

Blood Marriage as One type of Violence against Women in Iraq

دية الرحي كنوع من أنواع العنف ضد النساء في العراق

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Abstract

This paper probes into the shape and the counter of violence against women throughout history. It highlights one strange type of violence which exists in Iraq named *Diyat rehha* or Blood marriage. This study questions the main causes and consequences that made women bear such heavy burden through their lives. In this regard the research work adopts a descriptive and analytical approach in order to dig deeply within the issue. The findings revealed the dark side of Iraq women and their continual struggle to lead an honorable existence. Though, claims made by institutions and men of law, women are still experiencing hardship as the majority of them become mad and some committed suicide to end up such black episode of their lives.

Keywords: *Diyat rehha*, Tribal Customs in Iraq, Violence against women, Violence against women in Iraq, Women's sufferings.

الملخص:

تبحث هذه الورقة في شكل العنف ضد المرأة و جذوره الضاربة في التاريخ. فهو يسلط الضوء على نوع غريب من أنواع العنف الموجود في العراق و يسمى بدية الرحي. حيث تتساءل هذه الدراسة عن الأسباب والعواقب الرئيسية التي جعلت النساء يتحملن هذا العبء الثقيل طوال حياتهن. وفي هذا الصدد، يعتمد العمل البحثي المنهج الوصفي والتحليلي للتعلم في الموضوع. وكشفت النتائج عن الجانب المظلم للمرأة العراقية وكفاحها المستمر من أجل الحياة الكريمة. وعلى الرغم من احتجاجات بعض المؤسسات وكذا رجال القانون ورفضهم القاطع لمثل تصرفات، إلا أن النساء في العراق لازلن يعانين من مصاعب عديدة حيث أصيبت غالبيةهن بالجنون كما انتحرت البعض منهن لانتهاء حقبة داكنة من حياتهن.

كلمات مفتاحية: دية الرحي، العنف ضد المرأة، العنف ضد المرأة العراقية، العرف القبائلي في العراق، المعاناة الشديدة للمرأة العراقية.

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1. Introduction:

It seems crucial to highlight that women all around the world have long been victims of old and archaic customs. Since the pre-Islamic era women endorsed heavy consequences as they were only a female gender. Violence against women did not stop here; through time, it took different forms and various shapes.

Women experienced several types of violence at different levels domestic, professional, or social. Indeed, this violence caused very harmful and deep psychological impacts on them. Women witnessed many types of sufferings whether physical, psychological or sexual. However, in this millennium, women in Iraq are still victims of such behaviors in their societies. It is, in fact, called Blood Marriage.

Iraqi tribes used this custom named “Blood Marriage” for many years and have become entrenched in many countryside, particularly in southern Iraq. However, the State enacted strict laws and legislation to criminalize it in the 1950s. The state control has become tightened on the tradition of Blood marriage which has begun to reduce the proportion of its application among clans(Daaif, 2007).

1.1 Significance of the study:

The proposed work aims to demonstrate how powerful is the influence of society on its individuals and how lamentable is the state of women in Iraq because of unfair practices of violence that are imposed on them.

Through time, women faced various forms of assaults that had different reasons starting by the family to reach the place of work and also the social environment. Experts attempted to discover the causes of those assaults against women which differed depending on women’s social, cultural and economic conditions. However, one special type of assaults that seems to be odd characterizing the Iraqi customs is labeled “Blood Marriage”. The latter is used in fact as a solution to end up disputes and bloody conflict. Considered a third type of blood money compensation, blood marriage is no more than a new and disguising way to impose violence against women obliging them to marry against their consent. Consequences that engendered from this situation are disastrous as

the majority of women became mad, or committed suicide to end up their sufferings(Gordon, 2022).

1.2 Aims of the study:

The ultimate aims of the present study intend to show and explore the different aspects of this third type of violence called Blood Marriage which is under study. Also we need to dig deeper to know how women in Iraq were sacrificed and were obliged to marry men without their agreement. The main purpose was to put an end to bloody disputes that sparked between Iraqi tribes.

