

# Engendering a clinic: Lessons learned from a domestic violence clinical course in Qatar

Mary Pat Treuthart<sup>1,†,\*</sup>, Stephen A. Rosenbaum<sup>2,3,4,‡</sup>

## ABSTRACT

Domestic violence, a serious problem around the world, remains a hidden concern among the Islamic Gulf States. Yet signs indicate the situation is changing. A team of American lawyers and professors, responding to student initiative and the Qatari development strategy, recently initiated Qatar's first law school clinic, focusing exclusively on domestic violence. By highlighting the students' experience, this article outlines the issues involved and the problems that were encountered, and resolved, during the development of this clinic. The students first studied the issue of domestic violence, then made presentations to the larger community to raise awareness of the topic. Subsequent to a review of international law, the Qatari criminal code and model domestic violence statutes from other jurisdictions, the students drafted legislation designed to criminalize domestic violence in Qatar. Finally, they developed what they called *An Action Plan to Stop Domestic Violence in Qatar*. This article also explores how the clinic's work was informed by the sex-segregated educational environment, by Islamic culture at large, and by feminist and traditional interpretations of the Qur'an. The authors offer reflections on the lessons they learned and propose suggestions about how such pedagogy might proceed in future.

**Keywords:** domestic violence, gender relations, clinical legal education, Qatari legal and educational systems, Islamic interpretation

<sup>1</sup>Gonzaga University School of Law, Spokane, WA, USA

<sup>2</sup>University of California, Berkeley School of Law, Berkeley, CA, USA

<sup>3</sup>Stanford Law School, Stanford, CA, USA

<sup>4</sup>University of Washington School of Law, Seattle, WA, USA

\*Email: mptreuthart@hotmail.com

<http://dx.doi.org/10.5339/irl.2013.dv.1>

Submitted: 27 November 2012

Accepted: 18 April 2013

© 2013 Treuthart, Rosenbaum, Licensee Bloomsbury Qatar

Foundation Journals. This is an open access article distributed under the terms of the Creative Commons Attribution License CC BY 3.0, which permits unrestricted use, distribution and reproduction in any medium, provided the original work is properly cited.

<sup>†</sup>Professor Treuthart has taught clinical and classroom courses in family law, criminal law, international human rights and comparative women's rights. During spring semester 2012, she served as an American Bar Association Rule of Law Initiative *Pro Bono* Legal Education Specialist in Doha, Qatar. She is grateful for the collaboration, diligence, and superior organizational skills of her co-instructor and friend, Attorney Barbara Fritsche. The author also thanks Alexandra Evans, Gonzaga University, J.D. 2014, for her excellent research assistance. Both authors thank Dan Webster for his helpful editorial assistance and Brenda Lea Tofte for her careful cite checking and editorial suggestions.

<sup>‡</sup>Professor Rosenbaum, who served as Legal Education Advisor to the American Bar Association Rule of Law Initiative in 2011–12 in Egypt and Qatar, teaches professional skills courses and courses in human rights advocacy, social justice, and cultural competency. He thanks his colleague and friend, Marlana Valdez, for inviting him to participate in this project. The author also thanks Lauren McElroy, University of Washington, J.D. 2013, for her expeditious and excellent research and editorial suggestions, and Suneeta Israni, University of California, Berkeley, B.A. 2013, for her able research assistance.

The views expressed here are solely the authors' and not those of Qatar University or the staff, consultants or board of directors of ABA ROLI.

## INTRODUCTION

Over the past three decades, advocacy on behalf of women subjected to abuse has become an established feature of the international legal landscape. Grassroots activists play a significant role in directing attention to the issue of domestic violence worldwide. Domestic violence is a problem that encompasses all socioeconomic, racial, ethnic, religious, and age groups; acknowledgement of this reality is a necessary prerequisite to effective legislative reform, to the establishment of services, and to the provision of legal assistance. Teaching law students about domestic violence—or “DV” as it has been branded—involves the exploration of a broad range of sociological, psychological, and legal issues. Law teachers who attempt to integrate the topic into their respective school curricula face a variety of challenges.

Although the usual pedagogical approaches such as lecture and discussion are typical starting points for instruction, a degree of experimentation and the imaginative use of varied teaching techniques have provided law professors ample opportunities to become more effective teachers in addressing this topic. These opportunities exist in both clinical settings and the traditional classroom. For example, requiring law students to observe a domestic violence civil or criminal docket allows students to more fully appreciate the intersection of the formal legal system and the complex, emotionally charged scenarios in which abused women often find themselves. Alternatively, inviting women who have been abused to speak in class can be both a powerful experience for students and an empowering tool for the women who speak.

Students can also be affected in other ways. Incorporating a service-learning<sup>1</sup> component into women’s rights courses provides the impetus for students to earn personal experience by volunteering for domestic violence organizations. By interviewing professionals who work in the field, students can gain firsthand perspectives on the problem. Assigning students to engage in client intake and counseling simulations permits them to tap into their own emotional responses. Further, such exercises can lead students to develop heightened sensitivities to their clients’ feelings, which sometimes shift dramatically during the course of representation.

Using the arts also can be an effective teaching tool. In family law and criminal law courses, screening a documentary film that explores the stories of battered women fighting back, is an effective mechanism to address domestic violence, particularly as it relates to self-defense.<sup>2</sup> The use of fictional narrative accounts helps to convey the complicated dynamics in violent intimate-partner relationships.<sup>3</sup>

All of these techniques have been used, and continue to be used, in American law school classrooms.<sup>4</sup> But, which strategies might work in a different teaching and learning environment outside the U.S.? This question was central to a team of legal educators tasked with planning and teaching a domestic violence clinic course in the Islamic Gulf monarchy of Qatar.

The case study that follows involves a pilot clinical course taught at the Qatar University College of Law in 2012, its preparation and execution, the issues faced, and the problems resolved. The lessons learned by the course’s instructors involve the status of human rights awareness and enforcement in Qatar as much as law school teaching, training methodology, and professionalism. In addition, the impact of gender was a recurring theme: First, the very subject matter is largely about the abusive treatment of women. Second, the student audience is bifurcated—separate classes for women and men. Each group has its own rhythm and dynamic; in designing and implementing their principal mode of advocacy, the respective classes are speaking to gendered audiences. Finally, the entire educational

<sup>1</sup>“Service learning” is a methodology utilized at all levels of education—from elementary to postsecondary. It permits students to accomplish a task from start to finish, addressing needs in the relevant community. This form of learning is usually accomplished in the field, but may also occur in the classroom. See, Enrique S. Pumar & Faith Mullen, *The Plural of Anecdote is Not Data: Teaching Law Students Basic Survey Methodology to Improve Access to Justice in Unemployment Insurance Appeals*, 16 U.D.C. L. Rev. 17, 25 nn. 54, 55, 57, and accompanying text, 26 n. 61 (2012); see also, Mary Pat Treuthart, *Weaving A Tapestry: Providing Context Through Service-Learning*, 38 Gonz. L. Rev. 215 (2002–03) (describing use of service learning in upper-level course on Women in the Law).

<sup>2</sup>See e.g., *Defending Our Lives*, Documentary Film (Cambridge Documentary Films 1994) (available at <http://www.cambridgedocumentaryfilms.org/filmsPages/defending.html>).

<sup>3</sup>See e.g., Novelist Ursula Hegi’s richly textured short story, *The End of All Sadness* in *Hotel of the Saints* 34 (Simon & Shuster 2002).

<sup>4</sup>For an overview of legal education skills-based and clinical pedagogy, see, e.g., Roy Stuckey, *Best Practices of Legal Education: A Vision and a Roadmap* 165–205 (Clinical Legal Ed. Ass’n 2007) and for an international overview, see, generally, *The Global Clinical Movement: Educating Lawyers for Social Justice* 225 (Frank S. Bloch ed., Oxford U. Press 2010).

enterprise operates in a male-dominated atmosphere that includes the College of Law, the larger Qatar University, the Qatar Government and monarch, the country's religious scholars and clergy, and a class-segmented society at large. The assessment below addresses both the technical and the cultural ramifications of this collaborative educational endeavor.

## BACKGROUND

Located on the northeast coast of the Arabian Peninsula, Qatar is an independent Emirate of 1.7 million people, the majority of whom live in the capital city of Doha.<sup>5</sup> Less than a quarter of the population is Qatari<sup>6</sup>; guest workers in the industrial and service sectors and expatriates in the professional ranks make up the remainder.<sup>7</sup> Men outnumber women by nearly a two-to-one margin.<sup>8</sup> Most Qataris are employed in the public sector.<sup>9</sup> Qatar is estimated to have the highest per capita GDP in the world because of its offshore petroleum and natural gas reserves.<sup>10</sup> In a little more than half a century, the country has evolved from an obscure Gulf peninsula principality to an economic, political, and socio-cultural leader in regional and international forums.<sup>11</sup>

Currently offering the only program of full-time law study in the country, Qatar University (QU) College of Law was established in 2006. Approximately 500 students attend classes in a sex-segregated environment,<sup>12</sup> with a three-to-one, female-to-male ratio.<sup>13</sup> In Qatar, law is a four-year undergraduate

<sup>5</sup>Allen J. Fromherz, *Qatar: A Modern History 2* (I.B. Tauris & Co. Ltd. 2012).

<sup>6</sup>*Id.* The term "Qatari" is used here primarily to denote nationality, but it may also be used to describe the "national origin" or "ethnicity" of the indigenous Arab population with tribal roots in this portion of the Arabian Peninsula. One Qatari-born social scientist asserts that Qataris constitute only 12% of the population and 6% of the workforce. Ali Khalifa al-Kuwari, *The People Want Reform . . . in Qatar Too*, 4 *Perspectives* 11, 15 (Nov. 2012) (statistics for 2009–10) (available at <http://www.boell.de/worldwide/middleeast/middle-east-perspectives-mena-qatar-16088.html>). A recent study by the RAND Corporation puts the Qatari percentage of the labor force at 11%. Cathleen Stasz, Eric R. Eide, & Paco Martorell, *Post-Secondary Education in Qatar—Employer Demand, Student Choice, and Options for Policy* 16–18 (2007) [hereinafter RAND Study]. In any event, the Qatari minority are the only inhabitants entitled to citizenship and its many attendant privileges. They are themselves divided between the dominant, urbanized Al-Thani royal family members and other tribal families. The families are bound by *asabiyya*, a "tribal solidarity" that makes the Emir in this "clanocracy" a "first among equals" or mediator, rather than absolute monarch. Fromherz, *supra* n. 5, at 3, 10–11, 128, 131. Historian Allen Fromherz writes that "ignoring [the term and existence of] tribes is itself a form of politically correct, neo-orientalism: it means ignoring the major self-identified groupings of Qatar's society," which do not fit the formal institutional structures that western political scientists favor. *Id.* at 7, 127. During the authors' tenure in Qatar, the Emir was Sheikh Hamad bin Khalifa Al-Thani. Sheikh Hamad, who overthrew his own father in a bloodless coup 18 years ago, abdicated in favor of his son, Tamim bin Hamad Al-Thani, on June 25, 2013.

<sup>7</sup>The noncitizen population, which grew rapidly in the 1970s, composed largely of South and Southeast Asian guest workers, performs the vast majority of jobs in the manual labor, domestic, and service sectors. RAND Study, *supra* n. 6, at 16–19. The professional, commercial and intellectual expatriates come largely from the U.S., Europe, and elsewhere in the Middle East and are perceived as better educated and trained than Qataris. *Id.* at 19; Fromherz, *supra* n. 5, at 11–12 (discussing steady increase of expatriate labor since the 1970s and the attendant economic, educational and social challenges).

<sup>8</sup>U.S. Dept. of State, Qatar, [www.state.gov/outofdate/bgn/qatar/195943.htm](http://www.state.gov/outofdate/bgn/qatar/195943.htm) (last accessed April 27, 2013) [hereinafter U.S. Dept. of State, Qatar].

<sup>9</sup>According to RAND, "Qataris have historically found employment in the government sector to be more attractive than employment in the private sector." RAND Study, *supra* n. 6, at 19. These are jobs that do not involve manual labor and provide greater total compensation and benefits than the private sector, *i.e.*, a salary based on level of education, interest-free mortgages, and retirement pensions. Qataris are also guaranteed a government ministry job upon graduation from secondary school or university and, if they lose the job, they continue to receive their salary and benefits until a comparable government job is found. *Id.* Moreover, government offices operate on shorter working hours, "have historically also garnered more prestige than comparable jobs in the private sector, and the competition inherent to the private sector is absent." *Id.*

<sup>10</sup>Beth Greenfield, *The World's Richest Countries*, *Forbes.com* (Feb. 22, 2012) (available at <http://www.forbes.com/sites/bethgreenfield/2012/02/22/the-worlds-richest-countries/>).

<sup>11</sup>"Qatar's growing ambition is hard to miss. From the ubiquitous yellow Qatar Foundation billboards in airports across the world, to Al-Jazeera's expanding reach, to its emergence as a major sponsor of the arts, to its recent rise on foreign policy issues, the country is making headlines." Nadim Houry, *Migrant Worker Rights Ahead of the 2022 World Cup*, *Perspectives*, *supra* n. 6, at 24.

<sup>12</sup>In addition to separate classrooms, the students spend their time in gender-based lounges and cafeterias and even separate buildings within the law faculty complex. Signs posted at entrances and exits warn against trespass into opposite-sex territory. Faculty members—imbued with what Marlana Valdez called "honorary gender" status—are permitted to enter any part of the campus with impunity. Female students may approach professors in the office corridors, irrespective of their gender—which is overwhelmingly male. The authors were advised that sex-segregated higher education in Qatar was due to culture and custom, and not religious dictate. Although students often congregate in classes and social settings by gender, there are many universities in conservative Muslim countries where the faculties and programs are integrated.

