

## Marriage in Times of War and Political Conflict: The Case of Iraq

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### Abstract

Based on the life histories of Iraqis living outside Iraq (Jordan, Lebanon, Yemen Turkey, and the United States), and representing a broad spectrum of Iraqi society, this paper analyses the evolution of marriage practices in a context of prolonged violence. Since the beginning of the 1980s, Iraq has been experiencing major upheavals, including a decade-long war with Iran in the 1980s, the Gulf War of 1990–1991, the economic sanctions from 1990 to 2003, and the 2003 U.S. occupation followed by sectarian strife and massive displacement of populations. The violence and counter-violence that broke out after the 2003 war in Iraq and escalated in 2006–2007 hardened sectarian boundaries, imposed the will of militants over their communities, and strengthened the separation between confessional communities in previously mixed neighborhoods. In this context, all aspects of public life including family affairs and marriage were politicized and became a site of socio-political conflict.

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The wars and the political sectarian conflict that Iraq witnessed between 1980 and 2006 strengthened the domination of political sectarianism over all aspects of socio-cultural and political life in major cities, such as Baghdad. At the same time, tribal customary laws including, marital laws, were reinforced in tribal areas (Hasan 2019; Haddad 2017, 2014; Khoury 2010; Mako 2019; Sa`id 2019). With the bombing of a Shi`a shrine in 2006, followed by sectarian cleansing of mixed neighborhoods in Baghdad, marriage was politicized and became a site of socio-political conflict, and women's in particular marriage became a matter of political concern for sects, rather than a personal or family affair. Exogamous marriage, which pushes one's community outward and helps to crystallize an identity that transcends sectarian boundaries, became an act of betrayal. Accordingly, many existing marriages of this nature ended in divorce. In addition, endogamous marriage, which pushes the community inward and reinforces sectarian identity, became a sign of loyalty to one's community. On the other hand, because of the collapse of the nation-state and the absence of the rule of law, tribal customary laws prevailed in tribal areas, turning forced and blood marriages into a common practice in these areas (Yaphe 2000; al-Haydary 2015).

In this paper, I will discuss the changing socio-cultural and political context of marriage practices and how marriage became a site of asserting one's overriding allegiance to one's community by presenting a brief history of these practices before and after the rise of political sectarianism and tribalism. In discussing political sectarianism, I will focus primarily on Baghdad, a city ravaged by sectarian conflict after 2006, and I will shift my focus to the southern provinces, the homeland of major

tribes when tackling forced and blood marriages.

My discussion of marriage before and after the upheavals is informed by the life histories of Iraqis living outside Iraq (Jordan, Lebanon, Yemen, Turkey, and the United States), who represent a broad spectrum of Iraqi society. These histories were collected from 2005 to 2009, within the framework of a broader research carried out for TARI's project "The Oral Histories of Iraqis Living Outside Iraq." I also carried out micro-ethnographic research in two sites in Amman: a church in East Amman where a group of women meets after mass, as well as a neighborhood where women living next to each other would meet in the afternoon to socialize and discuss issues of concern to them, such as their application of resettlement, marriage, and the latest Iraq news.<sup>[1]</sup>

### ***Mahallah, Kinship, and Marriage***

The Iraqi idiom "women are *theel*" refers to the linkages that women's marriages create. *Theel* is a creeping grass that spreads over the earth afar and takes root wherever a node touches the soil, forming a dense mat. Similarly, women's marriage forms a network connecting families together just as *theel* that burgeons wherever it exists. However, the spread of the web of nodes is dependent on "natural" factors, whereas women's marriage is governed by social norms and often by political and economic considerations that sanction only endogamy or both exogamy and endogamy.