1.3 Statement of the problem:

This paper intends to discuss the theme of violence against women in Iraq; Indeed, women suffered and are still suffering from patriarchal power till nowadays. Blood Marriage is one significant type of violence which harmed women psychologically, deepen their wounds, aggravate their conditions of life, and oblige them to put an end to their lives. So that, the present work aims to answer the following questions:

1.4 Research Questions:

- Why Iraqi women are sacrificed to put an end to tribal disputes?
- How women are used in Iraq to settle bloody conflicts ?
- To what extent did Iraqi women lose their legitimate rights in such an unfair society?

1.5 Methodology:

In order to answer the above research questions, the current study adopts a descriptive and analytical approach in order to provide a wide range of explanations. We have, also, collected some primary data in addition to secondary data with some articles and other books that were related to the topic to give our study more consistency.

2. General Over View on Violence

Since the very beginning of human creation, violence did exist in various ways and was exercised by people from different walks of life against weak people like women, elder people, and also kids; it's crucial to mention that in the pre- Islamic era girls were buried just after their birth ; the main justification of the doers is that a girl is a source of shame. However, assaults against women have never stopped till nowadays. It's important to state that experts are still debating the answers to this core question: what are the seeds of men's violence

against women? We do know that all human beings can be violent depending on certain circumstances, such as wars, conflicts or even daily life situations. As it is, also, known that while not all men are violent, men, especially, tend to be more violent than women. Consequently, Biologists cite that aggressive behavior in men is due to the testosterone hormone. While the latter hormone affects male attitudes and their tendency toward violence, Biologists stress that humans are able to make individual choices whether to be aggressive or not.

Violence took a new dimension in Iraq, situated in the Arabian Gulf, and seems to be harsh and oppressive; this strange type of violence is called blood marriage; the latter comes under a procedure of taking revenge when a crime is committed. This type of revenge comes as a solution to put end to such bloody conflicts so that the sacrifice is a woman from the perpetrator's tribe who should be married to a man from the victim's tribe; this marriage takes place without respecting the necessary preparations that should precede any normal wedding: no dowry, no feast, the bride has nothing to do with a real bride who seeks a happy and fairy marriage; the bride is sorrowful instead of being very happy to start a new joyful episode of her life. She is afraid not confident to live with the one she chooses to pursue her life with; her sufferings and fears are extremely so important which made her survival a real calvary. As a result, her dream of founding a home is completely absent.

2.1 Background

It's important to say that there are several misconceptions surrounding the term violence against women including how and why this act happens. Violence against women is not only linked to physical assault; actually, the term violence, in fact, has several assumptions and may involve emotional, psychological, sexual, and even financial abuse. It's crucial to note that the United Nations Declaration on the Elimination of Violence against women explains violence as follows:

The term violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or

arbitrary deprivation of liberty, whether occurring in public or private life (Commission European, n,d).

The term violence engenders several definitions; as a matter of fact, In Australia the laws in every state possess their proper definitions. Despite those differences, the main elements of domestic violence involves the followings:

Firstly, some acts of violence which occur between people who have been in intimate relationships; problems sparked between them because of some sensitive issues. Secondly, it was noticed that there were an outstanding pattern of actions in order to control one of the partners and put pressure on her. This may cause fear and threat. In the majority of cases, that aggressive behaviour includes a wide range of plans to impose control and power over women and also their children. This gesture can be considered both as being criminal and non-criminal according to applied laws. Thirdly, violent behaviour can come under several forms such as psychological, emotional, physical, sexual, and financial abuses (Violence against women, n,d).

2.2 Types of Violence

2.2.1 Physical violence

To explain more , physical violence can involve some aggressive gestures such a slaps, kicking, shoves, hits, punches, to be thrown down stairs and across the room, and also to be burnt or stabbed (Gordon, 2022).

2.2.2 Emotional violence

The second type of emotional and psychological abuse can comprise some unfair behaviors like: Isolation from family members and friends, the control of finances, constant humiliation, threats against children or being threatened with injuries or even death (Gordon, 2022).

2.2.3 Financial Violence

Another type of assault against women is the financial or the economic abuse which includes vigorously the control of another person's money or other properties. This type of violence, also, involves stealing cash; in this case the victims are not allowed to take any financial decisions. In addition, the victim is prevented to benefit from a job (What is violence against women?, n,d).