<sup>13</sup>U.S. Dept. of State, Qatar, *supra* n. 8. A recent study of postsecondary education in Qatar found that, in a reversal of the historic trend, Qatari women are higher achieving than men, but men have higher career aspirations and opportunities.

major, which is the typical legal education model throughout much of the world. About two-thirds of the courses in the curriculum are required.<sup>14</sup> Law classes during the 2011–12 academic year were taught in English and Arabic.<sup>15</sup>

The QU legal clinic owed its thematic focus in part to the current Qatar National Development Strategy (QNDS or “strategic plan”).<sup>16</sup> Since 2004, Qatar has seen a significant rise in the number of reported domestic violence incidents against women and children.<sup>17</sup> According to the QNDS, “[s]uch violence has devastating consequences not only for the victims but also for society as a whole [insofar as it undermines the nation’s goal of] providing social care and protection for all its citizens.”<sup>18</sup> While formal reporting of family violence may be viewed at present as “culturally unacceptable,”<sup>19</sup> the five-year strategic plan calls for the creation of a reporting system for collecting data, improved investigation, criminalization of domestic violence, and protection for women and children.<sup>20</sup> However, in Qatar, as elsewhere, many incidents go unreported, as women have been reluctant to report abuse for a variety of reasons.<sup>21</sup> A desire to keep the family together, social pressure, hope that their partners

*Footnote continued*

The latter, however, lack the qualifications to replace non-Qataris in high-skilled and well-paying jobs. RAND Study, *supra* n. 6, at 14–15, 22. Historian Fromherz notes a failure in the royal family’s efforts at “Qatarization” of the workforce. Fromherz, *supra* n. 5, at 12. The remedy he prescribes is the meaningful education and employment of young Qataris, and “not simply the creation of more consumers of Western products.” *Id.*

<sup>14</sup>U.S. Dept. of State, Qatar, *supra* n. 8. The law school was originally part of the College of Shari’a, Law and Islamic Studies <http://www.qu.edu.qa/theuniversity/history.php> (last accessed March 6, 2013). The University itself only dates to 1977. Like many Qatari governmental and quasi-governmental entities, QU has in recent years developed a comprehensive and ambitious “new vision and a new mission” for higher education and a plan for realizing them, which includes a scholarship program for those who wish to study abroad. RAND STUDY, *supra* note 6, at 12. By contrast, the College of Law’s website contains a one sentence generic statement of its vision and a two-sentence generic mission statement. <http://www.qu.edu.qa/law/about.php> (last accessed March 10, 2013) [hereinafter QUCL website].

<sup>15</sup>QUCL website, *supra* n. 14. The College of Law, among other QU faculties, is transitioning to more Arabic-only classes. According to the school’s website, almost the entire core curriculum (which is composed of more than half the courses) is taught in Arabic only. Qatar University College of Law, *Course Descriptions*, [http://www.qu.edu.qa/law/course\\_desc.php](http://www.qu.edu.qa/law/course_desc.php) (last accessed Apr. 27, 2013). While this makes perfect sense in a nation and region where Arabic is the historic and predominant language, it is counter to the University’s previous attempts to establish itself as a global educational and intellectual institution. The policy change may also be a response to citizen backlash. Al-Kuwari, *supra* n. 6, at 15 (“[G]rowing [population] imbalance threatens to uproot Qatari society, to erase its identity and culture, to take its mother tongue, Arabic, out of circulation, and erode the role of its citizens in owning and running their own country.”). During the summer of 2012, however, the Qatar Foundation announced that it had developed a partnership with Harvard Law School’s Institute for Global Law and Policy to begin a graduate law program at Hamad bin Khalifa University in Doha, positioned to become the premier English language law program in the Middle East. Karen Sloan, Qatar Calls Upon Harvard for Help in Establishing Law School, *The Nat’l L. J.*, Aug. 2, 2012 (available at <http://www.law.com/jsp/law/international/LawArticleIntl.jsp?id=1202565718014&slreturn=20130211015905>). As a practical matter, social customs and morés make it harder for women (married or unmarried) than men to study abroad. This accounts in part for the larger proportion of women enrolled at Qatar University College of Law (QUCL).

<sup>16</sup>Qatar Gen’l Secretariat for Dev’t Planning, “Qatar National Development Strategy 2011–2016” (2011) [hereinafter QNDS] (available at [http://www.gsdp.gov.qa/gsdp\\_vision/docs/NDS\\_EN.pdf](http://www.gsdp.gov.qa/gsdp_vision/docs/NDS_EN.pdf)). The sections on “Family Cohesion: Reducing Family Violence” and “Social Safeguards for a Caring Society” (pp. 165–70) contain articulated goals, like the many other components of the strategic plan. According to one analyst, both the QNDS and Qatar’s National Vision for 2030 were created “without any discussion outside government circles.” Al-Kuwari, *supra* n. 6, at 14. (Dr. Al-Kuwari’s often critical blog *Ikhhbareya* has been blocked by the Qatari government). U.S. Dept. of State, Country Reports on Human Rights Practices for 2012 8 (available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>) (last accessed May 5, 2013) [hereinafter, U.S. Dept. of State, Human Rights].

<sup>17</sup>QNDS, *supra* n. 16, at 169.

<sup>18</sup>*Id.* at 169–70.

<sup>19</sup>*Id.* at 170.

<sup>20</sup>*Id.*

<sup>21</sup>Lina M. Kassem, Fatema M. Ali, & Tamadher S. Al-Malek, *Domestic Violence Legislation and Reform Efforts in Qatar*, Perspectives, *supra* n. 6, at 29–30. According to the article’s authors, “[i]n a culture such as that of Qatar, where women are expected to uphold the family’s honor, it is unacceptable to reveal anything that might bring shame and dishonor on the family or the tribe. Since governmental security bodies are part of this cultural context, their performance is restricted by the social attitudes, rendering their statistics inaccurate and their enforcement of laws against violence ineffective.” *Id.* at 32 (citing study by QU sociologist Kaltham Ali Al-Ghanim, *Violence, infra* n. 24); see also, Freedom House, *Women’s Rights in the Middle East and North Africa 2010* (Sanja Kelly & Julia Breslin, eds.) (available at <http://www.freedomhouse.org/report/women039s-rights-middle-east-and-north-africa/womens-rights-middle-east-and-north-africa-2010>) (last accessed June 12, 2013) [hereinafter *Freedom House*]. In Freedom House’s report on Jordan, author Rana Hussein reports that battered women may be reluctant to report abuse or may be pressured by their families to drop charges against abusers, due to the social stigma and shame associated with crimes of rape and molestation. *Id.* (available at [http://www.freedomhouse.org/sites/default/files/inline\\_images/Jordan.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/Jordan.pdf) at 13 or via link on *Women’s Rights* homepage: <http://www.freedomhouse.org/report/women039s-rights-middle-east-and-north-africa/womens-rights-middle-east-and-north-africa-2010>).

will change, family and community disapproval, medical problems, and religious beliefs forbidding divorce are among the factors that inhibit women seeking help.<sup>22</sup> Under current Qatari criminal law, family violence is not classified as an offense.<sup>23</sup> This omission provides the basis for the specific recommendation to criminalize domestic violence in the QNDS.

In 2006, Qatar University sociologist Kaltham Ali Al-Ghanim conducted a survey of women students at Qatar University.<sup>24</sup> Al-Ghanim found that the rate of domestic violence among respondents was 23%.<sup>25</sup> Other studies have confirmed high rates of DV among students. Of 2,778 female (citizen and noncitizen) students surveyed in 2007, 63% reported being a victim of physical abuse.<sup>26</sup>

Professor Al-Ghanim's 2006 focus was broader than intimate-partner violence and included a range of possible perpetrators, such as brothers, fathers, mothers, husbands, and domestic workers.<sup>27</sup> In a 2007 study, centered on the prevalence of domestic violence in Qatari society, Al-Ghanim's research revealed that 22.6% of 1,121 male and female respondents reported that they had experienced violence in their own families.<sup>28</sup>

Another poll about attitudes toward domestic violence, conducted in 2010 by the QU Social and Economic Survey Research Institute, revealed that one-quarter of female respondents believed wife-beating was sometimes justified; approximately one-third of male respondents reported the same.<sup>29</sup> A consensus held that showing disrespect to one's husband would warrant physical chastisement.<sup>30</sup> These attitudinal response questions about domestic abuse constituted part of a larger 2010 omnibus survey series conducted among a total of 2,139 people, including 689 Qatari nationals, 768 expatriates, and 682 migrant laborers.<sup>31</sup>

The QNDS legislative mandate was sufficiently broad to allow for developing suitable clinical pedagogy—namely, professional skills training for law students in Qatar that instills values of public responsibility and social justice. Clinical training can take place in a real (“live client”) or simulated context, but it departs from a traditional classroom setting.<sup>32</sup> Developing a clinic also met the need for overall curricular reform at the QU College of Law (QUCL) because it would help to establish a practice-related curriculum. Indeed, this was an explicit objective of the partnership between the QUCL and the American Bar Association Rule of Law Initiative (ABA ROLI): building capacity for innovations in legal education and law reform.<sup>33</sup>

<sup>22</sup>Nooria Faizi, *Domestic Violence in the Muslim Community*, 10 Tex. J. Women & L. 209, 217–19 (2001).

<sup>23</sup>Penal Code arts. 268, 279, 290, 308–09, & 325 (Qatar) (*Al Meezan, Law No. 11 of 2004 Issuing the Penal Code*) (available at <http://www.almeezan.qa/LawPage.aspx?id=26&language=en>).

<sup>24</sup>Kaltham Al-Ghanim, *Violence Against Women in Qatar Society*, 5 J. M.E. Women's St. 80, 85 (2009) [hereinafter Al-Ghanim, *Violence*].

<sup>25</sup>*Id.* at 86.

<sup>26</sup>QNDS, *supra* n. 16, at 169, Figure 5.4.

<sup>27</sup>Al-Ghanim, *Violence*, *supra* n. 24, at 89.

<sup>28</sup>Kaltham Ali Al-Ghanim, *Domestic Violence Against Married Women—The Case of Qatar 1* (2008), ISBN: 99921-53-39-3 (on file with the authors).

<sup>29</sup>Saleem Fazeena, *Some Qatari Women “Not Against Wife-Beating,” The Peninsula*, Jan. 7, 2011, (available at <http://www.thepeninsulaqatar.com/qatar/138367-some-qatari-women-not-against-wife-beating.html>). See also, Kassem, et al., *supra* n. 21, at 33 (reasons mentioned in 2010 survey to justify wife beating were: if wife goes out to market, to visit friends, or to visit relatives without telling husband; if wife neglects children; or if wife shows disrespect towards her husband or parents-in-law).

<sup>30</sup>*Id.*

<sup>31</sup>*Id.*; Fromherz, *supra* n. 5, at 1.

<sup>32</sup>The literature on clinical education is voluminous and scholarship with a focus outside the United States has been produced at an exponential rate. See e.g., Frank S. Bloch, *Access to Justice and the Global Clinical Movement*, 28 Wash. U. J. L. & Policy 111 (2008); David F. Chavkin, *Clinical Legal Education: A Textbook for Law School Clinical Programs* (LexisNexis 2002); Lawrence M. Grosberg, *Clinical Education in Russia: “Da and Nyet,”* 7 Clin. L. Rev. 469 (2001); Peggy Maisel, *Expanding and Sustaining Clinical Legal Education in Developing Countries: What We Can Learn from South Africa*, 30 Fordham Intl L.J. 374 (2007); Elliott S. Milstein, *Experiential Education and the Rule of Law: Teaching Values Through Clinical Education in China*, 22 Pac. McGeorge Global Bus. & Dev. L.J. 55 (2009); T.O. Ojienda & M. Oduor, *Reflections on the Implementation of Clinical Legal Education in Moi University, Kenya*, 2 INT'L J. CLIN. LEGAL EDUC. 49 (2002); Stephen A. Rosenbaum, *Clinique To Go: Changing Legal Practice in One African Nation in Six Days*, 17 Intl J. Clin. Leg. Educ. 59 (2012); Richard J. Wilson, *Western Europe: Last Holdout in the Worldwide Acceptance of Clinical Legal Education*, 10 German L. J. 823 (2009); Richard J. Wilson, *Ten Practical Steps to Organization and Operation of a Law School Clinic* (also available in Arabic *sub nom. A'shr Khatawat Amally Le-tanzeem w' tashgheel Al-eyyada Al-kanoneya bekoleyet Al-hokook*) (on file with the authors); Leah Wortham, *Aiding Clinical Legal Education Abroad: What Can Be Gained and the Learning Curve on How to Do So Effectively*, 12 Clin. L. Rev. 615 (2006).

<sup>33</sup>In recent years, the ABA Rule of Law Initiative and U.S. State Department's Middle East Partnership Initiative (MEPI) have collaborated with QUCL to improve legal education opportunities for law students and practicing lawyers, and to enhance the skills and leadership potential of women lawyers in Qatar. MEPI grants had supported a women's mentoring

The QNDS and ABA ROLI mandates also correlated with a grassroots student desire and allowed students to address an aspect of domestic violence in which they had a heightened interest. Equally important, the mandate provided the necessary political and cultural cover to tackle this sensitive topic. For example, although the QNDS defines gender-based violence as including physical, emotional, and sexual abuse,<sup>34</sup> the students ultimately would grapple with formulating a definition of what constitutes “domestic violence” for purposes of proposed legislation.