In the old cities and villages of the Levant, kin groups often lived in separate quarters and married only within their group. In the city of Irbid, Jordan, where I was born and grew up, the *hamulas* (lineages) used to live in the old section of the city; each lived in their separate quarter, owned their agricultural land and wells collectively and married within their lineage to keep their property intact.<sup>[2]</sup> Ethnographies of Palestine 1948 describe villages as "communities where locality, kinship, marriage, economic and social organization are all interwoven (Isotalo 2005, p. 30). Batatu (2004, pp. 18-19) describes the old *mahallahs*, the quarters of Baghdad in the 1920s, as communities where classes, faiths, sects, ethnicity, kinship, locality, and marriage were interlinked and where houses were attached to each other, forming a closed world.<sup>[3]</sup>

In her narrative of her life in Baghdad, Su`ad, a ninety-year-old woman, described *al-Haiderkhanah mahallah*, an old neighborhood where Sunni aristocratic families of upper officials lived, as follows:<sup>[4]</sup>

I remember when we were living in *al-Haiderkhanah*; we never went out to the street [to reach our relatives' houses]. We had gates inside the house, gates that connected the houses. We went from house to house through these gates. Our relatives lived next to us from both sides: left and right... My father's relatives were adjacent to us on both sides. My mother's relatives were on the opposite side. We did not go out to the street; there was a gate on the roof and another one down in the basement.

In discussing marriage, she said "Sunnis marry Sunnis, and Shi`as marry Shi`as. Mixed marriages didn't exist back then... It's because all marriages were arranged." According to Su`ad, in societies where contact between unmarried men and women was forbidden, marriages were arranged by women who often selected "somebody they knew," indicating that isogamy, or marriage between social equals, was the norm. Marriage establishes a socially significant relationship between spouses' families, which is why it is carefully arranged among high-status families to sustain the pre-existing strata and to

establish, or maintain, marital alliances, thereby solidifying their political and social network of allies (Mundy 1995, pp. 172-173).

In `Aqd al-Nasarah, the neighborhood of Christians of several denominations, exogamous marriages were often opposed by the religious community as well as by kin groups. Layla, a Chaldean woman who decided to marry an Assyrian despite her parents' objection, opted for elopement, exposing herself to her family's outrage and boycott:

Frankly, I eloped because my family objected to my marriage [to the Assyrian]. They said Assyrians allow divorce. Chaldeans don't marry their daughters to Assyrians because of divorce. But they [the husband's family] said, "It's a lie, we don't have a divorce." I didn't love the boy <sup>[5]</sup> [her future husband], but his family loved me, they realized that I was hard-working, and they said, "Come to our house." I went and they arranged a nice gathering [a marriage party] for me. My family came and filed a complaint, they wanted to put him [her husband] in jail. The judge asked me "Did they force you?" to which I replied, "No, I went willingly." I was 18 at the time. I didn't know anything, but his mother, father, and sister told me, "We like you and we want you." I regretted it later because my family was mad at me and they boycotted me for two years. Because they didn't want to give me away [marry me]. They [husband's family] sent [intermediaries] to my family to pacify them but to no avail. They later reconciled with me. <sup>[6]</sup>

In remarking that her marriage was not based on love marriage, but rather on the fact that her husband's family was very fond of her, which drove her to elope, Layla wanted to underline that she was a "reputable" young woman. Love marriages indicate courtship before marriage, which was socially unacceptable. A woman who dated before marriage would shame herself and dishonor her family.

Rural migration into the city, which accelerated since the establishment of the nation-state in 1921, did not change much in the demographics of residential quarters. A great number of poor Shi`as migrated to Baghdad and squatted in the vacant areas in the southeastern parts of the city, where they lived in *sarayif*. <sup>[7]</sup> The squatter settlements were upgraded in 1959 and in time developed into dominantly "Shi`a" cities. H. al-Sakir, a university professor and literary critic whose father migrated to al-Huriya, one of the upgraded squatter cities, discussed migrants' tendency to adhere to village social life and matrimonial choices:

Rural migrants "transport" their rural lifestyle to the city... They live next to each other in the same quarters, which are usually named after the villages they came from: the quarter of `Amara, the quarter of Nasiriya, etc. The tribes in the south cling to their customs; kin groups live next to each other and marry within their kins. My paternal and maternal aunts and uncles married *mina*, and so did the others.

"*Mina*" indicates that marriage was within the lineage and sect and often meant that the married couples were related both maternally and paternally. Al-Sakir's lineage, like other migrant lineages, constituted a sort of cooperative neighborhood, where each family would contribute to the wedding expenses of a relative, the payment of blood money, support a relative in need of money, provide accommodation for a new migrant and help them settle down.

