## Law and Our Rights

# Sexual Harassment at DU: Towards a Code of Conduct

by A H Monjurul Kabir

**We, as a whole have to shrug off the taboos which shroud the crime of rape and sexual harassment. The Jahangirnagar syndrome amply testifies our inherent bias towards rapists and their political connection. That also proves the inefficiency of constitutional protection for fundamental human rights and the dignity and worth of human person. The present movement against sexual harassment at DU again reminds us of our sheer failure to provide a compass free from this sort of perversion.**

THE recent allegation of sexual harassment by a female student against a male teacher of Dhaka University again brought the nation into utter disgrace. The whole nation was shamed by the worst revelation of twenty rapes and over three hundred cases of sexual harassment at Jahangirnagar University (JU) just a few months ago. Now the same syndrome rocked the conscience of the nation. Country's highest citadel of knowledge, Dhaka University topped the headlines for last several days not for any breakthrough in research or innovation. It is in the news for allegations of sexual harassment and untoward incidents marked by violence between two rival groups of students following the allegations. What a shame!

Unfortunately students of the varsity failed to stage their protest uniformly. Two groups of students i.e. 'Students Protesting Sexual Harassment (SPSH) and 'Conscious Students' (CS) are vehemently confronting each other though both of them are against sexual harassment! But in the name of 'Conscious Students' some students used force to silence the grievances of 'Students Protesting Sexual Harassment' which is not acceptable in any consideration. Whether they are trying to protect interests of any vested quarter has now become a common question. It is really a matter of pity that even on important issue like this, students of Dhaka University could not take a united stand. They are being successfully used by some influential lobbies for their petty personal interests.

The whole episode of sexual harassment creates embarrassment both for teachers and students. The conventional 'teacher-student' relationship based on mutual trust faces a major set back. In fact, it is now passing a transitional period.

The issue of sexual harassment, this time, infact opens the Pandora's box. The fact that it is still a taboo does not deny its widespread existence in workplace including educational institutions. It is now admitted by all quarters that it does exists in Dhaka University for quite a long time. The problem lies with the dangers of talking about sexual harassment.

### What is Sexual Harassment?

The term sexual harassment is rarely used, recognised or understood in Bangladesh. In a society which is essentially male dominated and patriarchal, sexual harassment may include any inappropriate behaviour with sexual connotations or overtones and which may include touching, stalking, teasing, making insinuating remarks, showing of obscene materials e.g. pornographic magazine and so forth. The main component is that the woman is made to feel incomfortable, scared or intimidated. "Sexual harassment therefore need not even involve touch it can be a look or a comment, and by such behaviour a woman is duly put in her place" (Carol Smart, 1995, Law, Crime & Sexuality: Essays in Feminism). In the west, sexual harassment at work includes sexual bullying, obscene language, name-calling, gestures, the display of pictures, jokes, teasing or treats. The intention of the perpetrator is completely irrelevant — what matters is that the activity is unwanted by the woman who lodged the complaint. Usually, sexual harassment is an accumulation of little things each of which taken alone, is subtle and ambiguous but their cumulative effect is to turn a woman into a sexual object.

### Still a Social Taboo

As already mentioned it is still a social taboo. For the first time in the history of Bangladesh, students, particularly female students speak out on such 'dangerous' issue. It can be dangerous for a number of reasons:

a) Sexual harassment raises questions about personal relationship which is deeprooted and can be very disturbing at a profound emotional level

b) It can constract women as victims and usually it does so.

c) Identifying and speaking about sexual harassment can lead to women being spoken for: if they are victims, they can not speak for themselves.

d) It can lead to a violent reaction or adverse social repercussion and finally

e) It carries the risk of exposing women negatively in the media and other social forums.

While the dangers of talking about sexual harassment are clear, not talking about it is even more dangerous, because silence allowing it to continue, even encourages the perpetrator to continue it'. The silence of women send a wrong signal to others too. The cases of such harassment of Jahangirnagar University and of Dhaka University profusely proves that. So women must speak out firmly. It sheds light on and exposes those others and thus can help to end them. Eventhough some sexual harassment cases are lost, the publicity of each one can assist other women who are being sexually abused. It encourages them to speak out. It also acts as an antidote to some future occurrence.