The proposal to establish an elective domestic violence clinic course as part of the QUCL curriculum was initiated in the spring of 2011, when a graduating fourth-year law student<sup>35</sup> discussed the possibility of such a course with a rule of law consultant who also had an appointment as a visiting professor. Several women students formed the Domestic Violence Project and then met weekly for no academic credit to learn more about abusive relationships in families.<sup>36</sup> Subsequently, preparation began for a public legal education<sup>37</sup> class, in which the law students would educate students and other non-lawyers about the domestic violence phenomenon. Under the designation of a “special topics” elective course, the first clinic offering at QUCL was approved for inclusion in the curriculum beginning in spring 2012.

Because the concept of clinical education is a relatively recent development in Qatar, and the Gulf States and Middle East in general,<sup>38</sup> discussions were held with the QUCL Dean to explain what this commitment would mean. The clinic was not envisioned as a one-time course offering, but was to be sustained and dedicated to either domestic violence prevention legal remedies, advocacy on women’s and/or family issues, or as a clinic focusing on other timely legislative and policy reform issues.<sup>39</sup>

A U.S.-based practicing attorney teamed with a professional skills instructor to consult with ABA ROLI on the course content, format, and syllabus. Later, the course instructors, both of whom had previously offered to volunteer their services in rule of law endeavors, assumed primary classroom teaching

*Footnote continued*

program that matched QUCL students with local attorneys. See ABA Rule of Law Initiative Update Newsletter, May 2012 (available at [http://apps.americanbar.org/rol/nosearch/update/update\\_may\\_2012\\_print.html](http://apps.americanbar.org/rol/nosearch/update/update_may_2012_print.html)) (last accessed April 30, 2013). Qatar offers an unusual challenge in the rule of law world insofar as it is neither a post-conflict state nor an autocratic regime transitioning to democracy. Indeed, as one long-time Qatari expert observed, there is no meaningful distinction between the person of the Emir and the institutions of the state. His sovereignty is unlimited. Fromherz, *supra* n. 5, at 125 (citing Political Science Professor Jill Crystal). As for those jurists who have any legal or political role to play, they all form part of a select citizen-elite who are allied with the monarch by an internal set of political arrangements. *Id.* at 127–28. These arrangements are of a “highly local, informal and tribal nature” that defy Western notions of “formal institutional politics and economics.” *Id.* at 128.

<sup>34</sup>QNDS, *supra* n. 16, at 170.

<sup>35</sup>Muna al-Marzouqi, who later pursued a LL.M degree at the University of California, Berkeley, was the student who approached Prof. Marlana Valdez, ABA ROLI Country Director, to launch a domestic violence program and create an awareness-raising course. *QU Legal Clinic to Draft Law on Family Violence*, The Peninsula (Oct. 11, 2011), <http://www.thepeninsulaqatar.com/qatar/168683-qu-legal-clinic-to-draft-law-on-family-violence.html>. Contrary to the popular stereotype, women are prominent at all levels of government and society, except for the financial and oil sectors. Moreover, they are increasingly better-educated than their male peers. Fromherz, *supra* n. 5, at 28.

<sup>36</sup>Tarin Carstens, *Empowerment Through Education*, Abode 30 (Feb. 2012). Marlana Valdez, the QUCL visiting professor, commented, “Most of the young women I have taught are curious, hungry. They want to be leaders.” *Id.*

<sup>37</sup>“Public legal education” is often used synonymously with “community legal education” or “Street Law.” See, *infra* nn. 43–45, and accompanying text.

<sup>38</sup>See e.g., Nisreen Mahasneh & Kimberly Thomas, *Learning from the Unique and Common Challenges: Clinical Legal Education in Jordan*, 5 Berkeley J. M. E. & Islamic L. 1, 3–5 (2012); Stephen A. Rosenbaum, *The Legal Clinic is More than a Sign on the Door: Transforming Law School Education in Revolutionary Egypt*, 5 Berkeley J. M. E. & Islamic L. 39, 47–56 (2012). One veteran observer writes that the transformation of Qatar’s universities will require “much more than an investment in ‘Western’ educational institutions used by expats and the children of the Al-Thani elite.” Fromherz, *supra* n. 5, at 12. The billions of dollars allocated to the Qatar Foundation, construction of elite college campuses in Doha’s Education City, and QU educational reforms must be accompanied by “a postmodernism of introspection,” *id.* at 13 (quoting QU President Sheikha Abdulla Al-Misnad), whereby “critical thinking, not memorization . . . permeates and is nourished throughout all of Qatar.” *Id.* at 12.

<sup>39</sup>The continued viability of the QUCL clinic is in question. As of this writing, there is no mention of the DV clinic or any other clinical offering on the College’s website, beyond the fleeting reference to the launch of a DV “program” and proposed “course in public awareness” in a slideshow, which otherwise showcases a conventional curriculum and aspirational objectives. QUCL website, *supra*, n. 14, at *Welcome*, <http://www.qu.edu.qa/law/> (last accessed May 1, 2013). There is, however, a description of an advocacy skills program, including a moot court component. [http://www.qu.edu.qa/law/legal\\_writing/index.php](http://www.qu.edu.qa/law/legal_writing/index.php) (last accessed May 1, 2013). Moot court extracurricular activities and simulation courses are welcome additions to an otherwise traditional law school curriculum, but they are no substitute for robust clinical education. The latter requires a commitment from faculty as well as the law school and University administration. Rosenbaum, *supra* n. 38, at 63–69 (discussing foundation that must be laid for a successful clinical legal education program). See also, Mahasneh & Thomas, *supra* n. 38, at 28–31 (discussing need for law school administrative support and faculty expertise and training).

responsibilities.<sup>40</sup> Neither spoke Arabic nor had spent extensive time in the Gulf region or in a predominantly Muslim society. More than one student of the failed law and development movement has cautioned those trained in the Anglo-American common law tradition against “transporting and transplanting their technocratic techniques to such different legal soil.”<sup>41</sup>

The course was designed for students to learn essential lawyering skills, such as educating the public, making oral presentations, thinking critically, interviewing experts, conducting legal research, practicing advocacy, and drafting legislation on the topic of domestic violence. The basic instructional intent was twofold: first, to raise awareness about domestic violence among a select group of students and in the community; second, to begin the process of drafting legislation to criminalize domestic violence.

It has become standard fare to incorporate a “Street Law” component in U.S. law schools.<sup>42</sup> As conducted by law students or other non-lawyer advocates, this process educates the lay public about their rights and responsibilities on a variety of legal topics.<sup>43</sup> It is sometimes referred to as “community legal education” or awareness-raising.<sup>44</sup> It was a technique already familiar to the QUCL students who had participated in the 2011 Domestic Violence Project, and would later prove successful in the on-campus DV peer-education campaign. Drafting of legislation presented its own peculiar challenge because Qatar is an emirate without an elected legislature. Instead, an appointed Advisory Council provides input to the Emir on proposed laws.<sup>45</sup>

The course was sex-segregated and comprised two sections: six men in one, 19 women in the other. While the presence of male college students enrolled in DV classes is no longer an anomaly, the instructors did not realize at the outset that there would be an all-male course section. The decision was made that the instructors would co-teach both sections. Some of the female students were in their

<sup>40</sup>Valdez had asked Legal Education Advisor Stephen Rosenbaum, then based in ABA ROLI’s Cairo office, to assist in planning a clinical curriculum. Carstens, *supra* n. 36. Rosenbaum, who had previously guest lectured in the QUCL human rights courses (and was a guest lecturer once the DV course was offered), is a former public interest practitioner and veteran professional skills adjunct faculty member. One of the DV instructors, Barbara Fritsche, is a former social worker and adjunct law professor whose three decades of practice experience consisted primarily of civil litigation. The other instructor, Mary Pat Treuthart, is a former legal services program director and staff attorney who handled family law and domestic violence cases. In addition, Treuthart was a longtime law teacher who had established a domestic violence mini-clinic program and had taught course modules about domestic violence in family law, criminal law, international human rights, and comparative women’s rights. Both instructors had been Fulbright scholars and lecturers in the women’s rights area.

<sup>41</sup>David Mednicoff, *Can Legalism Be Exported? U.S. Rule of Law Work in Arab Societies and Authoritarian Politics*, 11 *ILSA J. Intl & Comp. L.* 343, 344 (2005). Professor Mednicoff was referring particularly to the “combination of elitism, hubris and ignorance” that American rule of law consultants may exhibit in Islamic, post-colonial and post-Ottoman Arab societies “in the current climate of popular mistrust of the United States . . .” *Id.* See also, Shannon M. Roesler, *The Ethics of Global Justice Lawyering*, 13 *Yale Hum. Rights & Dev. L. J.* 185, 218–220 (2010). Professor Roesler suggests that global justice lawyers cannot, and should not, expect other States to adopt the specific laws and institutions most familiar to them, but should instead view their role as consensus-builders and facilitators of the processes of lawmaking and social change. *Id.* at 225–26, 238. See also, Rosenbaum, *supra* n. 38, at 52–53 (discouraging the “Made in America” approach in favor of adopting models compatible with national legal institutions and practices and educational system). That said, at least one commentator has criticized the making of Qatari higher education policy based on studies by foreign think tanks “without any public debate and without the participation of education specialists or the faculty of the University of Qatar.” Al-Kuwari, *supra* n. 6, at 13.

<sup>42</sup>See generally, Lee P. Arbetman & Edward L. O’Brien, *Street Law: A Course in Practical Law* (8th ed., Glencoe 2010). The term “Street Law” is a registered trademark. *Id.* at ii.

<sup>43</sup>See Richard Grimes, David McQuoid-Mason, Ed O’Brien, & Judy Zimmer, *Street Law and Social Justice Education*, in Bloch, *supra* n. 4, at 225. See also, Andrea M. Seielstad, *Community Building as a Means of Teaching Creative, Cooperative, and Complex Problem Solving in Clinical Legal Education*, 8 *Clin. L. Rev.* 445, 472–75 (2002)(explaining that through contact with the client community, law students gain residual benefits in awareness, insight and problem-solving).

<sup>44</sup>This format for education of lay audiences has enjoyed some success in other Arabic-speaking countries. See, e.g., Rosenbaum, *supra* n. 38, at 51 n. 46 & 65 n. 101 (clinic outreach “caravans” and consciousness-raising activity in partnership with NGO in Upper Egypt and Greater Cairo) and *The ABC’s of Advocacy* (Arabic- and English-language community legal education materials) (on file with the authors) and *Human Rights Clinical Legal Education Program Manual*, App. 3 (ABA ROLI, Dec. 31, 2008)(report on training workshop to prepare Université la Sagesse law students to conduct human rights public legal education campaign amongst Beirut youth) (on file with the authors).

<sup>45</sup>The Qatari embassy in Washington, DC describes the all-male Advisory Council (*Majlis Al Shura*) as “the first pioneering democratic experience to prove successful and well suited to the country’s political and social conditions” since independence from Great Britain in 1971. Qatar Embassy, *Welcome to Qatar, Advisory Council*, <http://www.qatarembassy.net/advisory.asp> (last accessed May 2, 2013). The Emir appoints one-third of its members, has veto power over its decisions and can—and does—suspend legislation “for some time.” Fromherz, *supra* n. 5, at 126. The Emir also appoints all judges, many of whom are non-Qatari, making them subject to deportation. *Id.* at 127. No law is issued without His Highness’ imprimatur, following “consultation” with the *Shura*. *Id.* at 129.

final semester and had participated during the previous term in co-curricular activities involving domestic violence; it seemed their motivation was largely an interest in the topic itself. Other participants were new law students who had completed only a few hours of course work but who were sufficiently attracted to the subject matter and eager to take the first clinical course offered at the College.

Evaluation for grading purposes was based on the following criteria: 1) presentation skills; 2) contributions to the presentation and a student-produced DV brochure; 3) class participation; 4) performance on five short written assignments; and 5) quality of a final paper on a topic of their choice, which incorporated research from written sources and an interview with an expert. All students were required to meet individually with one of the instructors to discuss their paper topics and to review their portfolios of completed projects.

### RAISING AWARENESS

DV may occur in any house; it's not related to who we are or our social status. Because it threatens the very foundation of our society, we need a law to protect our families and to prevent this phenomenon from happening. Our role is to raise the awareness about this matter and encourage victims to break the silence if they have been treated in a violent way.

*First-year male student*

One of the reasons that I decided to register in this class is because I had not learned anything about domestic violence in any other classes. The most important thing that I've learned in this class is to use my knowledge to educate other people in my society and try to change their perspectives about DV, especially women. We must show everyone that it's a serious issue that needs a solution.

*Second-year female student*

As soon as students finished studying the first module of the course materials, which provided an overview of the subject area of domestic violence, preparations began for the nation's inaugural Domestic Violence Awareness Week. The class was scheduled to make presentations about the causes and effects of domestic violence to their law school peers, the University, and the larger community. The biggest initial hurdle to these endeavors was the dearth of data on the problem of domestic violence in Qatar.<sup>46</sup>

Until becoming familiar with the empirical studies conducted by Professor Al-Ghanim, many of the clinic students had been skeptical about the frequency of domestic violence, at least among Qataris. This disbelief was reinforced by other law students not enrolled in the course, by other professors, and by their own family members.<sup>47</sup> In the opinion of these outside observers, the strong commitment to family in Qatar, as evidenced by the prevalence of multi-generational households and the principles of Islam, militated against the occurrence of intra-familial violence.