At the turn of the century, Iraq in general, and Baghdad more specifically, witnessed two major socio-cultural changes that impacted the status of women: women's empowerment and the change of the city's social fabric. The call for women's emancipation and for their right to higher education, gender equality, and removal of the veil were voiced first in two newspapers: *Layal*, the first women's magazine, and *al-Sahifa*, a Marxist-oriented newspaper. These calls were furiously opposed by members of the clergy (al-Himyari 2019; Jarian 2017; `Umari 2017). However, due to the increasing number of girls' elementary schools and the need for qualified teachers, the Teachers' High College, established in Baghdad in 1937, became coeducational, and eight women were admitted in 1939, in addition to the simultaneous admission of five female students to the Faculty of Medicine (al-`Alaf 2019; Zaki 2005). To appease the clergy, modesty was required: Those admitted to the Teachers' High College had to wear the *abaya* and sit in the first rows, whereas those admitted to the Faculty of Medicine had to wear modest clothes.

Conversely, Baghdad witnessed major structural changes as new neighborhoods and state-sponsored housing projects for professionals of all faiths, sects, or ethnicities were built on the outskirts of the city. Families from the old *mahallahs* began moving to the outskirts, leaving their houses to tenants from different ethnic and religious backgrounds. Quite often, extended families would break up; some would stay behind and continue living in the extended family's old house, while others would move and rent it out to rural migrants, to families from other quarters, or to businesses. Su`ad's house in al-Hayderkhana was sold to a printing press: "All of al-Hayderkhana became a centre for printing presses. This is because it is close to Mutanabbi Street." In addition to mixed neighborhoods, public spaces such as co-educational colleges, movie theatres, clubs, syndicates, political parties, and unions, became sites where young men and women could socialize, providing a sociocultural context for marriages based on friendship, love, and/or affiliation with the same political party or organization rather than religion or sect.

Ali, a retired university professor with a PhD from Scotland, and Salma, his wife who has a B.A. in mathematics, were both secular political activists and members of the administrative body Teachers' Syndicate, where they got to know each other and decided to marry. Ali is Shi`a, and Salma is Sunni:

"We went to court and got married according to Sunni marriage law. My parents and hers didn't object; they were open-minded... The court has a department that handles marriage according to Sunni personal status law and another that handles marriage according to Ja`fari [Shi`a] law. You go to the court, and they ask you whether you want to get married according to Ja`fari or Sunni marriage law. I didn't care whether it was Sunni or Ja`fari law."

### Political Sectarianism and the Politicisation of Marriage

Drawing on Anderson's concept of the nation as an imagined community, Bishara (2019) argues that sectarianism is not the product of the sect; on the contrary, it is political sectarianism that reproduces the sect as an imaginary community that can be manipulated in the fight over the state at times of conflict. In his study on Shi`a identity, Sa`id argues that it is not al-Shi`a, a doctrinal as well as political expression of Imam Ali's right to the Caliphate, that made Shi`a identity possible. Shi`a identity is rather a recent, transnational imagined identity shaped by the historical narratives of *al-tashayu`* (Shi`ism) and made possible by the formation of an exclusively Shi`a party, the Da`wa Islamic Party in 1958, which

emerged as a result of the nation-state's failure to form a national identity (Bishara 2019, pp. 162-174).

With the eruption of the Iraq-Iran war, Saddam felt the need for loyal religious leaders who would spread his own version of Islam, as well as the need to represent himself as a devout Muslim of Ashraf descent (Helfont, n.d.).<sup>[12]</sup> He ordered the establishment of two religious educational institutions: Saddam Institute for Imams and Sermon Givers and Saddam University for Islamic Studies; admission to both institutions was based on loyalty to the Ba`ith Party. Upon graduation, the students, the majority of whom were Sunnis, were placed in mosques and/or the Ministry of Endowment. In an attempt to avert the risk of another uprising,<sup>[13]</sup> he launched the Faith Campaign in 1993, in which the graduates of Saddam Institute and University played an instrumental role. He also ordered the building of mosques and shrines, added the Arabic inscription "Allahu Akbar" to the Iraqi flag, and made himself a family tree claiming to be a descendant of the Prophet. He also granted the Iraqi Islamic Party, an exclusively Sunni party, nominal freedoms, thus paving the way for the formation of a Sunni political identity.<sup>[14]</sup>