2.2.4 Familial violence

We move on to another type of assault that is the violence affecting family members; in fact, it is a common term which indicates the abuses

occurring between family members, as well as assaults that may happen between intimate partners. All these sorts of behaviors are considered as a type of domestic violence. It is important to mention that in some countries those type of family violence are considered offences; such kind of behaviors that creates a sentiment of fear or threat to the victims is absolutely rejected. The connotation 'family violence' is prevalent among the Aboriginal and Torres Strait Islander people experiences' because of conjugal and kinship relationships which engendered many cases of violence (Family violence among Aboriginal and Torres Strait Islander peoples, 2006).

2.2.5 Sexual violence

Another more sensitive type of violence deals with the sexual assault or sexual violence that comprises any acts of violation, sexual assault using special implements, being obliged to engage in pornography, being enforced to practice prostitution, and being also forced to make sex with the wrongdoer's friends (Violence against women, n,d).

2.2.6 Causes of Violence

Several of the misconceptions encompass the violence issue against women. Actually, we have to focus on some myths among which we find sexual urges that made men unable to control themselves. Also, because of addiction to drugs and alcohol, men become unconscious and so violent. In some cases, women choose to stay with those violent partners instead of being away from them.

However, it's seems crucial to state that researches have shown that the significant driving forces of violence against women involves what follows like for example the existence of a certain inequality surrounding the distribution of power and resources between men and women; also, there is an accordance to tightly determine identities and gender roles; this means, in other words to speak about masculine and feminine qualities.

Actually, attitudes tolerating violence played a core role in defining the way those individuals, organizations, communities, and societies react to violence. According to a research conducted by some experts, five key categories and supportive attitudes arising because of violence have been deduced by Vic Health; Indeed ,these may include the following attitudes as they justify assaults

against women to be based on the notion that it is legal for a man to use violence against a woman; Some would justify violence saying that it is caused due to psychological factors like social pressure, stress etc...However, others proposed that men cannot be totally condemned for that violent behavior because of their anger or even their sexual urges; the focus on the impact of violence is trivialized based on the idea that the effects of violence are not serious to those justified actions by women themselves. The community or public agencies made some attempts to minimize violence by neglecting its seriousness; some would deny that certain behaviors could be considered violence; added to that there is a certain shift blame for the assault from the perpetrator to the victim or even engage women at least as being responsible for their victimization or even for preventing victimization (Violence against women, n,d).

3.Over view on Blood Marriage

3.1 Definition of Blood money in Islam

It's the money that should be given when a person is killed as a compensation of his blood. The majority of Islamic schools such as El malikia, El hanabila, El Shafiiya and El hanafia discussed blood money issue providing several points of view. Indeed, all those scholars agreed to call the connotation "blood money" on the amount of money that is the self-allowance. Indeed, the term could be defined as the amount of money that should be offered to the victim's parents or family instead of his blood (Daaïf, 2007).

3.2 Types of Blood Money

According to many tribal tradition in Islamic countries, precisely Arabic countries, we can find three types of blood money.

3.2.1 The First Type :

According to some traditions, the tribe that loose one of its citizens asks to take revenge only by killing one person from the enemy's tribe. The state interfered in this case. However, the last word referred to tribal conventions which could decide about the way to solve the problem. Especially, that we are talking about some traditions and conventions experienced by some tribes in Gulf Countries (Daaïf, 2007; El Homrani, 2020).

As cited by Allah in the Holy Quran "A believer could only kill a believer wrongly and who killed a believer wrongly, freeing a believer's friendly neck and Muslim to his parents, except to believe" (4 :91).

3.2.2 The Second Type :

This type of blood money is based on the procedure of compensation offered to the tribe of the victim by the tribe of the killer as a means of compensation.

As declared by some scholars: "Whoever caught a believer who was killed knowingly missed out only to the victim's parents by giving them one hundred of camels as a compensation of his soul (Daaif, 2007).