As might be expected, some students revealed that they were direct or secondary victims of violence in their own families or knew others who had experienced such abuse. Once the students became convinced that domestic violence was a real problem as a result of their studying the issue, reviewing the empirical research, and hearing the narrative accounts of women subjected to abuse, they developed the fervor of the newly converted and were anxious to spread the word. During Domestic Violence Awareness Week, the students made a series of presentations designed to educate participants about the psychological, social, economic, and legal aspects of the phenomenon.<sup>48</sup> Special permission was obtained for the male students—dressed in their *de rigueur* floor length white robes, or *thobes*—to attend the presentations offered by the women students in what was typically a female-only activity center. The latter, attired in their traditional black gown-like *abayas*, distributed to attendees a brochure they had created, in English and Arabic. One of the women had produced a short video to begin the proceedings. Although the information from the course formed much of the

<sup>46</sup>See *supra* n. 22–26 and accompanying text. Although the students were now well-versed in the international statistics about the prevalence of domestic violence, they surmised that the Qatari people might be dismissive of the domestic violence phenomenon unless there was specific proof of its current occurrence among Qataris.

<sup>47</sup>Students were given a written assignment during the second week of class that required them to interview two family members or friends and ask “1. What is domestic violence? Is domestic violence only physical? Why or why not?, 2. Is domestic violence wrong? Why or why not?” Some interviewees expressed incredulity about domestic violence as a problem, while others revealed the experiences of acquaintances who had been subjected to abuse by family members.

<sup>48</sup>*Domestic Abuse a Societal Problem*, The Gulf Times (Apr. 9, 2012) (available at [http://www.gulfintimedia.com/index.php?m=politics&id=596903&lim=280&lang=en&tblpost=2012\\_04](http://www.gulfintimedia.com/index.php?m=politics&id=596903&lim=280&lang=en&tblpost=2012_04)).



program's content, the students also proved to be quite adept at using the Internet to obtain other relevant information.

At the men's campus presentation a few days later, a middle-aged man raised his hand. The student moderator reluctantly allowed the man to make a statement, as the program was about to conclude. The speaker<sup>49</sup> proceeded to relate an experience he had while teaching at a university in the United States, where he had been approached about volunteering as a consultant to a DV organization in need of a business plan. His eloquent recital of his experience made a noticeable impression on the mostly male audience.<sup>50</sup>

Perhaps the most interactive public presentation made by the law students occurred at a local girls' independent secondary school. Although previous audiences had for the most part listened politely, the adolescent students initially engaged in the usual amount of juvenile fidgeting, giggling, and whispering. But, it soon became clear that some of the young spectators were growing angry at the message conveyed by the women law students.

Although the primary language of instruction at the school is in English, the exchange between the law student presenter at the podium and a teenage audience member began to take place in rapid-fire Arabic. A law student, serving as translator, indicated that the high school girl was insisting that the teachings of the Qur'an permitted husbands to beat their wives. Another young girl chimed in and stated that women expected to be disciplined, even physically, if they had misbehaved. The law student facilitating the discussion had rarely spoken in class. In fact, she was the only student who regularly wore the more orthodox *niqab* (face veil) in addition to her *abaya* and *sheilah* head covering. It was unclear how she would respond.

The facilitator began to patiently explain differing interpretations of the Qur'an's meaning. "Surely," she said, "under no circumstances should one verse trump all of the beautiful instruction offered by the Prophet – 'Peace Be Upon Him' –"<sup>51</sup> about the importance of treating both husbands and wives "with dignity and respect." It was apparent from the hushed silence that the law student's message had made a strong impression.

### QUR'ANIC INTERPRETATION

The high school students' perspectives were essentially drawn from Qur'anic verse 4:34, specifically step three of a disciplinary protocol permitting a husband to use a *miswak*, a small stick sometimes used as a toothbrush, to tap his wife lightly.<sup>52</sup> As interpreted literally by traditional jurists of the major Islamic schools of thought, this verse promotes the concept of female subordination and obedience to her husband.<sup>53</sup> Because the verse explicitly mentions superiority, obedience, and wife beating, the historical, male-driven interpretations take this language at face value and offer a literal understanding of the verse.<sup>54</sup>

The discussion about the dictates of Islam with respect to chastisement of wives continued during the next law school class. The students expressed significant differences of opinions. A student from Bahrain insisted that the mandate of the Qur'anic verse in question was triggered only in cases of adultery. The Qatari students protested vehemently. A Sudanese student tried to mediate among the various factions. Before the classroom disagreements erupted into a shouting match, the instructors made a plea for calm discussion as a more effective way to communicate.

<sup>49</sup>Marios Katsioloudes, a Cypriot national, is a professor in the QU College of Business and Economics.

<sup>50</sup>Not only did Professor Katsioloudes become a member of the non-profit organization's board of directors, he also assigned a project to his students that required their involvement with the organization as well. Despite initial protestations, which included a phone call from an upset parent, his students eventually completed the assignment. A few even made a long-term commitment and became major fundraisers for the organization.

<sup>51</sup>It may surprise some visitors to countries where Islam is the dominant religion that, even in ostensibly secular settings, a student may utter "Peace Be Upon Him" (or may write "PBUH") after each reference to the Prophet Muhammed. Similarly, a student may commence a class presentation, or a more casual verbal intervention, with "In the name of Allah, Most Gracious and Merciful." One of the co-authors admits to inadvertently trying to erase the latter phrase, written in Arabic in indelible marker, on a classroom whiteboard at an Egyptian law school.

<sup>52</sup>See the full verse *infra* n. 55.

<sup>53</sup>Andra Nahal Behrouz, *Women's Rebellion: Towards a New Understanding of Domestic Violence in Islamic Law*, 5 UCLA J. Islamic & Near E. L.153, 161 (2006).

<sup>54</sup>See *id.* at 161 (explaining that traditional readings, written by male jurists and developed after the Prophet Muhammed's death, treat Qur'anic verses literally and have influenced Muslim attitudes and laws over the course of centuries, "often deriv[ing] rules that quite severely victimized and subordinated women").

This was the teachable moment: how to handle questions about the Qur'an, which has been interpreted by some as establishing a disciplinary protocol for husbands. Qur'an 4:34 is the verse most often cited as license for domestic violence, or to argue that husbands have the right to hit their wives.<sup>55</sup> In the moment, however, the teachers lacked the jurisprudential and theological foundation to address this affirmatively.<sup>56</sup>

Feminist Islamic scholars, among others, argue that the traditional interpretation misconstrues verse 4:34.<sup>57</sup> First, they argue that the historical context within which the 4:34 revelation took place must be considered, and that the verse is an example of the Qur'an's well-known gradualist philosophy of social change.<sup>58</sup>

Many scholars also point to the Prophet Muhammed's conduct in his own marriage and personal relationships as an example to argue that the Qur'an promotes gender equality and prohibits domestic violence.<sup>59</sup> The Prophet "disapproved of men hitting their wives, and never hit any woman or child."<sup>60</sup> His wife, Aisha, "felt free to think, argue and disagree with the Prophet repeatedly."<sup>61</sup> Moreover, the Prophet preached in his last sermon that "wives have rights over their husbands in addition to husbands having rights over wives" and that "wives are to be treated well, for they are their husbands' partners and committed helpers."<sup>62</sup>

Scholars also argue that as a part of the same religious text, verse 4:34 must be interpreted in a manner consistent with the Qur'an's overarching peaceful values.<sup>63</sup> As one commentator observes, "[t]he Qur'an is internally consistent because it is a divine revelation<sup>64</sup> and "repeatedly [portrays] the relationship between husband and wife as tranquil[], affection[ate] and merci[ful]."<sup>65</sup> Therefore, interpreting verse 4:34 to construe corporal punishment of a wife as a right is inconsistent and, according to Islamic feminist explanation, is incorrect.<sup>66</sup>

---

<sup>55</sup>The text of verse 4:34 reads:

Men are the managers of the affairs of women because Allah has made the one superior to the other and because men spend of their wealth on women. Virtuous women are, therefore, obedient: they guard their rights carefully in their absence under the care and watch of Allah. As for those women whose defiance [*nushuz*] you have cause to fear, admonish them and keep them apart from your beds and beat [*daraba*] them. Then, if they submit to you, do not look for excuses to punish them; note it well that there is Allah above you, Who is Supreme and Great.

Behrouz, *supra* n. 53, at 161.

<sup>56</sup>Notwithstanding their own limited knowledge on the subject, the instructors had incorporated in the syllabus one assignment for students to reflect on their personal interpretation of the Islamic perspective on domestic violence.

<sup>57</sup>See e.g., Faizi, *supra* n. 22, at 213; Lisa Hajjar, *Religion, State Power & Domestic Violence in Muslim Societies: A Framework for Comparative Analysis*, L. & Soc. Inquiry (2004) 1, 11; Behrouz, *supra* n. 53, at 153 ("By re-reading the textual sources and exposing oft-ignored historical realities, [new feminist voices] seek to prove that the inequalities embedded in Islamic law are neither manifestations of divine will nor inevitabilities of an irreparable social system; rather, they are human constructions.").

<sup>58</sup>See Azizah Y. al-Hibri, *An Islamic Perspective on Domestic Violence*, 27 Fordham Intl. L.J. 195, 207 (2003). In a society that had barely emerged from *Jahiliyyah*, Makkan men were "particularly rough" in the treatment of their spouses, and once converted to Islam, continued this practice. *Id.* Although the passage appears to permit domestic violence when read in isolation and stripped of context, in a society where wife beating was prevalent, 4:34 actually represented a step towards curbing domestic violence by changing the meaning of hitting, severely narrowing the justification for hitting, and imposing a graduated approach to conflict designed to dissipate the argument before it reached the point of violence. See, *id.* at 211–12; see also, Hajjar, *supra* n. 57, at 10–11. In line with a graduated approach, other forms of punishment have replaced such harsh sanctions as amputation, stoning or flogging in many Muslim countries, Qur'anic text notwithstanding.

<sup>59</sup>See e.g., Faizi, *supra* n. 22, at 213; Al-Hibri, *supra* n. 58, at 203.

<sup>60</sup>Faizi, *supra* n. 22, at 213.

<sup>61</sup>Al-Hibri, *supra* n. 58, at 203.

<sup>62</sup>Faizi, *supra* n. 22, at 213 (citing Sharifa AlKhateeb, *Ending Domestic Violence in Muslim Families*, at [http://www.steppi.together.org/article\\_02.html](http://www.steppi.together.org/article_02.html)).

<sup>63</sup>Arguments have been made that the permission to "hit" at the third stage of 4:34 should be interpreted in light of the basic principles governing marriage espoused in the Qur'an and exemplified by the life of the Prophet. For example, Job satisfies his oath by hitting his wife with a handful of grass or basil. Al-Hibri, *supra* n. 58, at 223; see also, Qur'an 38:44.

<sup>64</sup>Al-Hibri, *supra* n. 58, at 204; see also, Behrouz, *supra* n. 53, at 172.

<sup>65</sup>Al-Hibri, *supra* n. 58, at 204; Qur'an 30:21; see also, Behrouz, *supra* n. 53, at 172; Hajjar, *supra* n. 57, at 11.

<sup>66</sup>Behrouz, *supra* n. 53, at 172. See also, Hajjar, *supra* n. 57, at 11. The clinic instructors eventually interviewed QU Islamic scholar Hajredin Hoxha, who stopped short of asserting that the Qur'an sanctioned violence against women, even in verse 4:34. Rather, in keeping with views posited by several contemporary commentators, he pointed to sections of the Muslim scripture emphasizing the respect and dignity husbands owed their wives. Interview with Professor Hajredin Hoxha, College of Shari'a and Islamic Studies, Qatar University, Doha (May 17, 2012). A few weeks later, the founding member and former director of Sisters in Islam, Zainah Anwar, a progressive Malaysian-based organization, made a presentation at the University about alternative interpretations of Islamic principles. In a later interview with one of the

In a similar vein, some scholars posit that Qur'anic teaching on gender relations sends a strong message of equality and respect that is antithetical to the inequality and violence that characterize domestic abuse.<sup>67</sup> The Qur'an states clearly and repeatedly that both males and females were created from the same soul [*nafs*].<sup>68</sup> In Islam, the family system is intended to bring husband, wife, children and relatives into an equilibrium to maintain security.<sup>69</sup> The Qur'an also instructs husbands to live with their wives on equitable terms or leave them in kindness.<sup>70</sup> Both men and women have the right to divorce.<sup>71</sup> Taking account of all these rights, feminist Islamic scholars argue that the teachings of Islam can be employed to espouse marital harmony and peace rather than justify domestic violence.<sup>72</sup> Verse 4:34 nonetheless remains an obstacle in the public campaign against DV,<sup>73</sup> and even a "symbolic" battery can be interpreted as acceptance of spousal abuse.

### RELEVANT PRINCIPLES OF INTERNATIONAL LAW

No one expected the instructors to be knowledgeable about *Shari'a*, much less experts on Qur'anic exegesis.<sup>74</sup> However, they were familiar with – and eager to teach – the legal aspects of domestic violence in Qatar, including the relevant international law.<sup>75</sup> Their preparation for the QUCL course had begun with trying to understand more about the status of women generally in Qatar, a learning curve that guided the course's calibration.<sup>76</sup> The tiny Arab emirate produces its own high volume of promotional materials on an array of progressive socio-political and cultural issues. Nonetheless, the instructors were surprised to see Qatar described in U.S. legal commentary as "a beacon of light when it comes to the advancement of women's rights."<sup>77</sup>

When the class examined the impact of international human rights law on the issue of domestic violence, the students were perplexed to find that none of the core international human rights treaties explicitly proscribe violence against women.<sup>78</sup> They seemed chagrined to learn that the Convention on

*Footnote continued*

authors, she stated that the organization did not try to interpret the Qur'an for theological purposes, which is the domain of Islamic scholars. However, she asserted that once religious texts were used as a basis for public policy determinations, it was appropriate for all citizens to participate in the ensuing public discussion, this being a more formidable task in a theocratic or Islamic society. Interview with Zainah Anwar, Director of Musawah, Doha (May 28, 2012).