### Sexual Harassment: A Human Rights Issue

In many parts of the world including the Asian Region documenting sexual harassment as a human rights issue describes such conduct in the following terms:

*1. A clear manifestation of violence against women

*2. A violation of human rights

*3. An affront to the dignity of the person harassed

*4. Having a link with the inequality of women in social and economic spheres

*5. Unacceptable conditions of work which have detrimental effects for both the employees and the enterprise.

*6. Inconsistent with the very nation of fundamental freedoms

Recently the Supreme Court of India on a writ (Vishak V. State of Rajasthan 1997, 6 Scc 241) filed by NGOs laid down guidelines to obviate sexual harassment in view of the increase of cases reported. These guidelines are to operate at places of work including universities, hospitals and other professional bodies. In the absence of legislation, the court has held that the guidelines shall be legally binding and enforceable. The Indian Supreme Court has very significantly brought sexual harassment within the purview of human rights violations.

### The Verdict

As already mentioned in view of the increase of cases reported on sexual harassment of women, the Supreme Court of India, on a writ has laid down guidelines to obviate such harassment at places of work, and at other institutions including universities, hospitals and other professional bodies. With respect to employment, the guidelines are applicable to the government, public, and private sector, and cover women drawing a salary or an honorarium or working as volunteers. The court has directed all employers and other responsible persons in workplaces and other institutions to ensure the prevention of sexual harassment of women and to provide procedures for resolution, settlement and prosecution of acts sexual harassment. Most significant, the Supreme Court has brought sexual harassment within the purview of human rights violations.

**Definition**

Sexual harassment is unwelcome sexually determined behaviour, direct or by implication, and includes: physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Acts of sexual harassment can be humiliating, can create a hostile work environment and may constitute a health and safety problem for women. Employers and responsible persons need to ensure that a woman objecting to harassment is not disadvantaged in respect to her employment and promotion.

**Prevention**

In order to prevent the occurrence of sexual harassment, the Court has directed employers and persons incharge of the workplace to take the following steps-

(a) Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.

(b) The Rules/regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.

(c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.

(d) Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee women should have reasonable grounds to believe that he is disadvantaged in connection with her employment.

**Complaints**

Employers are expected to set up within their organization an appropriate complaints mechanism. The court has recommended provision for a complaints committee, a special counsellor and other support services for handling complaints. With respect to the committee, the following guidelines have been laid down:

The committee is to be headed by a woman. At least half of the committee members should be women. To prevent undue pressure from within the organization, the committee should include a third party representative from an NGO or any other body conversant with the issue of sexual harassment. The complaint should be handled confidentially and within a time bound framework. The committee is required to submit an annual report to the concerned government department, Employers and persons in charge are required to report to the appropriate Government Department regarding compliance with the aforesaid Guidelines.

**Disciplinary Action**

Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

**Other Provisions**

In addition to preventive and remedial measures, the Court has also stressed the need for awareness-raising in the work place.

Employers should be allowed to raise issues of sexual harassment at workers' meetings and in other appropriate forums. Sexual harassment should be affirmatively discussed in employer — employee meetings. The guidelines stressing the rights of women workers must be prominently notified.

**Criminal Law**

In addition to the above the court has also addressed sexual harassment and criminal law remedies:

a) Where such conduct amounts to a specific offense under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

In particular, the employer should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

Where sexual harassment occurs as a result of an act or omission by any third party or outside, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

These guidelines are binding and enforceable in law until such time as the Government passes appropriate legislation.

### Towards a Code of Conduct for Bangladesh

We, as a whole have to shrug off the taboos which shroud the crime of rape and sexual harassment. The Jahangirnagar syndrome amply testifies our inherent bias towards rapists and their political connection. That also proves the inefficiency of constitutional protection for fundamental human rights and the dignity and worth of human person. The present movement against sexual harassment at DU again reminds us of our sheer failure to provide a compass free from this sort of perversion.

Sexual harassment in Bangladesh violates the constitutional provisions relating to gender equality, non-discrimination at work, fundamental rights to life and liberty. A separate piece of legislation can adequately deal with the whole gamut of sexual harassment. Like India, the Judiciary of Bangladesh can also play a strong role to fill the gaps in the absence of legislative provision. A public interest litigation can be initiated by the concerned NGOs in this regard. A code of conduct is a must to ensure safe environment of educational institutions and work places for women. We can not enter into next country with such pervasiveness of problems of sexual harassment.

