assault - such as teaching self defense or abstaining from alcohol - is considered risk reduction. It is not prevention because it does not fully address the abusive behaviors in question nor will it ultimately eliminate sexual assault from occurring. Eliminating sexual assault will require a cultural and social shift that places responsibility on the perpetrator. It is not the victim's personal responsibility to prevent sexual violence from happening to them. Moreover, no choice that a victim makes - regardless of whether or not it was permissible in Islam - can justify sexual violence. **It is not their fault**, no matter how risky, immoral, or sinful others around them may deem their behavior. Because victims engage in enough self blame after experiencing sexual violence, conversations around personal responsibility and risk reduction can be further alienating and misconstrued as victim-blaming.



## *Wearing hijab and dressing modestly*

Hijab or any other clothing does not protect individuals from being sexually assaulted, abused, or harassed. Even in the most socially conservative Muslim societies, courts deal routinely with cases of sexual assault and abuse of fully-clothed women. Hijab and Islamic codes of modesty are a personal and private expression of religious practice for those who wish; they're not a shield against predators.



## *Dating and romantic relationships*

Although sexual assault can occur between intimate partners, sexual assault can also happen even if one does not have a romantic partner. The perpetrator can be anyone: a friend, neighbor, relative, teacher, coach, or stranger.



## *Drinking*

If a person consumes alcohol, they are not responsible for the assault committed against them. Being sexually assaulted is not a consequence of drinking, or being drunk. Because there is a religious ruling to abstain from alcohol, communities may use that to shame, blame, and silence victims instead of focusing on the perpetrator. In fact, a person cannot consent while under the influence of drugs or alcohol.

## **MISUSE OF RELIGIOUS TRADITION TO SILENCE VICTIMS AND PROTECT PERPETRATORS:**



## *Speaking about sex and sexual violence*

It is not immodest to talk about sex and sexual abuse. The Qur'an is quite frank about sex and the Prophet Muhammad, peace be upon him, encouraged everyone to ask questions and to take care of their bodies. Matters regarding the body are natural and nothing to be ashamed of. The desire to uphold privacy and modesty should not be at the expense of one's personal safety. At the same time, we should maintain confidentiality and privacy at the request of a person who discloses sexual matters or assault to us.



## *Marriageability*

Those who have been sexually abused or assaulted may be falsely accused of having prior sexual experience, and therefore wrongly labeled as unmarriageable. There is no doubt that there are some false and unfair judgements and customs in some Muslim communities that particularly place undue burden on women and girls with respect to virginity. We should not contribute to these judgements by giving into beliefs and practices that punish those who have been sexually abused/assaulted. It is unjust and creates further harm to perpetuate the notion that someone who has been assaulted is not worthy of marriage. It is also important to note that women who were not virgins did not face marital barriers during the Prophetic period.



## *Forgiveness*

In Islam, it is the obligation of the perpetrator to seek forgiveness from the victim and to accept the consequences of their actions. In personal matters, those who have been harmed may exercise forgiveness, but it is their right to decide how and when to exercise this choice. The concept of forgiveness should not be manipulated to silence a victim and to protect the accused. In addition, it is the right of the public to be protected from those who have committed acts of violence in the past and who may do so in the future.



## *Seventy Excuses*

Some quote the Prophetic teaching of providing seventy excuses for a person to justify a refusal to investigate claims of abuse or assault (if it is their responsibility to do so) or to turn a blind eye to harm and abuse. This narration of the Prophet Muhammad peace be upon him states: "If a friend among your friends errs, make seventy excuses for them. If your hearts are unable to do this, then know that the shortcoming is in your own selves." An error is a mistake. An act of sexual violence is not a mistake, but a crime committed against another individual in which a person's inalienable rights are violated. It is an act of oppression. And the blessed Prophet told his Companions to help their brother who commits oppression by stopping him (not by indulging him).

## **MISUSE OF CULTURAL AND POLITICAL CONTEXT TO SILENCE VICTIMS:**



## *Islamophobia fire*

Many blame victims for coming forward and "airing dirty laundry for the Islamophobes." It is important to remember that the victim has every right to seek justice as the Qur'anic verse (4:148) mentions, "God does not like that evil be publicized except if one is wronged." Here, whether the crime is committed by an unknown person, or a leader in a higher position, the victim has every right to come forward and seek justice. Speaking up against an injustice is a part of Islam. Speaking up for those who are in weaker positions and have had an injustice occur against them is also mandated by God. The Qur'an says "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 (4:135)." The Prophet Muhammad (peace be upon him) said: "Fear God in your treatment of the weak, slaves, and women." And Allah says (5:8), "O you who believe, be steadfast in your devotion to God, bearing witness to justice, and do not let the hatred of others towards you let you swerve from justice. Be just, that is nearest to piety." If we allow the hatred of the Islamophobes towards us to cause us to deny justice within our own community, then they have surely beaten us.