<sup>67</sup>See e.g., Faizi, *supra* n.22, at 211; Al-Hibri, *supra* n. 58, at 200.

<sup>68</sup>See Qur'an 4:1; 6:98; 7:189; see also, Al-Hibri, *supra* n. 58, at 200.

<sup>69</sup>See Faizi, *supra* n. 22, at 211 (citing 3 Sabiq, *Fiqh Us-Sunnah: The Doctrinal Writings of the Sunna of the Holy Prophet* 372 (Mahmoud Matraji ed., F. Amira Zrein Matraji trans., 1996)).

<sup>70</sup>See e.g., Qur'an 2:229; see also, Behrouz, *supra* n. 53, at 172.

<sup>71</sup>See Faizi, *supra* n. 22, at 215–16 (explaining that while women do have this right, many of them are unaware of it); see also, *id.* (citing 3 Sabiq, *Fiqh Us-Sunnah, supra* n.69, at 372).

<sup>72</sup>See Faizi, *supra* n. 22, at 210 (arguing that ignorance of their Islamic rights is one of the leading reasons why Muslim women remain in abusive situations and accept violence as Islamically-ordained behavior); Al-Hibri, *supra* n. 58, at 223–224 (arguing for the Muslim community to move beyond antiquated historical Qur'anic interpretations and embrace the "higher stages of consciousness described in the Qur'an and implemented by the Prophet").

<sup>73</sup>A team of QU researchers reported that: "In Qatari society, as in many other Muslim societies, this verse remains one of the most important justifications for gender-based violence. The intentional misinterpretation of the Verse has allowed the extent of violence not only to be more prevalent than any other time in the history of the region, but it appears to be becoming more socially acceptable as well." Kassem et al., *supra* n. 21, at 32.

<sup>74</sup>A separate QU College of Shari'a and Islamic Studies continues to exist, as is the case in other Muslim countries. One of the authors discovered, anecdotally, in later conversations with law students and professors in devoutly Muslim Afghanistan, that the curricula between the two faculties may overlap extensively. Likewise, student motivation for enrolling in one faculty as opposed to the other may be more about geographic location or university prestige than career aspirations or religious devotion.

<sup>75</sup>International law here—in contrast to comparative law—refers to any relevant international treaties, conventions, declarations, or treatises and commentaries written by experts from across the globe. For example, a 1996 report by U.N. Special Rapporteur Radhika Coomaraswamy on violence against women, its causes and consequences contains a framework for model legislation on domestic violence. United Nations Economic & Social Council Commission on Human Rights, *A Framework for Model Legislation on Domestic Violence* (Feb. 2, 1996) (available at <http://www.unhcr.ch/Huridocda/Huridocda.nsf/o/0a7aa1c3f8de6f9a802566d700530914>).

<sup>76</sup>The instructors reviewed materials from UN Women (United Nations Entity for Gender Equality and the Empowerment of Women), U.S. Department of State, Amnesty International, Human Rights Watch, and the American Bar Association.

<sup>77</sup>Michael B. Dye, *Qatar: The Pearl of the Middle East and Its Role in the Advancement of Women's Rights*, 84 U. Det. Mercy L. Rev. 747, 747 (2007). Two years before Qatar acceded to the terms of the Convention on the Elimination of All Forms of Discrimination Against Women, Attorney Dye described Qatar's "progress in implementing a solid legal framework to protect [women's] rights." *Id.*

<sup>78</sup>During the course, great emphasis was placed on the fact that DV is a significant worldwide human rights problem, especially for women. As a result, the students expected to see direct recognition of this in the foundational international human rights documents. For a discussion of the omission of gender-based violence and domestic violence in

the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>79</sup> conspicuously refrains from dealing directly with violence against women and treats it as a general encroachment on women's equality.<sup>80</sup> The Committee established under the Convention's Optional Protocol, however, has issued General Recommendation 19, which declares that gender-based violence is a form of sex discrimination that affects women's equality.<sup>81</sup> The students were somewhat heartened, however, to discover that the U.N. General Assembly subsequently promulgated the much more comprehensive, albeit non-binding, Declaration on the Elimination of Violence against Women (DEVAW).<sup>82</sup>

Qatar's adherence to CEDAW does subject the country to the periodic monitoring process.<sup>83</sup> In "acceding" to the Convention in 2009, a process that is essentially the same as ratification, Qatar declared a few reservations, most of which are couched in terms of Islamic law or national legislation that is designed to "promot[e] social solidarity."<sup>84</sup> Like other Muslim states, Qatar takes exception to portions of Article 15, concerning inheritance and testimony, and Article 16, a comprehensive provision that addresses nondiscrimination and equality in marriage and family relations.<sup>85</sup>

In examining the relationship between Islam and CEDAW, the instructors turned to a guide written by the progressive Muslim women's organization, *Musawah*, asserting that Islamic religious principles do not prevent full implementation of CEDAW.<sup>86</sup> The instructors ultimately asked the only fulltime,

*Footnote continued*

foundational human rights documents, see Alice Edwards, *Violence Against Women as Sex Discrimination: Judging the Jurisprudence of the United Nations Human Rights Treaty Bodies*, 18 *Tex. J. Women & L.* 1 (2008). See also, Rangita de Silva de Alwis, *Domestic Violence Lawmaking In Asia: Some Innovative Trends In Feminist Lawmaking*, 29 *UCLA Pac. Basin L.J.* 176, 183–97 (2012), for discussion of an international legal framework on DV, and a burgeoning human rights legislative movement, with an emphasis on Asia.

<sup>79</sup>G.A. Res. 34/180, U.N. GAOR, 34th Sess., Supp. No. 46, U.N. Doc. A/34/46, at 193, art. 1–2 (18 Dec. 1979) (entered into force Sept. 3, 1981). CEDAW covers a myriad of issues that affect women and girls but does not contain any specific provisions that address violence perpetrated by private actors.

<sup>80</sup>Christine Chinkin, *Violence Against Women*, in *The UN Convention on the Elimination of All Forms of Discrimination Against Women*, 443, 443–44 (Marsha Freeman, Christine Chinkin & Beate Rudolf, eds., 2012).

<sup>81</sup>Comm. on the Elimination of Discrimination against Women, General Recommendation 19, 11th Sess., U.N. Doc. A/47/38 at 1 (1992). One respected commentator has argued that:

[u]nder CEDAW, a state has a broader obligation to take positive measures to eliminate gender-based violence as part and parcel of the obligation to eliminate both intentional and disparate impact discrimination. . . . Although originally resistant to incorporating a gender perspective, the [Protocol Oversight] Committee has . . . issued Recommendation No. 25, which partially adopts an intersectional analysis of race and gender discrimination with respect to private violence.

Rhonda Copelon, *International Human Rights Dimensions of Intimate Violence: Another Strand in the Dialectic of Feminist Lawmaking*, 11 *Am. U. J. Gender, Soc. Pol'y & L.* 865, 873 (2003). Professor Copelon also posited that the international human rights system helps to understand the nature of domestic violence as a worldwide and pervasive "cultural practice," it is thus subject to action under CEDAW, art. 5(a), which requires states to:

take appropriate measures to . . . modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women.

*Id.* at 872 (quoting G.A. Res. 180, U.N. GAOR 34th Sess., U. N. Doc. A/RES/34/180 (1980) (ellipses in original)).

<sup>82</sup>G.A. Res. 48/104 U.N. GAOR, 48th Sess., Supp. No. 49, 85th mtg. at 217–19, U.N. Doc. A/RES/48/104 (1993). Although the students understood the difference between a non-binding resolution or declaration and a treaty, they were also aware—and felt positively about the possibility—that a declaration could become part of customary international law.

<sup>83</sup>Qatar is scheduled to submit its country report to the CEDAW Committee in February 2014. International Women's Rights Action Watch Asia Pacific, *CEDAW Reporting Schedule* (available at <http://www.iwraw-ap.org/committee/schedule.htm>). Qatar is not a party to the treaty's Optional Protocol, which allows individuals or groups to file complaints against states for violating the Convention. United Nations Treaty Collection, <http://www.un.org/womenwatch/daw/cedaw/reports.htm> (last accessed June 13, 2013).

<sup>84</sup>See Permanent Constitution of the State of Qatar, 29 Apr. 2003, art. 6 (available at [http://www.servat.unibe.ch/icl/qa00000\\_.html](http://www.servat.unibe.ch/icl/qa00000_.html)) (requiring the State to "respect and implement" all international agreements and conventions) [hereinafter Constitution]. While not exactly tantamount to enforcement, respect and implementation may be regarded as "[o]ne of the few theoretical limitations on Qatari law" under the Constitution. Fromherz, *supra* n. 5, at 127. The so-called "Permanent" Constitution entered into force on June 8, 2005, approximately two years after being approved in a popular referendum and six years after the Emir authorized the formation of a high-level drafting committee. Dye, *supra* n. 77, at 749.

<sup>85</sup>United Nations Treaty Collection, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#part4> (full text of Convention on Elimination of All Forms of Discrimination Against Women (last accessed June 13, 2013, 2013)).

<sup>86</sup>Musawah, *CEDAW and Muslim Family Laws: In Search of Common Ground* (Sisters in Islam, 2011) (available at [http://www.musawah.org/sites/default/files/CEDAW%20%26%20Muslim%20Family%20Laws\\_o.pdf](http://www.musawah.org/sites/default/files/CEDAW%20%26%20Muslim%20Family%20Laws_o.pdf)). *Musawah* means "equality" in Arabic.

tenure-track, female member of the faculty at the time for additional direction.<sup>87</sup> She agreed to be a guest speaker in the class to discuss the Islamic perspective on human rights generally and women's rights specifically.

Contemporaneously with Qatar's accession to CEDAW, an NGO report prepared for the United Nations<sup>88</sup> by Freedom House acknowledged that the country had made progress toward "promoting equality and addressing cultural and social traditions that discriminate against women," explicitly citing provisions of the 2004 Constitution.<sup>89</sup> At the same time, the NGO issued a low ranking on the freedom of women to exercise those rights. On a scale from 1 to 5—with 5 representing the highest level of freedom—Qatar received the following ratings (based on 2009 indicators):

- (a) Non-discrimination and access to justice: 2.1;
- (b) Autonomy, security, and freedom of the person: 2.3;
- (c) Economic rights and equal opportunity: 2.9;
- (d) Political rights and civic voice: 1.8; and
- (e) Social and cultural rights: 2.5.<sup>90</sup>

These scores and the accompanying assessment suggest that Qatar was progressively realizing fundamental constitutional guarantees for women, rather than implementing those freedoms immediately. The report observes that women often adhere to customs that perpetuate traditional gender roles within the family and society, a situation that hinders expansion of their rights.<sup>91</sup>

While continuing to note Qatar's improvements, the report made recommendations for achieving gender equality, including criminalization of domestic violence, along with implementation of effective measures to prosecute offenders and protect victims. The report also recommended, *inter alia*, removal of the reservations to CEDAW; reform of male preferences under marriage and family laws; and the establishment of NGOs to serve women and address their concerns.<sup>92</sup>

The Freedom House report also acknowledged the role of Qatar Foundation, a private institution that acts in the public interest to support and fund social services in the emirate. In 2002, the Foundation established *Aman*, an organization "for Child and Woman Protection" to provide services to victims of domestic and social violence.<sup>93</sup> While committed to the principles and teachings of *Shari'a*, the Qatari Constitution and international agreements, and conventions on the rights of children and of women,<sup>94</sup> the Foundation's focus is clearly on women and children as a family unit.<sup>95</sup> As noted above, protection of the family is also heavily emphasized in the QNDS.<sup>96</sup> It seemed more acceptable to discuss the issue of intimate partner violence under the broader rubric of intra-familial violence that could affect children. Even during class, discussions about family violence often turned to the consideration of its impact on children as direct or secondary victims. When students chose topics for their final research paper

<sup>87</sup>Dr. Hanan Nayef Malaeb taught the Human Rights course among other subjects at QUCL during 2011–2012. In addition to Professor Malaeb and Adjunct Professor Valdez, only two other women at QUCL had teaching obligations, but they did not carry an academic title. As of this writing, the QUCL website contains the names of five women faculty members of varying academic rank. See, [http://www.qu.edu.qa/law/faculty\\_profile.php](http://www.qu.edu.qa/law/faculty_profile.php) (last accessed May 28, 2013).

<sup>88</sup>UNHCR, *Women's Rights in the Middle East and North Africa 2010 – Qatar* (Mar. 3, 2010) (available at <http://www.unhcr.org/refworld/docid/4b99011ec.html>) (last accessed June 11, 2013).

<sup>89</sup>*Id.*

<sup>90</sup>*Id.*

<sup>91</sup>*Id.* at Introduction.

<sup>92</sup>*Id.* at Recommendations.

<sup>93</sup>The U.N. Secretary-General's Database on Violence Against Women, *The Qatar Foundation for the Protection of Women and Children* [sic] (available at <http://sgdatabase.unwomen.org/searchDetail.action?measureId=17323&baseHref=country&baseHrefId=1060>) (last accessed May 3, 2013). Social workers from *Aman* ("peace" or "tranquility" in Arabic) attended the QUCL Domestic Violence Awareness Week activities and provided information about available services.

<sup>94</sup>AMEinfo.com, *Mawashi Reaches Out to Aman, the Qatar Foundation for Child and Women Protection*, (July 8, 2012) (available at <http://www.meed.com/mawashi-reaches-out-to-aman-the-qatar-foundation-for-child-and-women-protection/3144020.article>) (last accessed July 18, 2013).