Saddam's policy towards Iraqis deemed by the state as being of Iranian origin – or, in other words, Shi`as – and whose families had been living in Iraq for a long time marked the beginning of the sectarian political tensions that later evolved into a sectarian conflict during the uprising of 1991. Under the pretext that the presence of those so-called 'Iraqis of Iranian origin' posed a threat to national security, thousands of them were deported to the Iraq-Iran border in the first months of the Iraq-Iran war, and their properties were confiscated and sold at auctions (Khoury 2013). In one of the interviews, Salam, a university professor, talked about the deportation of her maternal grandparents and the suffering of her mother:

In 1980, they [security forces] came and took my maternal grandfather who was 95 years old, and my grandmother who was 90 years old. Their families had been living in Iraq since it was part of the Ottoman Empire. They were deported on the same day and thrown in a refugee camp in the desert on the Iraq-Iran border. This is because they [the Iranians] did not find their names on the list of Iraqis of Iranian origin living in Iraq; so they refused to let them in. Weeks later, an acquaintance of our family confirmed that they were of Iranian origin, and they were let in. After four years, we heard that my grandmother died in an old people's home and that my grandfather was in a hospital. It was very painful; two very old people were dropped in the desert and left in a prison. They confiscated their house, and the house and everything in it were auctioned. Their belongings were sold piece by piece. My mother watched all this; it was very painful for her, but she did not say a word. Women in our family are very strong. My father supported her.

In addition to all that, a presidential decree was issued in 1981 urging Iraqi men, especially army personnel, whose wives were of so-called Iranian origin to divorce them, offering to pay the husbands who served in the army 4,000 Iraqi pounds and 2,000 to civilian husbands (Khoury 2013), so that their children are not indoctrinated and converted to Shiism by their mother or her family after the father's death. It can be argued that Saddam's decree of 1981 had the same objective as that of the 1874 Ottoman law regulating Sunni-Shi`a marriages. Concerned by "the large scale of conversion of Iraqis from Sunni to Shi`a Islam" and by the increasing number of Shi`a serving in the army, the authorities issued a law prohibiting the marriage of Ottoman women to men of Iranian origin (Kern 2007, p. 8-10).

The bombing of al-`Askari Mosque in Samara, a shrine of particular religious significance for the Shia,<sup>[15]</sup>

by militants in February 2006 triggered a full-blown civil conflict that induced displacement along sectarian lines. Baghdad was almost split into two sectarian cities (al-Rubay`i 2007). H. al-Sakir (see above), who lived in al-Huriya, where a number of Sunni families lived, stated the following:

The small Sunni community living in al-Huriya was expelled in response to the expulsion of Shi`as from Sunni neighbourhoods. A Sunni man who was married to a Shi`a woman was scared, so he fled leaving his wife and children behind. He came back several weeks later to spend some time with his children, and he took them out of the community. They never came back. It seems he preferred to have them raised by his family, rather than being indoctrinated by their Shi`a mother or her parents.

During the years of sectarian conflict in Baghdad (2006-2008), both the Sunni and Shi`a sectarian militias tried to change the demographic map of the mixed neighborhoods; the sect that constituted the majority in a neighborhood would expel families or members of the other sect (al-Khalidi and Tanner 2006). In homogenous neighborhoods, women in cross-sectarian marriages became the markers of sectarian boundaries and identities and often faced the risk of divorce (al-Hashimi 2010). Threatening letters were usually left at these women's doors urging them to leave within three days or they would be killed. Generally, they chose to leave and live with their parents, who would pressure them to get a divorce, which they often did. Women in cross-sectarian marriages who lived with their husband's family were exposed to domestic abuse and violence from their in-laws for being from the other sect. Quite often, the marriage would end in divorce, and the children would be taken by the husband's family who feared their "indoctrination" by their mother or her family (al-Rubay`i 2007).<sup>[16]</sup>