### *Fear of terrorism or deportation*

Heightened islamophobia and increased surveillance of Muslim communities has resulted in applying pressure to victims to remain silent, out of fear that the abusers may face additional charges of terrorism or other highly profiled crimes. Moreover, with increased rates of deportation, many victims face the added pressure of potentially having their abuser deported or separated from their family if they report.



### *Expectations to remain silent or be strong*

Marginalized communities may unintentionally continue harm by reinforcing social norms that encourage victims to remain silent or persevere through their experiences of violence. For example, a victim may discover that they are not the only one in their family to have had this experience. Rather than respond with support and empathy to promote healing, individuals in the family may communicate messages such as “that is just the way it is” or “you don’t know what your grandmother had to go through” or “that is the price we pay for being women” or “it’s better to stay silent because others will destroy your reputation” or “this family is strong; you’ll get through this.” While these messages may be well-intentioned coping mechanisms, they may create additional harm and barriers to seeking healing and justice.

## MISUSE OF RELIGIOUS LAW AND TRADITION TO SILENCE VICTIMS AND PROTECT PERPETRATORS:



### *Rape is not zina*

The act of *zina* (premarital sex/sex outside of marriage) is the act of engaging in extramarital consensual sexual intercourse, while sexual assault is where consent is inherently absent and one individual is forced to have sex against their will. Therefore, to place sexual violence in the same category as consensual sexual acts shows ignorance of Islamic law, in addition to being an injustice to victims.



### *Four witnesses*

Many have incorrectly cited the need for there to be four witnesses to prove a sexual assault. This is a mistaken conflation of sexual assault with *zina*, which is consensual extramarital sexual intercourse. *Zina* has an extremely high evidentiary standard, so that any person who brings a complaint of having witnessed *zina* must be supported by three other eyewitnesses to the act of penetration, or face the possibility of being punished for defamation. The same standard **does not** apply to sexual assault, a crime of physical and psychological violence. In these instances, sex is a weapon, not a mutual act of lust. Just as bodily assault, kidnapping, and other crimes do not require four witnesses, neither does sexual assault.



## *Marital rape*

It is absolutely unlawful for a spouse to harm their partner in any way. In Islam, both spouses are granted rights and responsibilities. One of those rights is the right to sexual intercourse (for both spouses). Often times, this is misinterpreted to mean that the man has unlimited sexual access to his wife, and that consent isn't needed. Islam highly values the institution of marriage, encourages both spouses to act with kindness, love, and mercy with each other. Consent to sexual activity is very much a part of the equation. So while the rights to intimacy and sex exist, there is no implication whatsoever that the spouse may seek this right violently or forcefully. Another example of this is when one partner uses certain hadith (prophetic tradition) to make demands to have sex or face divine retribution. Specifically, that the angels will curse the wife if she refuses to have sex with her husband. As studied by KARAMAH, this hadith is "inconsistent with the Qur'anic view of the relationship between the husband and wife, and the Qur'anic concept of dignity (karamah) of all humans. Interpreting the hadith in a way that gives justification for oppressive behavior and contradicts the plain meaning of the many Qur'anic verses and hadiths on gender parity, as well as on the Islamic ideal of affection, mercy and tranquility in family relations. Moreover, this Hadith is inconsistent with the sunnah (actions and practice) of the Prophet as it relates to his manners and behavior with his wives. One particular instance that sheds light on this matter is when the Prophet married Safiyyah. Safiyyah declined to engage in sexual relations with the Prophet on her wedding night. The Prophet did not force himself on her, nor did he admonish her or even question her about the reason for her refusal. Most interestingly, he did not tell her that angels would curse her till morning. Instead, he let her be. He treated her with courteousness, gentleness and affection. This sunnah of the Prophet deserves to be the controlling precedent in marital sexual relations since it honors a core Islamic concept, namely that of *ridha*, defined by some jurists as the 'fullness of choice'."

## WHO CAN BE A PERPETRATOR? WHO CAN BE A VICTIM?



### *Gender*

Anyone can be a perpetrator. Gender identity or sexual orientation do not determine whether one is a perpetrator. Although an overwhelming number of assailants are men, women can be abusers, too.