## The EC Code of Practice

IN 1991 the European Commission issued a Recommendation on Sexual Harassment and an accompanying Code of Practice: "How to Combat Sexual Harassment at Work". Such Recommendations do not have express legal force, although this Recommendation makes clear that sexual harassment may be sexual discrimination and violate the European Union's Directive on equal treatment for women and men as regards access to employment, vocational training and promotion and working conditions (Directive 76/207/EEC). In addition, the recommendation must be taken into consideration by the courts and tribunals concerned with cases of sexual harassment in all member states (Case 322/88). Following the recommendation legal cases on sexual harassment were taken up across the European Union. Some States introduced new legislation, including changes in France to both the Labour Code and Penal Code. In Italy, on the other hand, sexual harassment was taken into the courts under existing health and safety legislation.

The Code of Practice is the practical application of the Recommendation. It defines harassment and sets out guidelines directed very specifically at employers. In her foreword to a guide on the implementation of the Code of Practice, Agnes Hubert, Head of the Equal Opportunities Unit of the European Commission, made it clear that employers have a vested interest in the full implementation of the principles within both the Recommendation and the Code:

Turning a blind eye to sexual harassment costs time and money. Organisations should think seriously about the cumulative cost of replacing staff affected, paying sick leave to employees who miss work because of stress, and the implications of reduced individual and group morale or efficiency of workplace teams. ('How to Combat Sexual Harassment at Work', A Guide to Implementing the European Commission Code of Practice (1993) p.5)

The Code of Practice sets out a platform upon which women and men can respect one another's dignity in the workplace. There are two main objectives within the Code: (i) the creation of a workplace environment where sexual harassment should not take place; (ii) the establishment of procedures for dealing with sexual harassment where it does occur.

In order to fulfil these aims the Code of Practice suggests that employers adopt their own policies and procedures, in order to demonstrate their concern about, and commitment to dealing with, the problems of sexual harassment, together with relevant training and publicity amongst their workforce. Most employers in the UK have adopted such codes of practice, harassment policies and training for management staff, not least because failure to do so may have legal implications. Under the Sex Discrimination Act 1975 employers may be liable for an employee's behaviour, including their sexual harassment of another employee or failure to deal appropriately with a complaint of sexual harassment. In the event of a case being brought against them in an industrial tribunal they may be able to avoid liability if they can show that they took reasonable steps to prevent the occurrence of the sexual harassment. The implementation of appropriate procedures and policies, designed to ensure that sexual harassment is neither permitted nor condoned within a particular workplace, is clearly just the kind of practical action, on the part of an employer, which may be taken into account by the tribunal.

However, the great majority of complaints about sexual harassment do not reach the legal forum of either a tribunal or a court. They are much more likely to be settled at the workplace. The European Commission Code of Practice envisages that employers will make both informal and formal procedures available to their employees.

There are any number of reasons why the victim of sexual harassment may prefer to seek an informal settlement. The recipient of sexual harassment may feel frightened, ashamed or embarassed. They may shy away from revealing details of the harassment in the semi-public setting of a formal disciplinary or grievance hearing or worry that their colleagues will not be sympathetic. Many women simply want the sexual harassment to stop, they do not necessarily want to see the perpetrator discipline. The purpose behind the informal settlement process is to speedily put an end to the harassment through a process which aims to alleviate fear and embarassment. Moreover, as the Commission made clear:

An informal settlement seeks to remedy the situation by directly confronting the harasser or by going through an intermediary (the boss, a co-worker, trade union representative or confidential counsellor). ('How to Combat Sexual Harassment at Work', A Guide to Implementing the European Commission Code of Practice, (1993), p. 61)

The Commission indicates that informal methods may be particularly appropriate where the "sexual harassment is not very severe."

*Courtesy: 'Living Dangerously: Wamen Talking About Sexual Garassment' by Kate Green*

*Source: Workshop Proceedings on Acknowledging Sexual Harassment in Bangladesh published by The British Council Bangladesh.*

## Strategy to Combat Sexual Harrassment at Dhaka University

WE believe that sexual harassment is widespread and acceptable at Dhaka University. It is a particular problem because university teachers abuse their power and students do not feel able to report them in case their results are endangered. We have therefore chosen a strategy which will operate on a number of different levels. The key focus of this strategy is to develop (participatorily), a code of conduct on sexual harassment. However, we are aware that if this code does not have widespread support, it will just be a piece of paper. We will use the process of developing this code to develop support. As such this is a strategy aimed at the structural level within the Dhaka University set-up. Insofar as part of this strategy is focused on developing a code of conduct, we have also focused on the substantive level, or the level of the rules which operate within the university. Parts of the strategy are focused or raising awareness and therefore by implication on changing the behavior of the perpetrators. These aspects of the strategy focus on the cultural level.