With the spread of the highly charged sectarian discourse all over Arab countries and Muslim communities in the diaspora after the execution of Saddam by hanging on the first day of Eid al-Adha,<sup>[17]</sup> the marriage of a Shi`a-Sunni couple living outside Iraq came under pressure and ended in divorce:

A Shi`a-Sunni couple fled to Jordan, registered with the UNHCR as refugees, and applied for resettlement, a process that often takes a year or two. Meanwhile, the husband got a job at a university in Amman. When the family was notified that their application was approved and they had to leave for the Netherlands within a few months, the husband was not able to join his family before the end of the academic year. The wife left with her two daughters with the understanding that her husband would follow at the end of the academic year. Just as he was getting ready to leave, he received a telephone call from his wife saying that the mosque sheikh there told her that Shi`as are *kuffar*, or infidels, and the marriage of a Muslim woman to an infidel is void, so she had to divorce him; which she did.<sup>[18]</sup>

Women bore all the misfortunes of wars. Upon asking a street vendor about her willingness to be interviewed, she said "They fight and get killed, and we are widowed and suffer. I have nothing more to say in the interview." Millions of women were widowed and became the heads of large households, and a large number were displaced or killed. According to the records of the Ministry of Women's Affairs, there were more than four million widows in Iraq and 300,000 in Baghdad, which for this reason was named the "City of Widows" (Zankana 2009; Shabkat Annaba' 2018). Thousands of widows who became the breadwinners of their households fled to Jordan, and the poor among them became street vendors or domestic workers. Single women of marriageable age often chose celibacy for fear of widowhood. A single, forty-year-old woman that I met at church chose celibacy to avoid the scourges of war and the miseries her married sister and friend went through.

My sister's husband was called up a month after their marriage. He was captured and jailed in Iran for twelve years. He was sick and miserable all the time. My friend was widowed and had to care of two kids. Marriage is meaningless in such cases. They were miserable; I am better off being a single woman.<sup>[19]</sup>

I spent some time with three families living next to each other whose main concern was to be resettled in Europe or the U.S. When the resettlement application of one of the families was turned down, they opted for finding their 25-year-old daughter an eligible husband: "He is a friend of my cousin who lives in California; actually, he's the cousin of my brother-in-law. He discussed the matter with him [the prospective husband], and he agreed. He's single and Iraqi." To get to know her to-be groom, the daughter was allowed to communicate with him via the Internet. "He talked to me, and I agreed. I haven't met him, but we now communicate through the Internet. He sent me his photo, and I sent him mine. I know what he looks like." Her sister smiled approvingly, "Hopefully, she will get her citizenship and manage to take us there too." Young women's arranged transnational marriages are seen as the last straw for the whole family.

### **Tribalism and the Revival of Forced Marriages**

The tribal jurisdiction over tribal areas in Iraq has always been connected to tribe-state power relations and the state's policy of manipulating tribes for its own political interests. The British mandate authorities recognized the tribes and their laws of dispute resolution to maintain order in their territories. The existing tribal customary law was codified and applied in cases pertaining to tribal conflict and marriage. At the same time, parallel criminal and civil dispute laws were issued to be applied in urban areas (Batatu 2004, p. 93; al-Joubouri 2019, p. 8).

After the 1958 Revolution, the tribal legal authority began to wane as tribal marital laws were abolished and a new Personal Status Law of 1959 was issued. The law set the minimum age for marriage at 18 years for both males and females, invalidated marriage without the woman's or the man's consent, criminalized forced marriages, and imposed a penalty of imprisonment for three years on those who breached the provisions of forced marriages.<sup>[20]</sup>

With the weakening of the state and the deterioration of the economy after 1991, Saddam co-opted the tribes to gain their support, incorporating them into politics by naming the Ba'ith Party "the tribe of all tribes" and himself "Shaykh al-Mashaykh," the chief of all tribal chiefs. Saddam built himself tribal guesthouses in tribal areas where he would meet with tribes, listen to their grievances, and solve their problems (Yaphi 2000).<sup>[21]</sup> Likewise, in 2006 the US forces mobilised the Sunni tribes against the insurgency in al-Anbar Province. However, tribes living in areas controlled by the insurgents pledged allegiance to them and became their social incubators (Fawaz 2016, pp. 47-50; Tahir 2014). With the end of the insurgency, the tribes' political role diminished, but they still played an active role in administering tribal customary laws, including marital laws pertaining to forced marriages: *nahwa* and *fasliya* marriages.