<sup>95</sup>Linking women's rights and children's rights is a contested subject. Some commentators suggest that these rights are interconnected and "can complement each other thereby furthering the rights of both groups." See *e.g.*, Jonathan Todres, *Women's and Children's Rights: A Partnership with Benefits for Both*, 10 *Cardozo Women's L.J.* 603, 605 (2004). Other scholars have criticized the linkage, because it harkens back to a time when this connection was made for the purposes of controlling—and perhaps infantilizing—women. See *e.g.*, Linda Malone, *Protecting the Least Respected: The Girl Child and the Gender Bias of the Vienna Convention's Adoption and Reservation Regime*, 3 *Wm. & Mary J. Women & L.* 6 (1997).

<sup>96</sup>QNDS, *supra* n. 16, at 170–71.

assignment, which required them to interview outside experts, nearly half of the women students selected a theme that was child-related.

### RELEVANT LAWS AND LEGISLATIVE DRAFTING

Since the focus of the QUCL clinic was on drafting legislation to criminalize domestic violence, the first course component involved examination of the provisions of the Qatari criminal code.<sup>97</sup> The current code does not set out clearly defined elements of crimes nor the elements for a concomitant mental state requirement.<sup>98</sup>

Following a presentation to the classes by a QUCL criminal law professor,<sup>99</sup> the instructors discovered that Qatari judges use legal treatises and other commentary to aid in their decision-making. During the next class, students parsed the Penal Code, searching for any provisions that might be relevant to crimes committed against intimate partners. Although they located articles that addressed the general elements of a crime and related sanctions,<sup>100</sup> they found the Code is remarkably silent on such crimes as battery, kidnapping, false imprisonment, sexual assault,<sup>101</sup> harassment, criminal mischief, or even homicide—all of which might implicate perpetrators of domestic violence.

It eventually occurred to instructors and students that it might be necessary to draft an entirely new Penal Code chapter; it simply would not be feasible to incorporate provisions by reference into a domestic violence law, when these provisions did not exist in the first place. In turning next to the Constitution, a search for references to due process, liberty or personal integrity yielded such principles as: “Qatari society shall be based on justice, kindness, freedom, equality, and morals,”<sup>102</sup> “[t]here shall be no discrimination on account of sex, origin, language, or religion,”<sup>103</sup> and “[p]ersonal freedom is assured” and no one “shall be subject to humiliating treatment.”<sup>104</sup> The Constitution underscores its promise of equality by a declaration that “all citizens have equal rights and duties”<sup>105</sup> and that “[t]he prevalence of the law is the basis of the rule in the State.”<sup>106</sup> Finally, the Constitution accords special mention to the family and preservation of the family unit:

The family shall be the foundation of the society. Its pillars shall be religion, morals and love for the nation. The law shall organise means of protecting the family, supporting its principles, bolstering its ties, preserving ideals of matrimony, childhood and the elderly.<sup>107</sup>

Presumably, acts of domestic violence undermine all of the above articles. In addition, the aforementioned Constitutional obligation to respect and execute all international pacts and agreements to which Qatar is a signatory<sup>108</sup> does require the State to implement conventions on gender equality, including measures to combat gender-based violence.

Whether the route to legal change is through an amendment to the Codes, Emiri decree, interpretation of Constitutional principles, or exercise of judicial discretion, the clinical instructors wanted to expose the students to the concepts and skills inherent in legislative analysis and drafting. Although the Qatari legislative and policymaking processes are circumscribed and opaque compared to constitutionally-supported democracies,<sup>109</sup> students reviewed model domestic violence laws from

<sup>97</sup>Law No. 11 of 2004, *supra* n. 23.

<sup>98</sup>By contrast, the U.S. Model Penal Code sets forth required elements for each substantive crime, including a mental state element, e.g. premeditated, negligent. Paul Robinson and Markus Dirk Dubber, *The American Model Penal Code: A Brief Overview*, 10 *New Criminal L. Rev.* 319 (2007). This detailed approach is somewhat unique for domestic criminal codes worldwide; however, it is one most familiar to the course instructors.

<sup>99</sup>Dr. Basher Zaghoul (March 18, 2012).

<sup>100</sup>Law No. 11 of 2004, *supra* n. 23, arts. 21–37.

<sup>101</sup>However, Chapter Four (“Adultery and Crimes of Honour”) specifies sanctions for sexual assault in the context of non-consensual, extramarital and/or under-age intercourse. *Id.*, arts. 279–289.

<sup>102</sup>Constitution, *supra* n. 84, art. 18.

<sup>103</sup>*Id.*, art. 35.

<sup>104</sup>*Id.*, art. 36.

<sup>105</sup>*Id.*, art. 34.

<sup>106</sup>*Id.*, art. 129.

<sup>107</sup>*Id.*, art. 21.

<sup>108</sup>*See supra* nn. 81–88, and accompanying text.

<sup>109</sup>One Qatari analyst writes: “Qatar’s political imbalance in the relationship between the government and its people is best expressed in the phrase, ‘a more than absolute authority and a less than powerless people.’ The authorities in Qatar monopolize the decision-making process with no effective political participation on the part of citizens.” Al-Kuwari, *supra* n. 6, at 17. The government continues to maintain strict limitations on the freedoms of assembly and association and on topics of discussion. Political parties are banned; all private professional and cultural associations must register with the

a number of different jurisdictions. In common law countries, domestic violence legislation frequently contains two components: a civil procedure allowing the person subjected to abuse to obtain a protection order and a criminal procedure designed to hold the abuser accountable.<sup>110</sup> These measures could either be adopted in a combined domestic violence statute,<sup>111</sup> in discrete sections of a family or personal status code,<sup>112</sup> or as part of a criminal code.<sup>113</sup>

As Qatar would become the first Gulf State to develop a DV law, the instructors' original plan was for the students to examine Muslim countries in the Middle East and North Africa region for sample legislation.<sup>114</sup> Other Muslim countries, such as Jordan,<sup>115</sup> Bangladesh,<sup>116</sup> Indonesia,<sup>117</sup> Malaysia,<sup>118</sup> Tunisia,<sup>119</sup> Turkey,<sup>120</sup> and Albania<sup>121</sup> had laws, or proposed legislation that addressed some aspect of domestic violence. Students were also presented with legislative templates from individual states in the United States and from the United Kingdom.

*Footnote continued*

state and are monitored. Cong. Research Serv., Christopher M. Blanchard, *Qatar: Background and U.S. Relations* 15 (June 6, 2012).

<sup>110</sup>Although a civil protection order may be initially entered *ex parte*, extension of the order requires a hearing with notice and the opportunity to be heard provided to the alleged abuser. D. Kelly Weisberg, *Domestic Violence: Legal and Social Reality* 275–76 (Wolters Kluwer 2012). Although the protection order may result from a *civil* proceeding, its violation could result in the issuance of a *criminal* contempt citation. *Id.* at 275–76, 421.

<sup>111</sup>See *e.g.*, New Jersey Prevention of Domestic Violence Act of 1991, N.J. Rev. Stat. § 2C:25–17 et sEquation (2012).

<sup>112</sup>See *e.g.*, Minn. Stat., Domestic Assault § 609.2242 (2012).

<sup>113</sup>See *e.g.*, Prevention of Domestic Violence Act, Cal. Fam. Code § 6200 et sEquation (West's 1993).

<sup>114</sup>On general considerations for clinical students engaged in policy advocacy and drafting, see Chai Feldblum, *The Art of Legislative Lawyering and the Six Circles Theory of Advocacy*, 34 *McGeorge L. Rev.* 785 (2003). Some materials that could be potentially helpful for drafting DV statutes or decrees can be found in the United Nations Secy-Gen'l Report on the Intensification of Efforts to Eliminate all Forms of Violence Against Women (Aug. 2, 2010) (A/65/208)(Arabic) (available at [http://www.ion.int/jahia/webdav/shared/shared/main/site/policy\\_and\\_research/un/65/A\\_65\\_208.pdf](http://www.ion.int/jahia/webdav/shared/shared/main/site/policy_and_research/un/65/A_65_208.pdf)) and UN Handbook and Supplement for Legislation on VAW (available at <http://www.un.org/womenwatch/daw/vaw/v-handbook.htm>).

<sup>115</sup>Law No. 6/2008 (Regarding Protection from Domestic Violence) (2008) (Jordan). A key goal of the legislation is to prevent the destruction of families, but the law also prescribes a modest prison term and damages for physical or psychological abuse. The most serious cases of violence may still be prosecuted in criminal courts under the penal code. The law also calls for the creation of mediation committees to manage problems that occur within families and reconcile the parties involved to avoid court. Implementation of the law by police is tied to the creation of these committees; none had been formed as of October 2009. See Kelly & Breslin, *supra* n. 21. Passage of this law followed several years of media campaigns and training for judges, prosecutors, police, investigators, medical staff, religious leaders, and other experts working in this field. *Id.*

<sup>116</sup>Bangladesh Domestic Violence (Resistance and Protection) Bill of 2010 (Bangl.). This Act, which contains a mix of criminal and civil sanctions and creates one-stop crisis centers, covers economic abuse (e.g., customary practices including the demand for dowry) as well as physical, sexual, and psychological abuse. De Alwis, *supra* n. 78, at 204, 223, 227.

<sup>117</sup>Law of Republic of Indonesia, No. 23/2004, Elimination of Violence in Household (2004), art. 3 (Indon.). This law, explicitly situated in a human rights context, provides one of the most expansive definitions of protected individuals, including domestic workers and those related by marriage, blood, care, and guardianship. De Alwis, *supra* n. 78, at 200.

<sup>118</sup>Domestic Violence Act 1994 (Act No. 521) (Malay.). One of the earliest DV laws adopted in Asia, the Malaysian Act establishes one-stop crisis centers in every state. Women's NGOs have lobbied to ensure full implementation and crisis centers are now located in 90% of public hospitals. De Alwis, *supra* n. 78, at 222–23.

<sup>119</sup>Tunisia Penal Code, art. 18 (Tunis.) A sentencing enhancement is possible if the perpetrator of an assault is married to or related to the victim, which dates back to a 1993 amendment to this statute that is considered a model in the region. Adrien Katherine Wing & Hisham Kassim, *The Future of Palestinian Women's Rights: Lessons From a Half-Century of Tunisian Progress*, 64 *Wash. & Lee L. Rev.* 1551, 1562 (2007).

<sup>120</sup>The Law to Protect Family and Prevent Violence Against Women, Law No. 6284 (Mar. 8, 2012), The Grand National Assembly of Turkey (Turk.). For a discussion of the frustrations some Turkish women's groups have expressed over the slow implementation of Turkey's domestic violence laws, see Yonca Poyraz Dogan, *Domestic violence continues as laws waiting to be implemented*, *Today's Zaman* (Mar. 7, 2013) (available at <http://www.todayszaman.com/news-309061-domestic-violence-continues-as-laws-waiting-to-be-implemented.html>).

<sup>121</sup>Law on Measures Against Violence in Family Relations (Law No. 9669/18.12.2006) (Alb.). This civil statute—the country's first law adopted as a result of public legislative initiative—provides for the establishment of a network of government institutions responsible for the protection, support, rehabilitation, and alleviation of the consequences of domestic violence. Applications for protective orders can be made to courts by abuse victims or public prosecutors *ex-officio*. Reporting of abuse has increased, but the issuance and execution of orders has been hampered by a lack of prosecutors and the government's failure to implement measures for the promised free legal assistance. Gender Alliance for Dev't Center, The Albanian Women Empowerment Network, et al., *Shadow Report on the Implementation of the CEDAW Convention [sic] in Albania* 21–28 (June 2010) (available at [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/GADC\\_Albania\\_46.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/GADC_Albania_46.pdf)) (last accessed June 28, 2013).

A promising domestic violence bill being considered by the Pakistani parliament<sup>122</sup> contained provisions that mirrored concerns raised by the QU students and audience members during the Domestic Violence Awareness Week presentations. The proposed Act would establish interim steps prior to the initiation of divorce proceedings, which most Qatari students viewed as an absolute last resort. It also incorporated mediation and other alternative dispute resolution mechanisms, with a view to exploring the possibility of saving the marriage. This was in keeping with the methods used by the Family Consulting Center, a Doha-based organization that provides legal assistance and social services to married couples.<sup>123</sup>

As the students set to work, the instructors encouraged them to conduct additional research to find other examples of domestic violence laws that might serve as suitable legislative models for Qatar. They were divided into small groups to begin the actual drafting exercises. Their task was to concentrate on only three parts of a criminal statute: preamble, coverage, and a definition of domestic violence. Most Qatari laws do not have introductory or preambular sections, but it was deemed important for purposes of the clinic to set forth a clear rationale for the law. Over a two-week period, under supervision, the students reviewed, discussed, haggled, revised, challenged, argued, rewrote, and, ultimately, presented appropriate legislative drafts to the class for consideration by their colleagues.