3.2.3 The Third Type of Blood Money

This type of blood money which occurs in those societies situated in Arabian Peninsula is, in fact, very rare and strange. Indeed, this type of blood money is considered the most harmful and its appellation or connotation in Arabic "*Diyat rehha*" (El Homrani, 2020). Actually, the word "*rehha*" means a mill. The latter is one of the crucial tools used by women in the past, especially Bedouin women in general. It is a rudimentary heavy stone machine used for grinding grains. They are two round stones: one put on the other. As the upper stone moves around a wooden or metal axis, its base is installed at the bottom of the lower stone. When you swivel the stone, it passes over the wheat or barley kernels which are placed from a small circular hole in the center of the upper stone. These beads break little by little whenever the breath stone turns on them until they are finely ground (definition of mill, n.d).

The connotation "*Diyat rehha*" means that this hard type of blood money is so difficult to be admitted by people, families; especially, women, who are the true victims of this wicked act. As a result, this type of blood money once occurring in any society destroyed women and their families because of the harsh consequences that women endorsed on the spot and more even later on (El Homrani, 2020; El Homrani, 2023).

3.2.3.1 Background

Women around the world have long been victims of wars and battles. Since the pre-Islamic era women were subject to violence; during that era girls were buried just after their birth simply because of their female gender.

Iraqi tribes have used this custom named "blood marriage" for many years and have become entrenched in many countryside, particularly in southern

Iraq. However, the State enacted strict laws and legislation to criminalize it in the 1950s. The state control has become tightened on the tradition of Blood marriage which has begun to reduce the proportion of its application among clans.

However, today and despite modernization, laws, and legislation women in several rural cities and clan tribes in Iraq are used as means to settle bloody conflicts between tribes and to defuse raging inter-tribal wars under the name of "blood marriage" called also in Arabic "*Diyat Erraha* or "*Zawadj El Fassllia*". The term *Zawadj El Fassllia* means a marriage considered as a solution for many matters in some critical situations. It's more related to clans' struggle that sparked from time to time because of a murder (Eljabiri & Payton, 2015) Many women could not object, nor refuse their parents' decision to marry their enemies, so that they would also be subjected there to persecution and persistent injustice. Due to this terrible conditions, several women often died; others lived in an intolerable hell which could be alleviated only by having a boy. In the case that woman gave birth to a girl then she will stay serving her husband and his family as a slave. All of them treat her with misery and disdain which may destroy her psychology, health, ethics, social status and even her whole future (El Homrani, 2020).

Under what many perceive to be the weakness and control of the State, clans created their own power and customs. During periods of contention and conflict, they did not resort to the State, but rather to segregation as a common clan custom which over time became the law passed on by tribes generation after generation centuries ago. It is a specific fine or compensation approved by a negotiating group for the peaceful resolution of disputes.

In this context, blood marriages are involved in which the abused clan asks the aggressor clan to marry a woman among them. Under this agreement, the victim woman becomes a legal and lawful wife, but she is often subjected to degrading treatment as a mere price received. That woman did not have any right to object or request a divorce and she is often deprived of all her rights. Clans consider blood marriage custom to be the best solution to settle conflicts and reform social relationships between clans in Iraq (Faik, 2022).

But in 2003 after the American occupation of Iraq, several political condition resulted in Iraq such as weak law enforcement, the proliferation of armed groups, the politicization of the judiciary, in which many have lost faith,

and the empowerment of clans as an important political component. The Government's support for clan custom occurred sometimes because of its incapability to solve many complex and outstanding issues among tribes. People have come back to the clans to settle their disputes. The practice of blood marriage, which has been common at different times among Iraqi tribes, has been restored.

In 2015, in an events that shook the human rights community in Northern Basra. Some forty women were forcibly married to men from another clan; the aim was to put an end to an armed conflict which took place in the southern Iraqi province of Basra. In fact, weapons were heavily deployed, followed by several similar incidents of flagrant violation of Iraqi women's rights called then clan custom and blood injection sacrifice (Eljabiri & Payton, 2015).