### Immediate Actions

1. In the short term we will identify like minded teachers both female and males who will support a Campaign against Sexual Harassment at Dhaka University and will build a network which includes them and human rights activists, NGO workers, and student leaders.

2. With this group, we will develop a standard code of conduct which sets out what is and what is not acceptable behaviour between students and teachers and between students and other students (with penalties when the code is contravened). This code will be developed in a workshop in which students will also participate.

3. The code of conduct will be printed and disseminated widely to educational institutions like colleges and universities.

4. Committees to be set up in all educational institutions comprising of teachers, students, lawyers, NGO activists. We will set up the first model committee in Dhaka University.

5. In addition to this consultative committee, there will be a student's consultative committee comprising of students who will identify the problems and possible solutions/recommendations to be given to the consultative committee. This committee will organize dialogues with political parties, student leaders, and teachers to identify non students in these institutions who usually perpetuate S H on campus and act to prevent it.

6. In conjunction with these committees we will begin developing training course for student advisers on what is and is not acceptable behaviour.

7. In conjunction with this we ail conduct a series of awareness campaigns with students.

8. At the same time we will lobby through our personal contacts teachers and university authorities on the issue of taking sexual harassment seriously. A delegation will approach the authority concerned for immediate action on cases of S H among colleagues at the university campaign on the issue of sexual harassment. Sexual Harassment will be defined and described in accessible Bangla so that everyone understands clearly what is being discussed.

10. In conjunction with this, students will design cartoons, street drama, role plays, short plays with embassies on socialization.

11. Student counselling will be provided for those have been victimised. We will work jointly with those from the psychology department who are concerned about this issue.

12. A format for evaluation of teachers will be developed. Included in this format will be questions about whether teachers have behaved in a way that sexually harasses their students. (Confidentiality of students filling in this format should be maintained at any costs).

13. On the basis of these evaluations, it should be the duty of administrative heads of departments to give teachers who have been reported as infringing the code of behaviour confidential warnings without particulars of the victim. The warning should be followed by continued observation.

### Action Plans for 3 months

Our general approach is to make this a Dhaka University issue, by involving formal university associations and committees and institutions as much as possible. The code of conduct (see point 1 above) will be read at academic committee meetings and discussed. Teachers, students, teachers' and students' associations will be involved as much as possible.

Strategy developed by 'Dhaka University Teachers and Students Group' presented by Prof. Ishrat Shamim, Soniya Nishat Amin & Dr. C.R. Abrar at the Workshop on Acknowledgment Sexual Harassment in Bangladesh held on 2&3 July, 1998 at the British Council, Bangladesh.

# Still Waiting for Justice: Pakistan's Laws on Rape

by Shirin Sinnar

**Almost twenty years have passed since the government of General Zia al-Haq, perhaps anxious to demonstrate its religious credentials after seizing power in a coup, slapped the Hudud Ordinances on Pakistan. One of the most notorious consequences of the change in Pakistan's penal code was the new law on rape, which made it difficult for women to prove they had been raped and dangerous for them even to try.**

ALMOST twenty years have passed since the government of General Zia al-Haq, perhaps anxious to demonstrate its religious credentials after seizing power in a coup, slapped the Hudud Ordinances on Pakistan. One of the most notorious consequences of the change in Pakistan's penal code was the new law on rape, which made it difficult for women to prove they had been raped and dangerous for them even to try. Fifteen years have passed since the mobilisation of national protest against the Hudud Ordinances' effect on women. In the past decade, Pakistan returned to civilian rule and elected its first woman prime minister. It also experienced a nationally publicised rape scandal in the early 1990s. The laws on rape, in this time, have been challenged repeatedly, not only by reference of international human rights standards but also by appeal to Islamic values and jurisprudence. Despite all of this, they remain on the books — a testament to the enduring power of patriarchal attitudes to masquerade as divine law.