#### **1. Nahwa Marriage**

*Nahwa* (prohibition) refers to a man's right to prevent his female paternal cousin's marriage to a man

other than one of her paternal cousins, which includes all male members of her patrilineal lineage. However, a woman can marry a man other than one of her cousins if the latter relinquishes their rights. If they do not and she still wants to marry the other man, she may opt for an elopement, an act that disgraces her family and tribe, in which case both she and her husband would be killed (Salah 2017, p. 311; Abed 2019).

The right to block the marriage of a woman by her male cousin was also common among the tribes in the Levant villages, a right reflected in the saying “*Ibn al`am binazil bint al-`am `an al-faras,*” which literally means “the first cousin can force his cousin to dismount the horse on her way to the house of her to be-husband” – in other words, before the consummation of marriage. However, not all paternal cousins’ marriages are forced marriages. They are quite common among tribes where lineages and locality are interwoven (Abu Lughod 1986, p. 50). In this case, a woman may have the chance to build intimacy over time with one of her paternal cousins and choose to marry him.

In her ethnographic study of a tribal village in Southern Iraq, Fernea argues that tribes often take pride in forbidding their women from marrying outside the kin group or the larger circle of the tribe, and women, who usually internalize the tribal ethos, often comply with this rule. A young woman justified *nahwa* tribal law by claiming that it maintains tribal purity: “It is like the British Royal Family... They do not sully their bloodlines. Why? Because they are proud of their lineage. That is the way we feel.” (Fernea 1989, p. 252).

Currently, young tribal educated women may take pride in their lineages, yet they resist being forced to marry their paternal cousins. In case they are not supported by their families, they may opt for suicide rather than eloping and getting killed to cleanse the tribe’s honor. This was the case of Maryam, a 22-year-old university student, who was engaged to a young man from another tribe. In accordance with the tribal laws of *nahwa*, her cousin, an illiterate man who is married and has children, claimed his right. Upon her refusal, he threatened to force her into marriage. Her family refused to support her; she was hopeless and chose to commit suicide rather than marry her cousin and lead a miserable life (al-Mada 2014).

Often a rivalry erupts between paternal cousins over who has the right to marry a female cousin of theirs; the rivalry might end with one of them killing the other. A young university student wanted to marry one of his paternal cousins, but a dispute arose between him and a cousin of hers who claimed it was his right as first cousin to marry her. One of the cousins ended up fatally shooting the other (Eid 2019). Concerned about the use of arms to preclude the marriage of a woman to a man other than her cousin, the Supreme Judicial Council in Iraq issued a statement warning that “*nahwa* has taken a dangerous turn, as it is no longer limited to threats, but arms are often used as well.” The Council warned that the use of force was no longer limited to rural and tribal areas, but it spread to other governorates of Iraq (Abed al-Wahad 2014).

## 2. *Fasliya* Marriage

Blood feuds among tribes are usually triggered by honor-related issues and/or historic intertribal animosity that may involve cycles of retaliatory killings until restitutions are made through a tribal mechanism known as “*fasl*,” which refers to the amount of blood money to be paid. In case the



murderer's tribe cannot pay the amount agreed upon, they have to provide for the marriage of a woman to a man from the victim's tribe; the number of women to be offered depends on the amount to be paid.

*Fasliya* marriage was common among the tribes of central and southern governorates long before it was legalized by the British colonial administration through the issuance of the 1916 Tribal Court Law, under which British inspectors could preside over sessions.<sup>[22]</sup> According to this law, in cases where there were not enough women of marriageable age, women would “be paid in installments in the form of blood money, the young ones at intervals as they reach the age of majority.” In 1930, the British administration inspector of `Amarah (southern province) reported that 125 women were offered in *fasliya* marriage to settle 62 tribal cases (Batatu 2004, pp. 145-46).