3.2.3.2 A case study of Blood Marriages

This story took place in Iraq at the end of the 1970s .It deals with the famous theme of revenge .This case concerned the daughter of a famous sheikh of a great Iraqi tribe named Souad; Souad's brother committed a crime by killing his friend who was also the brother of a very famous tribe's sheikh named Serhane. A group of the major heads of well known tribes made an initiative to convince Serhane to accept the second type of blood money which deals with the compensation of a big number of camels or sheep. However, Serhane rejected their proposal and insisted to take revenge i.e. he wanted the perpetrator to be killed what it is called *elkisas* ; In fact this situation was very hard for the perpetrator's father. So that, the perpetrator's elder sister called Souad made an initiative to solve the matter and save her brother from *elkisas*. She interfered to make a turning point to the situation when she proposed the third type of blood money . Effectively, Souad decided to sacrifice herself and to marry Serhane without dowry; no joyful procedures preceding the marriage ;infact , Serhane's family despised Souad ;they treated her with misery and disdain ;she stayed with servants; she was frustrated from all her rights. All the family members hated her even Serhane himself did not approach her as a wife until two months later with the insistence of his mother just to get rid of her; she endured hard times and experienced very dark moments until she gave birth to a twins a boy and a girl. A few moments after her delivery, she left the house

definitively leaving her new born babies. According to the traditions known in the region, the new born boy is considered as a compensation to Serhane and his family about the assassinated brother. As a consequence, Souad has accomplished her duty towards her brother in doing so (El Homrani , 2020).

3.2.3.3 Rights Conviction and Legal Disability Laws

According to Iraqi jurists, Iraqi law today is unable to interfere with such practices because of the country's insecurity since 2003; so that Iraqi clans exploit the weakness of the State to "extort" many lives and strengthen their influence at the expense of citizens' rights.

Blood marriage which has been legally criminalized and has returned strongly in recent years is no more than a further indication of the State's weakness in stopping such clan practices against women. Actually, this type of blood money has been agreed by some human rights institutions and official bodies as socially and legally unacceptable as well as formally and legally criminalized (Eljabiri & Payton, 2015).

3.2.3.4 Laws

In the face of the ugly and enormous nature of such marriages, rights campaigns continue inside and outside Iraq to stop this injustice and save girls from the clan's customs, which many unanimously call "unjust".

For their part, Iraqi clerics, civil society organizations and human rights activists condemned this custom as contrary to Iraqi law and a violation of women's rights. In a related context, an Iraqi women's rights activist considered that handing over women as a price for ending a clan conflict was an offence punishable under Iraqi law under the article n°9 of the Personal Status Code, No. 188. Indeed, this article provides that anyone who coerces a person whether male or female to marry without his/her consent or prevents him/her from marrying shall be liable to a penalty of up to three years' imprisonment or a fine; if the coercion or the opponent is a first-degree relative. If the dissent or the coercion is not of the first degree, the penalty shall be up to 10 years' imprisonment or a term of up to three years' imprisonment, as the marriage contract was coerced (Sovereignty, 1959). But these laws have become mere ink on paper because of the fear of clans that have grown in strength at the expense of the State's weakness and the weakness of successive Governments over Iraq since 2003.

Many Iraqi women continue their struggle to stop this practice, they say "women are being subjected to and deprived of their rights" to the most horrendous injustices. At the same time, blood marriage threatens the societal fabric of Iraq because of common disintegration . Many women have to flee to get rid of the degrading transactions they were subjected to because blood marriage has claimed many of their lives. The majority of women were disappointed. So that the solely way was to end up their lives by suicide (Eljabiri & Payton, 2015).

4. Conclusion

Violence against women was rooted in history and through times it took different forms. Despite that states did their utmost to solve that radical behavior, the matter is still unsolved and caused fear and very harmful effects on women psychic. However, in Iraq women experienced a very strange type of assault called money marriage; the latter is no more than a new form of enslaving women and destroying them. Men, in fact, committed crimes , but women endorsed the heavy consequences which led them to lose their rights, to madness, to commit suicide and leave in a terrible hell. This situation worsened because of the tribal conflicts which were very frequent. In addition to the political situation in Iraq during American occupation in 2003. Although, Human rights organizations, civil societies and the Iraqi sheikhs end clerics objected this custom as being against the Iraqi law and a strong violation of women's rights. Actually, and within the same context, an Iraqi women's rights activist considered that the action of sacrificing women as a price to end up those clans conflicts was an offence punishable under Iraqi law. It seems crucial to mention that till nowadays assaults against women still hold the first pages of news not only in underdeveloped countries, but also in the most developed ones.

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