### What the Laws Are — and Are Not

The common perception is that Pakistan's rape laws require the testimony of four pious adult male eyewitnesses to prove rape. That is only half the story. Although that almost impossibly high threshold of evidence is required to convict someone of rape under the *hadd* category of Pakistani law, the Hudud ordinances include a second, and much more common, scheme of crime and punishment. This second level of the law, the *ta'zir*, derived from a category of Islamic jurisprudence applying to crimes for which specific rules were not defined in the Qur'an or sunnah, and for which greater human discretion was therefore permitted. Pakistani human rights lawyer Asma Jahangir has frequently pointed out that many critics of the rape laws initially focused on the four-witnesses rules of *hadd*, ignoring the more complicated problem of rape under the *ta'zir* category. At this level of the law, the testimony of women is admissible, as is medical or forensic evidence, and there is no set standard of proof. Men could be, and have been, convicted of rape under these rules, even though widespread bias against the testimony of women in the courts persists.

The cardinal flaw of the provisions on rape, however, is not the problem of evidence at all. It is rather that rape under the Hudud ordinances is completely subsumed under the category of *zina*, or sex crimes (adultery and fornication). Rape is considered *zina bil jabr*, or "*zina* by force"; if it is found that *zina* was committed under compulsion, the rapist is punished and the victim "excused." But by treating rape only as special case of *zina*, the laws open the way for the prosecution of women who cannot prove that the rape has occurred. That is exactly what happened in the infamous Safia Bibi case of 1983 : an unmarried 18-year-old blind girl, pregnant after being raped by her landlord and landlord's son, could not prove her case (even under *ta 'zir*) and was sentenced to whipping for extramarital sex; although the men she accused were acquitted, the courts ruled that her pregnancy confirmed for own guilt. After the mobilisation of national protest, spearheaded by women's groups in Lahore, Safia Bibi was acquitted by a higher court, although this did not prevent the recurrence of similar punish-the-victim cases. It seems as though criminals and women are often the first targets of aspiring "Islamic" states, and in one brilliant — if unintentional — move, Pakistan's rape laws simply collapsed the two.

There is much that can be faulted here, not only in the laws themselves but also in the courts. But the underlying conceptual problem of the rape laws is more fundamental, and unfortunately, prevalent for beyond Pakistan : it is the tendency to think of rape primarily as a problem of extramarital sex rather than one of violence. If rape is viewed primarily as a crime of illicit sex, then it brands aggressor and victim alike with the mark of stigma; if it is treated as an act of violence, it puts blame where blame is due — on the aggressor — without implicating the victim as a partner in crime. This approach to rape has gained ground in the past twenty years as the issue of violence against women has climbed up the international human rights agenda. It is an approach, moreover, that has some precedent in Islamic jurisprudence; it is not a question of substituting Western standards for Islamic law, or imposing modern rights doctrine upon traditional values. Simply put, rape is an abuse of power : the equation of rape and *zina* should be dismantled, and the crime of rape transferred from a discourse on sex to a new discourse on violence.

### Patriarchy Beyond Borders

When news of Pakistan's unjust rape laws made headlines in the West, some readers might have found confirmed in those reports a particularly "Islamic" tendency to oppress women. The blame-the-victim approach to rape, however, appears to defy distinctions of culture and creed.

In fact, the treatment of rape in the Hudud ordinances of Pakistan — particularly the conflation of rape and sex crimes — has a clear parallel in ancient Hebrew law. The Old Testament discussed rape as a special instance of extramarital sex, charitably exempting the victim of rape from punishment for "her" transgression. After establishing death by stoning as the punishment for adultery, the verses in Deuteronomy (22:25-29) state that if an engaged girl is raped, "only the man is to be put to death; nothing is to be done to the girl, because she has not committed a crime worthy of death." In the case of a girl not engaged, the rapist "is to pay the girl's father the bride price of fifty pieces of silver, and she is to become his wife, because he forced her to have intercourse with him." In other words, presumably to salvage her lost honour, the woman was to marry the man who raped her.

Susan Brownmiller, an American feminist who argued in *Against Our Will* (1975) that rape be treated not as a crime of "carnal knowledge" but one of aggression, wrote that ancient Hebrew civilisation treated rape as a "theft of virginity," and as a property crime "against the male estate." Later Jewish laws were reformed to give women the option of rejecting marriage to the rapist and claiming the financial compensation for themselves — although such reforms were opposed by authorities like the eminent theologian Maimonides.