Thesiger, a British explorer who lived in the marshes of southern Iraq for almost seven years (1951-1957) documented the rules of blood payment in the marshes. The victim's family usually decides whether payment should be reckoned in women or whether they should accept money. In case they choose to be paid in women, they specify the number of women to be paid. Accordingly, the first woman to be paid has to be a virgin of marriageable age and has to come from the murderer's family, or, in case he did not have a daughter or a sister, from his nearest relatives (Salah 2017, 1965, p. 73).

A *fasliya* woman is usually stripped of all her rights, including the right to file for divorce, and is not allowed to see her family unless she gives birth to a son to compensate for the murdered man. She carries the stigma of *fasliya* all her life, and so do her children. In tribal society, women symbolize their tribes' honor, and it is the tribes' duty to protect them. Failure to protect women brings shame upon the tribe, and thus a *fasliya* woman is generally abused and humiliated to disgrace her tribe for failure to protect her.

As forced marriages became more and more prevalent in tribal areas, many parties called for putting an end to this phenomenon. Iraqi legal experts called for ending the observance of forced marriage as it violates Islamic jurisprudence laws that consider marriage to be “a consensual arrangement, requiring both parties to have the freedom and capacity to consent” and that grant women the right to accept or reject a marriage proposal.<sup>[23]</sup> Forced marriage also violates the Personal Status Law of 1959, which states that relatives cannot force women to marry without their consent (Abbas *et. al.* 2016).<sup>[24]</sup> On the other hand, Iraqi notables and elites urged tribes to sign a tribal code of honor criminalizing *fasliya*, and a jurist and legal expert called for considering *fasliya* marriage an act of human trafficking punishable by life imprisonment in accordance with the provisions of Article 6 of the Anti-human Trafficking Law (Asi and Hikmat 2018). In response to these appeals, the tribal laws of forced marriage were abolished. However, due to the fragility of the state, tribal laws are still enforced, and tribal courts continue to function in areas where tribes have considerable political authority.

## **Conclusion: Politicisation of Marriage, Commoditisation of Women**

Literature on marriage during times of sectarian conflict shows that exogamous marriage is seen as “marrying one's enemy.” A study on marriage in Northern Ireland, which witnessed a decades-long sectarian conflict, showed that exogamous marriage was considered a breach of the boundaries that separate the Catholic and the Protestant neighborhoods. A man who opted for exogamous marriage

would disgrace himself and his family and was often considered a traitor and therefore expelled from his neighborhood or sometimes even assassinated (Donnan 2000).

Likewise, as political sectarianism prevailed in Baghdad after the events of 2006, and as each sect defined its own social space through affinal ties that provided an expanded social network and generated codes of obligations, reciprocity and social intermingling, Sunni-Shi'a marriages constituted a breach of sectarian boundaries. Women in cross-sect marriages became markers and guardians of their sect boundaries, which is why they were forced to divorce, and their children were taken by their in-laws to protect them from being indoctrinated by their mother and/or her family.

Blood marriages where women are married off to members of a murdered family to settle blood feuds commoditize women. Kopytoff (1986, pp. 64-65) argues that people can be and have been commoditized by the widespread institutions of slavery. Slaves are sold, stripped of their previous social identity, and become objects and exchangeable commodities. Likewise, the tribal mechanism of arbitration to settle blood feuds commoditizes a woman given in marriage to settle blood feuds. Like a slave, she gets a new social identity, *fasliya*; but, unlike the slave who is usually re-humanised and takes on a new social identity, the woman is forced to carry the stigma of *fasliya* all her life. A commodity is a thing that has a use value and can be exchanged for a counterpart of equivalent use value. The use value of a *fasliya* woman is her reproductive capacity and the possibility of her giving birth to the maximum number of boys to compensate for the victim's family and lineage for their murdered son. The use value of the victim's family is the relinquishment of their right to kill the murderer. Indeed, a fifty-year-old *fasliya* woman who was given in marriage twenty-five years ago endured unimaginable mistreatment. Whenever she complained to her parents, they would tell her, "Be patient, you are *fasliya*..." She described her situation as follows: "My life was hell... I was beaten and insulted... as if I murdered their son... I was given away as gift... so that my brother, the murderer, could continue to breathe." (al-Janabi 2020).