### *Mahrams (close male relatives)*

Assailants can also be close male relatives, such as one's father, uncle, or brother. Sometimes, this abuse is even harder to identify given the trust, love, and respect between close relatives.

<sup>1</sup> Source: <http://karamah.org/event/angels-paper-download>



### *Stranger danger*

93% of perpetrators are known to their victims. They can be a friend, neighbor, teacher, relative, partner. They can be charismatic individuals who are well liked and trusted in the community, and they often rely on their reputation of being well-liked to ensure that no one will believe their victims if they speak up.



### *Power and control*

Sexual assault is an intentional process that perpetrators use to gain control over their victims. Some perpetrators groom their victims over time by showering them with gifts and praise to gain their trust before assaulting them. Other perpetrators give their victims alcohol and/or drugs to incapacitate them. Others may use positions of authority to gain control over their victims. For example, they may threaten their victims' career path, livelihood, immigration status, or their safety in order to gain control over them.



### *Power dynamic*

The power differential between two people can be so great, that consent may not be possible, ethically, and in many states, legally. For example, the relationship between a teacher and student can create unequal power dynamics that can escalate exploitation and create an environment ripe for abuse. Those using the power of their positions may coerce or guilt them into a sexual relationship. Unequal power dynamics can also create unspoken pressure to comply even if uncomfortable: if someone with authority asks to engage in sexual behavior, the person may find it difficult to refuse because they fear consequences to their own job, reputation, or livelihood. Those in positions of power often enjoy great credibility and respect, and also may have many more resources available to them (including systemic privileges) to silence victims. This power dynamic is important for clergy and religious authority to keep in mind: because of the respect and trust that religious leaders enjoy, and because people look to them for guidance about spiritual matters, their actions may be confused with being Islamic. For example, a female student of Islam who may be very new to learning about the faith, may take it as fact if a religious leader tells her their secret marriage is allowed in Islam. As such, positions of leadership in Islam are considered an amanah, or divine trust, from God; those given the trust of leadership also have an important obligation to behave responsibly, to keep healthy boundaries and to not take advantage of their positions.



### *Spiritual abuse*

Religious scholars are not infallible. While they should be held to a higher moral code, due to the trust we place in them, they are human beings who are capable of committing sins and crimes, including sexual assault. Spiritual abuse is defined as using religion to manipulate, control, and bully through the guise of religion, religious principles, or claims to spirituality. This includes using religion for personal gain, such as sexual or financial.



## *Victims*

Anyone can be a victim. Although the media and society often portray women and girls as the majority of victims of sexual violence, data shows that sexual violence impacts people of all genders, socioeconomic backgrounds, race, and religious communities. Boys and young men are also victims of sexual assault by others in their lives— relatives, teachers, older students, and strangers. Moreover, the data shows that there are certain communities that have a greater likelihood of not reporting their abuse and therefore at a higher risk of being abused: children, especially boys who face increased shame and stigma from coming forward, communities of color, people who identify as Lesbian, Gay, Bisexual, and Trans (LGBT), and people who are disabled/differently abled.



## *False accusations*

Only about 3-5% of sexual assault allegations are found to be false. Put differently, 95-97% of sexual assault allegations are true. Yet, victims who come forward are often unjustly accused of slander or having ulterior motives: wanting to get revenge, make money, or get fame.



## *Trauma responses*

We constantly receive inquiries about victimhood and how victims should respond in the aftermath of an assault. As such, victims are often silenced or not believed when they do not respond according to a misleading and untrue set of standards that are not based on actual trauma responses. In reality, those who experience sexual assault can respond in a variety of ways: they may go numb, or they may cry incessantly. They may return to life as normal, as a coping mechanism to what happened, or they may fall behind in many of their day to day activities. During the assault, they may have experienced numerous responses: from paralysis to fighting back; from perfect memory of the assault, to a fuzzy or unclear memory of the assault. Specifically, trauma responses can distort memory and result in inconsistencies, but that doesn't mean the assault didn't happen. It just means that during the assault itself, exact details such as dates, times, and perpetrator profile might be fuzzy. On the same token, other "memories" such as certain smells or images, could trigger a response from a victim. Every person's trauma manifests in a different way. And often, given that the brain is wired for survival, details may not be actively stored in memory at the time of the traumatic event, and therefore will not be recalled by the victim. Ultimately, there is no "textbook" response to sexual assault.