Before Muslims congratulate ourselves that *our* scripture never authorised the attitude found in the Old Testament, we should ask ourselves which is worse — that a sacred text appears to sanctify injustice, or that a modern Muslim state legislates it — almost two thousands years later? One might also wonder which is worse: marriage to the rapist, according to the Hebrew code, or death — the preferred solution according to the extant feudal values in parts of Pakistan. When Jehan Mina, another young rape victim in Pakistan whose case was converted into a *zina* offense, became pregnant, an uncle rescued her from her grandfather who wanted her killed. A woman's virtue is sometimes still seen as the collective possession of her family or clan, and its loss, even through rape, is reason for swift retribution.

In fact, Brownmiller's descriptions of Hebrew and Assyrian societies' treatment of rape in ancient times sound uncannily similar to descriptions of the feudal and tribal honor codes in parts of Pakistan. According to such codes, a woman's honor is the collective possession of her community. In that system, the murder of a woman who has violated sexual norms (even under compulsion) has cultural sanction, as does social pressure for the woman to take her own life. Perhaps the prevalence of such feudal codes in rural, traditional areas is not unusual or unexpected. But what is worse is that these codes are reproduced and dramatized in urban commercial culture : the Simorgh Collective, a group of women writers in Lahore, studied representations of women in the Zia years and demonstrated that popular films continue to portray death or isolation as the only hope for a "ravaged woman".

These problems are part of an underlying social and cultural system, not the creation of the government or the Hudud ordinances. Yet rather than pass laws to improve the position of women, the Islamic Republic of Pakistan has condoned injustice. Apparently, it finds it easier to let *jahiliyya* linger.

### Not Islam

Since the early 1980s, however, the Hudud ordinances — and particularly its effect on rape — have been challenged in Pakistan on Islamic grounds. Many women activists in Pakistan mobilized against the laws in 1983 around the Safia Bibi case, protesting that they violated not just international human rights standards but also the spirit and letter of Islam. Some focused mainly on the ordinances' discriminatory laws of evidence, which treated the testimony of a woman as less than that of a man. Others pointed out that the laws perverted the spirit of the Qur'anic revelation on zina: those verses, revealed after the "Affair of the Necklace," established an extremely high threshold of evidence for zina to prevent slanderous allegations against women (Qur'an 24 : 2-22).

Turing to the letter of the law, Asifa Quraishi's recent critique. "Her Honor", published in the *Michigan Journal of International Law* (1997), refutes the notion that the rape laws reflect "authentic" shariah. Basing her argument on an examination of rape in Islamic jurisprudence, Quraishi argues that rape had been treated by several early jurists not as *zina* but as *hiraba*, or "violent taking" (a separate hadd crime mentioned in the Qur'an), or as *jirah*, "bodily harm" entitling the victim to civil compensation. Although an attempt to redefine rape as such under the existing framework of Hudud laws would lead to other complications, the basic point bears repeating: that there is precedent in Islamic law for treating rape as a crime of violence, not a theft of honor.

Quraishi's work is important partly because it challenges the unfortunate idea that Islam perpetuated the idea of marriage as sexual ownership, or rape as transgression against another man's property. It is true that some Muslim men, through the centuries, focused on women's sexuality as threatening and dangerous, and therefore in need of tight control. It is true that Islamic laws permitting polygamy or easy divorce were sometimes interpreted in terms of male sexual license. But the discourse on sexuality in Islam, historically monopolized by men, should not be equated with sexuality in Islam.. Moreover, *even* in the centuries of exclusively male interpretation of Islam, the discourse was always more complex than the *houris* and harems that dominated the Orientalist imagination (and, sadly, that of some Muslim men).

### Toward a New Discourse on Violence

All these are examples of violence against women in Pakistan that at least have come into the public spotlight. What is even more disturbing is the widespread violence against women that remains concealed, namely domestic violence. Some studies have found that domestic violence affects as many as 80 percent of all households in Pakistan. If such statistics are anywhere near accurate, they point to a shocking problem politely overlooked in much of the Muslim world. Domestic violence is neither characteristic of nor unique to the Muslim world — but it happens, and it sometimes happens with the approval or toleration of village mullahs and community leaders. Rape seems almost a simple problem by comparison : at least people recognize that it is wrong. But when it comes to physical abuse inside the home, our societies are often more than content to let the curtains remain drawn. We turn away, invoking values or cowering behind scripture to justify our negligence. One can't help but wonder why it is that a woman's virtue is everybody's business — but that her safety and dignity is nobody's at all.

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