The most controversial elements of the students' proposed legislation included: 1) the amount of detail provided in the preamble and the extent to which religion should be emphasized; 2) whether to cover domestic workers who reside in the household; and 3) whether the definition of domestic violence should encompass *psychological* abuse and, if so, how it should be defined. A compromise position was reached on each of these questions. The students decided to incorporate the religious principles of Islam, without stating so directly, in order to be more inclusive of non-Muslims. Their focus was on the importance of protecting the family. In a similar vein, after much debate, the students chose to narrow the law's coverage to violence among those with a familial relationship; this excluded other members of the household, such as domestic workers.<sup>124</sup> In contrast, they selected a comprehensive definition of violence drawn from international documents that included physical, psychological, sexual, and economic violence.<sup>125</sup>

At the end of the formal drafting process, students were asked what other measures were needed to mitigate domestic violence. This question tracked an earlier assignment in the class about student perceptions of needed local services to assist persons subjected to abuse. Their responses formed the foundation for the *Action Plan To Stop Domestic Violence in Qatar*.<sup>126</sup> Along with sections of the draft legislation, their *Action Plan* was presented by five students during a press conference. This capstone final project at semester's end attracted more than 50 attendees from local media outlets, the University, and the community.<sup>127</sup> In preparation for the press conference, students had viewed online examples of other press conferences, collated materials with English and Arabic language translations to include in a press packet, practiced responding to hypothetical questions posed by their colleagues, and organized an accompanying PowerPoint presentation.<sup>128</sup> The eventual objective is to present the

<sup>122</sup>Prevention of Domestic Violence Act (2008) (Pak.) (available at [http://www.na.gov.pk/uploads/documents/1302132729\\_698.pdf](http://www.na.gov.pk/uploads/documents/1302132729_698.pdf)). Although the Pakistani Senate passed the bill in February 2012, it has not yet been enacted. See, Hina Hafeezullah Ishaq,

*Comment: A Promise is a Promise*, Daily Times (May 8, 2013) (available at [http://www.dailytimes.com.pk/default.asp?page=2013%5C03%5C08%5Cstory\\_8-3-2013\\_pg3\\_2](http://www.dailytimes.com.pk/default.asp?page=2013%5C03%5C08%5Cstory_8-3-2013_pg3_2)).

<sup>123</sup>*Family Consulting Center Resolves Most Disputes*, The Peninsula, Jan. 19, 2011 (available at <http://www.thepeninsulaqatar.com/qatar/139610-family-consulting-center-resolves-most-disputes.html>).

<sup>124</sup>See *infra*, nn. 167–73, and accompanying text.

<sup>125</sup>The definition adopted by the students was suggested in the U.N. Good Practices for Legislation on Violence Against Women, *Framework for Legislation on Violence Against Women* §§ 4(A),(B)(i). (2008) (available at [http://www.un.org/womenwatch/daw/egm/vaw\\_legislation\\_2008/Report%20EGMGPLVAV%20\(final%2011.11.08\).pdf](http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/Report%20EGMGPLVAV%20(final%2011.11.08).pdf)). Commentary in the handbook suggests that it may difficult to enforce provisions against economic and psychological abuse, even though some countries such as India and Brazil have included a broad definition section in their laws. *Id.* at 26 (§4(B)(i)). The students decided to use a more expansive definition of domestic violence as a starting point since their research demonstrated that psychological and economic violence was problematic.

<sup>126</sup>*Action Plan To Stop Domestic Violence* (on file with the authors).

<sup>127</sup>*Criminalise Domestic Violence: Students*, Gulf Times, May 28, 2012, (available at <http://www.gulf-times.com/qatar/178/details/34955/criminalise-domestic-violence%3a-students>).

<sup>128</sup>The draft syllabus for the course included a class session on media advocacy. The objectives, adapted from those used by one of the authors in a professional skills course, were learning to devise a strategy to use media to effect social change and promote public interest causes, practice how to "pitch" a story, and understand the legal and ethical risks involved in talking to the media. Students could be assigned to read excerpts from CEDPA, *Advocacy: Building Skills for NGO Leaders*



students' legislative provisions to the Supreme Family Council, the Qatari equivalent of a family and social affairs ministry, and responsible for crafting domestic violence legislation in conjunction with the Ministry of Justice.<sup>129</sup>

To build on student enthusiasm and interest, the instructors preliminarily concluded that an advance-level domestic violence course would be ideal, perhaps one incorporating additional professional skills and an externship<sup>130</sup> or service-learning component. This might also be accomplished by a clinical sequence of two terms. A more ambitious agenda would involve creating an interdisciplinary curriculum with the faculties of sociology, psychology, social work, political science, and *Shari'a*. An expanded curriculum could explore larger issues concerning gender, class, mental health, and/or rule of law. Most important, an expanded inter-disciplinary curriculum would create a larger number of potential stakeholders in the legislative reform process.

## REVIEW AND REFLECTION

The experience in Qatar prompted the authors to consider how DV issues might be taught differently, particularly abroad, but also at home. Working with students to examine the topic of domestic violence in a different cultural, religious, and legal milieu from their own, presented an opportunity for broader assessment. Although it is easy to focus on the differences in the two settings, there are also many common themes in the teaching and learning process.

### Changed strategies in addressing domestic violence

One teaching dilemma presented itself early on: What *should* law students be taught about ways to deal effectively with domestic violence issues? No consensus existed concerning appropriate methodologies, even those that had once seemed fairly entrenched.<sup>131</sup> Empirical data about efficacy were partially responsible for a change in perspective. However, a broader philosophical shift had occurred as well. For example, recent feminist commentators suggest that the conventional wisdom about the importance of state intervention in handling incidents of domestic violence should be more deferential to the expressed choice of the woman subjected to abuse.<sup>132</sup>

Even the basic terminology has changed. Is it acceptable to refer to “domestic violence” or is the proper reference now “intimate partner violence”? Should the term “battered woman” be used? Is it no longer acceptable to refer to a “victim” of domestic abuse? Current descriptions seem to favor “woman subjected to abuse,”<sup>133</sup> or “DV survivor,” which omit the allusion to victimization.<sup>134</sup>

On the criminal front, the use of mandatory arrests (even when the victim does not wish to press charges) and “no-drop” prosecutions (where the government proceeds with the case, notwithstanding

---

*Footnote continued*

and Robert Bray, *Spin Works!* (2000), both of which provide material for written exercises and role plays. Possible guest speakers would include working journalists drawn from contacts at *Qatar Today*, *Gulf Times*, *Al Jazeera*, *Reuters*, and *Bloomberg*. (Syllabus on file with the authors).

<sup>129</sup>Fromherz, *supra* n. 5, at 1.

<sup>130</sup>In legal education systems where the concept of clinical education is still in its infancy, off-site field placements are a viable model for students to gain practical experience while providing legal assistance. See Rosenbaum, *supra* n. 38, at 53 n. 52 & Liz Ryan Cole, *Externships: A Special Focus to Help Understand and Advance Social Justice*, in Bloch, *supra* n. 4, at 323–24. For an extensive annotated bibliography on externships, visit <http://lexternweb.law.edu/bibliography.cfm> (last accessed June 3, 2013).

<sup>131</sup>See Barbara Hart, *Arrest: What's the Big Deal?* 3 Wm. & Mary J. Women & L. 207, 207–208 (1997) (explaining that domestic violence legislation was first enacted in various U.S. states during the late 1970s and early 1980s, the highest priority was insuring victim safety and holding abusers accountable for their actions).

<sup>132</sup>See generally, Leigh Goodmark, *A Troubled Marriage: Domestic Violence and the Legal System* (NYU Press 2012); Kristian Miccio, *A House Divided: Mandatory Arrest, Domestic Violence and the Conservativization of the Battered Women's Movement*, 42 Hous. L. Rev. 237 (2005).

<sup>133</sup>The expression's wordiness, however, might be lost in translation, as clarity is sacrificed for political correctness. The debate over language parallels the “people first” discussion in the disability community. Is the wordy term “person with a disability” – emphasizing the person over the disability – preferred to “disabled person?” See Stephen A. Rosenbaum, *Aligning or Maligning? Getting Inside a New IDEA, Getting Behind No Child Left Behind and Getting Outside of It All*, 15 Hastings Women's L.J. 1, 4 n.14 (2004) (explaining that some activists and academics use “disability first” language [e.g., “disabled person” or even “crippled”] as statement of pride or to reclaim antiquated or pejorative terms).

<sup>134</sup>Some mental health consumers and ex-patients use “survivor” to refer to a person with a psychiatric disability who has been institutionalized or subject to psychotropic medical treatment or therapy. See e.g., Linda J. Morrison, *Talking Back to Psychiatry: The Consumer/Survivor/Ex-Patient Movement* (Routledge 2009). Similarly, the term “cancer survivor” has come to replace the more stigmatizing and disempowering “victim.” See e.g., National Coalition for Cancer Survivorship, <http://www.canceradvocacy.org/about-us/our-mission/> (defines someone as a cancer survivor “from the time of diagnosis and for the balance of life.”) (last accessed May 27, 2013).

the victim's refusal to cooperate as a complaining witness) seem to be the logical outgrowth of a combined protection and culpability approach. So-called "stay away" orders that result in the batterer's removal from the shared dwelling could be viewed as the civil remedy's counterpart. The disadvantage to removing the abuser from the home is that the increased living expenses are economically disadvantageous to everyone.

While it is possible to use formal and established legal processes to address domestic violence issues, is this desirable? Second-wave "dominance" feminists in the 1980s and 90s were willing to rely on the intervention of government and its police power because no other options seemed viable. In contrast, third-wave western feminists have questioned the reliance on traditional mechanisms, and the degree to which it is necessary to automatically align with the state in the prevention, protection, prosecution, and punishment aspects of a domestic violence situation.<sup>135</sup> According to current "anti-essentialist" feminist thinking, this transfer of decision-making authority to the state undermines the agency and autonomy of women subjected to abuse.<sup>136</sup> It is not clear whether constraining or, conversely, promoting, state involvement is the more beneficial approach to adopt during the initial phase of a campaign to eliminate domestic violence.

Another illustration of divergent thinking involves the use of alternative dispute resolution in DV cases. The U.S. legal literature is replete with second-wave feminist scholars warning about the dangers of mediation for battered women. They deemed mediation inappropriate, given the perceived inequality of bargaining power, uncertainty about whether participation is truly voluntary, and skepticism about the mediator's dual responsibility to remain neutral while ensuring fairness of process.<sup>137</sup> Some third-wave feminist lawyers and academics, however, currently endorse mediation, provided it is freely chosen.<sup>138</sup> And, while some view mediation as "bargaining in the shadow of the law," there may be no reasonable culturally acceptable alternative.<sup>139</sup> Arbitration is another form of informal familial dispute resolution that has been attempted through legislation or social experimentation, with mixed reviews.<sup>140</sup>

The apparent division between feminists affects not only the adoption of appropriate processes, but also substantive public policymaking. Close examination might reveal that the actual divergence is more about strategy and tactics to effect change, and not differences in underlying values.<sup>141</sup>

### Impact of religion, culture, and tradition

During the course preparation and teaching at QUCL, the instructors were aware of Islamic feminist scholarship and its perspective on gender-based violence.<sup>142</sup> However, as noted above, they did not have sufficient confidence in their ability to present these materials in an in-depth and principled manner. It was only after classes ended that there was an occasion to discuss this topic in more detail with women professors across the university campus.<sup>143</sup> Had this opportunity arisen earlier, the information gained by the instructors may have enhanced the classroom discussions about the overall Islamic perspective on domestic violence.

<sup>135</sup>Miccio, *supra* n. 132, at 264–68.

<sup>136</sup>Goodmark, *supra* n. 132, at 118–25. Women subjected to abuse, however, may not believe in their own agency if there is little possibility that their abusers will acknowledge—much less be held accountable for—their actions.

<sup>137</sup>See e.g., Trina Grillo, *The Mediation Alternative: Process Dangers for Women*, 100 Yale L.J. 1545 (1991); Lisa G. Lerman, *Mediation of Wife Abuse Cases: The Adverse Impact of Informal Dispute Resolution on Women*, 7 Harv. Women's L.J. 57 (1984); Mary Pat Treuthart, *In Harm's Way? Family Mediation and the Role of The Attorney Advocate*, 23 Golden Gate U. L. Rev. 717 (1993). *But see*, Jordan's Law Regarding Protection from Domestic Violence, *supra* n. 117 (calling for the creation of mediation committees in order to bypass courts and for follow-up meetings between government and social workers).

<sup>138</sup>Goodmark, *supra* n. 132, at 173–74.

<sup>139</sup>See Becky Bagatol & Thea Brown, *Bargaining in the Shadow of the Law: The Case of Family Mediation* Themis Press 2011). For a cautionary discussion of other considerations about "exporting" U.S. legal norms to Arab and Islamic regimes, see generally, Medicoff, *supra* n. 41, at 345–52.

<sup>140</sup>For an examination of the *arbitration* model in DV and family law matters in a Muslim context, see Faizi, *supra* n. 22, at 224–26 (describing experience of Islamic arbitration panel established in Dallas-Fort Worth); see also, Natasha Bakht, *Family Arbitration Using Sharia Law: Examining Ontario's Arbitration Act and Its Impact on Women*, 1 Muslim World J. Hum. Rights 1 (2004) (suggesting that Canadian general provincial arbitration law is not necessarily amenable to family law disputes).

<sup>141</sup>Debate in feminist circles may be welcome in Western society; it is a different matter in countries where a tradition of candid discourse on women's issues has not been firmly established.

<sup>142</sup>Early versions of the syllabus had included some of the articles written by these scholars. See *supra* nn. 58–73, and accompanying text.

<sup>143</sup>See *supra* n. 68 (Interview with Zainah Anwar).