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[1] Parts of this paper were included in a report submitted to Doha International Family Institute, and extracts from the section on forced and blood marriage were published in *State of Marriage in the Arab World*. DIFI, 2019. Acknowledgement: I am grateful to the Iraqi men and women who shared their families' histories and their personal experiences; I am also grateful to Najwa Adra, Khuzama al-Rasheed, and Nawal Zeenatiah for their support with the interviews.

[2] The land and the wells were named after the *hamulas* who owned them, e.g. the land of al-Irshidat, the well of al-Tulul, etc. Al-Irshidat and al-Tulul are names of *hamulas*.

[3] For a description of old Islamic cities, see Abu-Lughod, Janet, 1987.

[4] From an eight-session interview with Su`ad in Beirut in June and August 2007.

[5] In Iraq, unmarried males are considered "boys" regardless of their age.

[6] She was interviewed in Beirut in August, 2007.

[7] Plural of *Sarifa* (singular), which is a one-roomed hut built of reeds and mats and covered with mud during winter.

[8] Black full-body shawl that leaves the face completely visible.

[9] From a three-session interview with Hisham al-Madfa`i, a well-known urban planner. He was interviewed in Amman in June 2008. See also: Al-Thahab, Ali A. and Mohammad J. Abdelraman, 2014.

[10] From an interview with Su`ad, see above. Mutanabi Street, named after the tenth-century Iraqi poet, is a historic centre of bookstores and book stalls.

[11] From an interview with the couple in Irbid, Jordan, in January 2006.

[12] Three days after Saddam's arrest, the Syndicate of Ashraf in Iraq removed his name from the Ashraf list, an action that called for a response from Darat al-Ashraf confirming his descent, see: [www.daratalashraf.com](http://www.daratalashraf.com).

[13] The uprising started in Basra on March 1<sup>st</sup>, 1991, one day after the Gulf War ceasefire, when the demoralised soldiers of the [Iraqi Army](#), which was composed largely of Shi`a conscripts and contained

substantial anti-regime elements, revolted. The uprising spread quickly to other towns in southern Iraq, a large number of which fell in the hands of insurgents who called for a Shi`a government (Falih Abd al-Jabar 1994).

[14] The Iraqi Islamic Party is a branch of the Muslim Brotherhood. It was established in 1960 and was banned shortly after its inception.

[15] Samara is a predominantly Sunni city; the management and protection of the shrine falls under the Sunni Endowment that caters for the needs of Sunni mosques and religious establishments throughout Iraq.

[16] In her article, al-Ali gives a thorough account of the impact of wars, sanctions and occupations on women; she argues that women are “the biggest losers in the current and future political and social map of Iraq.” (2005, p. 739).

[17] Eid al-Adha is the feast of sacrifice that commemorates Abraham’s willingness to sacrifice his son in obedience to God.

[18] From an interview with the couple in Amman in September 2009 before the wife left and with the husband after the wife’s departure.



[19] From my field notes; she did not want to be interviewed. Many women used to get together before mass to exchange news on their application for resettlement, marriage, the political conflict in Iraq, etc.

[20] Law No. 188 of 1959 on Personal Status Law and its amendments,  
[https://www.peacewomen.org/sites/default/files/lawref\\_iraqpersonalstatuslaw1959](https://www.peacewomen.org/sites/default/files/lawref_iraqpersonalstatuslaw1959).

[21] Dawod (2015) defines tribes as a “cultural and social reality that sometimes emerges politically when needed by the state or when co-opted by the state.”

[22] The British colonial administration was first opposed to blood marriage and often vetoed the tribal ruling in such cases, a matter which caused turmoil among the tribes. To avoid their uprising, the administration legalised it and ruled in cases of blood feuds (Joubouri 2019, p. 8).

[23] Jurists from all four schools agree that “a mature virgin’s consent is required besides her father’s to marry her off.” (Ali 2003).

[24] The 1959 Personal Status Law states that the relatives do not have the right to coerce any person, male or female, to marry without his/her consent, and (in case they do) the forced marriage contract is void if the marriage is not consummated, and none of the relatives has the right to prevent those who are 18 years of age or more from getting married. If forced to marry, a woman can sue the man who forced her to marry, and he can be sentenced to up to three years in prison.