The instructors were cognizant of the impact that culture, religion, and tradition have on the teaching and learning process. While Islamic law does not in itself address the problem of domestic violence, it can still help outsiders understand some of the dynamics underlying family relations in Muslim societies.<sup>144</sup> Explanations must be sought through analysis of the relationship between religious law and the power of the state “as it bears on the permissibility, or prohibition, of domestic violence and the rights of women.”<sup>145</sup> It is also necessary to examine the interplay between *Shari’a*, state power, intra-family violence,<sup>146</sup> and struggles over women’s rights in Muslim-dominant societies—as well as *non-Muslim* societies. It is particularly important for clinical students to “institute their visions and goals, whether their priority is to promote women’s rights in accordance with international law, to promote an ‘authentically Islamic’ social order (however that is interpreted) or to reconcile religious laws and beliefs with women’s rights.”<sup>147</sup>

With respect to the religious perspective, at least two different explanations have been offered to counter a Qur’anic reading that countenances wife beating, no matter how mild or symbolic. One argument is that the Qur’an does not condone violence against women, as supported by a close reading of the overall text.<sup>148</sup> The second is that, while the Qur’an sets out a protocol for wifely discipline, it is no longer acceptable, under a gradualist interpretation of text,<sup>149</sup> to use physical violence of any kind on a spouse. Adoption of a legislative Act or even Emiri decree against domestic violence might mean that physical methods of discipline against wives will no longer be tolerated.<sup>150</sup>

A domestic violence clinical course could also address the larger questions of cultural relativism and the reconciliation of Islamic and Western or liberal frameworks for establishing human rights norms. There may be a distinction between Islamic precepts on the one hand and governmental or social practice on the other.<sup>151</sup> One commentator has observed that:

[A] large part of the nervousness about addressing Muslim fundamentalism in the international law lexicon has resulted from the fact that the adherents of such movements couch their very justifications of violations of international law in terms of culture and religion. To some, this suggests a potentially legitimate departure from universal ideas of human rights, to be absorbed by one of the fashionable cultural relativisms that beleaguer human rights theory.<sup>152</sup>

<sup>144</sup>While conducting outreach in a Muslim diaspora community, in suburban Baltimore, U.S. legal clinic students recognized that failure to include a discussion on the Islamic perspective on domestic violence might de-legitimize the program they had designed. However, they were equally concerned that a discussion referencing Islam (particularly a perspective not shared by the audience members), could *also* de-legitimize the program, or could appear to be promoting a particular viewpoint or Qur’anic interpretation. Responding to these concerns, the students partnered with an Islamic scholar to lead the discussion at awareness-raising presentations, allowing them to distance themselves from the messenger while still having the message conveyed. Margaret Martin Barry, A. Rachel Camp, Margaret E. Johnson, Catherine F. Klein, & Lisa V. Martin, *Teaching Social Justice Lawyering: Systematically Including Community Legal Education in Law School Clinics*, 18 Clin. L. Rev. 401, 427–28 (2012). For a resource on family dynamics and violence awareness programs for Muslim communities in the U.S. and cultural sensitivity workshops for service providers and professionals serving Muslim clientele, visit Peaceful Families Project, [www.peacefulfamilies.org/index.php](http://www.peacefulfamilies.org/index.php) (last accessed June 3, 2013).

<sup>145</sup>Hajjar, *supra* n. 57, at 4.

<sup>146</sup>The phenomenon of inter-sibling violence is also worthy of examination. See Al-Ghanim, *Violence*, *supra* n. 24, at 89. When male students were queried by one of the authors about what would likely transpire if they witnessed an incident of domestic violence in their extended family residence perpetrated by a brother on his wife, they inevitably responded, “Are you talking about my *older* brother or my *younger* brother?” They explained that only their fathers had authority to chastise the eldest son for his conduct, whereas an older sibling could take a younger brother to task for any perceived offense. In fact, the draft law prepared by the QUCL students was sufficiently broad to cover incidents of sibling-related violence.

<sup>147</sup>Hajjar, *supra* n. 57, at 6–7 (citations omitted).

<sup>148</sup>See *id.*, at 10, 28–29; see also, Nada Ibrahim & Mohamad Abdalla, *A Critical Examination of Qur’an 4:34 and Its Relevance to Intimate Partner Violence in Muslim Families*, 5 J. Muslim Mental Health 327, 332–335, 340–342 (2010) and Al-Hibri, *supra* n. 58, at 195.

<sup>149</sup>See *supra* nn. 59–73, and accompanying text.

<sup>150</sup>The instructors were uncertain whether raising the possibility of this degree of socio-legal reform was too sensitive a matter in a nation where the Emir, although enlightened and benevolent, has sweeping authority. In the words of an independent regional studies director: “Qatar is quite simply an autocracy despite the repeated talks of ‘political reforms.’” Mustafa el-Labbad, *Qatar: Big Ambitions, Limited Capabilities*, Perspectives, *supra* n. 6, at 18, 23. Another critic charges that “the public policies and life-changing decisions enacted by the government [are undertaken as if they] were a private affair that regular citizens had no right to know about, let alone participate in.” Al-Kuwari, *supra* n. 6, at 12.

<sup>151</sup>Mahmoud Fadlallah, *Islam and Human Rights*, in, David Weissbrodt, Fionnuala Ni Aoláin, Joan Fitzpatrick, & Frank C. Newman, *International Human Rights: Law, Policy and Process* 240–43 (4th ed. LexisNexis 2009).

<sup>152</sup>Karima Bennoune, *Remembering the Other’s Others: Theorizing the Approach of International Law to Muslim Fundamentalism*, 41 Colum. Hum. Rights L. Rev. 635, 665 (2010) (citations omitted).

### Effect of governmental structure

Offering a clinic course with a substantial legislative drafting component in Qatar meant teaching a skill that must be adapted to a nation that is essentially without an elected legislature. This led to an emphasis in the clinic on communication and media advocacy skills, and cultivating relations with the press and other media outlets. Qatar's attempt to reinvent itself as an intellectual and influential leader in the Gulf, the region, and on the world stage can also offset the absence of conventional democratic institutions at home.

Students were confident that a domestic violence criminal statute would eventually be enacted because it was proposed in the Emiri-endorsed National Development Strategy.<sup>153</sup> The strong role played by the wife of the recently abdicated Emir, Sheikha Mozah Bint Nasser Al-Misned, has bolstered this notion. As Chair of Qatar Foundation for Education, Science and Community Development, President of the Supreme Council for Family Affairs, and Vice-President of the Supreme Education Council, Sheikha Mozah wields great influence on improving educational and leadership opportunities for girls and women, and their overall status in Qatari society.<sup>154</sup> When the Sheikha visited Qatar University during spring semester 2012, she chose to meet with two small groups of students, including women students enrolled in the domestic violence clinic course. The students interpreted this as another sign of the Royal Family's ongoing interest in and commitment to this issue.<sup>155</sup>

An integral part of the domestic violence criminal process inevitably involves the role of law enforcement. Students enrolled in the DV course had direct experience dealing with police officers. With the exception of the airport, there is little visible police presence. This could be explained by the low overall crime rate.<sup>156</sup> While it seems the Doha police have developed protocols for handling domestic violence cases, third-party complaints must be received to trigger their involvement. There also seemed to be some confusion whether a criminal complaint could be initiated by someone other than the "victim."<sup>157</sup>

Certainly, culture and tradition affect the perception of the role of the state as intervenor. Some commentators suggest that, in collective societies where people live in interdependent families, the power of the family may accomplish the same legal goals as intervention by the state, when the family possesses culturally sensitive information.<sup>158</sup> The QUCL students ultimately opted to include a coordinated community response approach in the *Action Plan*, involving social service agencies and law enforcement in curtailing domestic violence, at least at some stage in the process.<sup>159</sup>

<sup>153</sup>The QU research team that conducted a recent assessment of DV in Qatar shares the view that legal measures will be enacted soon, given passage of the Qatari Family Law in 2006 codifying the personal status of women and children, a consensus amongst scholars and judges, and support from key institutions such as the Supreme Council for the Family and the Qatar General Secretariat for Development Planning. Kassem et al., *supra* n. 21, at 33. The Family Law is available in Arabic only at <http://www.almeezan.qa/LegislationSearch.aspx?searchText=family&AndOr=AND&optionID=100&status=100&classification=2533&lawNumber=0&lawYear=2006&articleNumber=0&sourceName=&language=en> (last accessed June 2, 2013).

<sup>154</sup>"[T]he most public" of the former Emir's wives, Sheikha Mozah has been given wide latitude to launch educational and cultural ventures. While she had been described as one-half of a "dual monarchy," her separate role and identity also allowed the Emir to distance himself from any controversial initiatives. Fromherz, *supra* n. 5, at 27–28. Her son, Sheikh Tamim, is the new Emir.

<sup>155</sup>One academic noted that the Sheikha's "visit gave tremendous support to the students involved in these efforts and more importantly showed that at least one powerful person supported the students' initiative." Kassem, et al., *supra* n. 21, at 30. Despite rumors of rising discontent with the royal heads of state, often expressed through social media, Historian Fromherz reported that in 2011 the Sheikha's Facebook page listed 51,000 fans. Fromherz, *supra* n. 5, at 30. See e.g., <https://www.facebook.com/HerHighnessSheikhaMozaBintNasserAlMisned> (last accessed May 28, 2013).

<sup>156</sup>U.S. Dep't. of State, *Qatar 2012 OSAC Crime and Safety Report* (available at <https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=12340>) (last accessed May 3, 2013).

<sup>157</sup>One student acknowledged that he had spoken to a police officer who responded to a call after the student's family home was burglarized. Another student mentioned that her cousin was a member of the police force. When queried, the students seemed uncertain about whether the police were organized by municipality or a regional or national level. Two of the students selected police officers to interview for their final research papers.

<sup>158</sup>Khawla Abu Baker and Marwan Dwairy, *Cultural Norms Versus State Law in Treating Incest: A Suggested Model for Arab Families*, 27 Child Abuse & Neglect: The Int'l J., 109, 121 (Jan. 2003).

<sup>159</sup>See e.g., *supra* nn. 116, 118, 121 (noting provisions for crisis centers and government services network in Bangladeshi, Malaysian and Albanian legislation). The instructors tried to be conscientious about the extent to which their individual views or experiences might influence the students' choices about how to proceed. Over the course of several weeks, the students had been thinking about the issue of stopping domestic violence in Qatar. They responded to multiple individual and group course assignments about this very issue.

## Gender dynamics

Since the instructors' previous experiences teaching domestic violence had occurred in sex-blended classes, they weren't sure whether, or to what extent, a different dynamic would occur in the separate sections. It was also unclear whether the classroom environment would be affected by the presence of two women teachers, given the law school's mostly male faculty.

From the first day of the semester, the two sections demonstrated a distinctly different classroom atmosphere. This was due in part to the fact that the women's section was three times larger.<sup>160</sup> The men were more deliberative in their approach, and they incorporated humor more frequently into the discussions. The classroom interaction in the women's section was often more spirited, and the students were willing to confront one another more directly, which was also manifested in the heated exchange during the all-female presentation at the girls' independent secondary school.

Initial qualms notwithstanding, the instructors had recognized that the sex-segregated teaching and learning environment in Qatar provided a unique opportunity to focus more deliberately on the issue of men and domestic violence. A decision was made early on to teach the women's and men's sections similarly, in terms of methodology and materials. Nevertheless, an effort was made to locate culturally appropriate organizational resources that might have a heightened interest for the male students.

A search for suitable subject matter produced information on violence prevention, oriented mostly to Muslim men in the United States.<sup>161</sup> The overall issue of domestic violence affects men, women, and society as a whole, even though statistics on reported incidents show that women are subjected to violence in intimate-partner relationships in greater numbers than men.<sup>162</sup> Despite its pervasive impact, domestic violence has often been viewed primarily as a women's issue, making it difficult for empathetic men "to locate entry points for involvement."<sup>163</sup>

A broader and more affirmative role for men in the campaign to stop violence against women is a relatively new phenomenon in countries with a longer history of legally and socially combatting DV, and which are now emerging from programs geared exclusively toward women. Organizations have begun to emphasize the importance of connecting with men and boys as "allies, upstanders (active positive bystanders) and influencers of other men and youth" in the anti-violence movement.<sup>164</sup>

Greater attention must also be paid to recruiting a more diverse faculty at QUCL, including the hiring and promotion of women with academic titles. Women can provide meaningful role models and mentors for students and can offer unique insights on lawyering. Several commentators have recommended that more women be hired at law schools and have noted that female professors are

<sup>160</sup>As much as they were unaccustomed to teaching this subject in sex-segregated classes, the instructors are aware of the literature that finds value in this format. See e.g., Amy H. Nemko, *Single-Sex Public Education After VMI: The Case for Women's Schools*, 21 Harv. Women's L.J. 19, 23 (1998) (citations omitted) (arguing that, in light of historical legacy of educational discrimination against women and empirical findings, same-sex schooling for women and girls promotes educational equality). But, see Nancy Levit, *Separating Equals: Educational Research and the Long-Term Consequences of Sex-Segregation*, 67 Geo. Wash. L. Rev. 451, 520 (stating that "empirical research regarding sex-segregated education is, at best, inconclusive") and Cynthia F. Epstein, *The Myths and Justifications of Sex Segregation in Higher Education: VMI and the Citadel*, 4 Duke J. Gender L. & Pol'y 101, 118 (contending that the few advantages women may gain in sex-segregated educational settings are far outweighed by the disadvantages of the isolated setting).

<sup>161</sup>See e.g., the home page of MMADA (Muslim Men Against Domestic Abuse), <http://www.mmada.org/> (last accessed May 3, 2013). Although this NGO is located in the United States, its website content is helpful, but does not appear to be updated. See also, *supra* n. 144 for a discussion of efforts to address the DV issue in a U.S.-based Muslim community.

<sup>162</sup>U.S. Department of Justice, Bureau of Justice Statistics, *Family Violence Statistics (June 2005)* (available at <http://bjs.gov/index.cfm?ty=pbdetail&iid=828>). While statistics from reported incidents of domestic violence suggest that the victim is more likely to be female and the perpetrator, male, men can also be victims. Michael S. Kimmel, "Gender Symmetry" in *Domestic Violence*, 8 (11) *Violence Against Women*, 1332, 1333 (Nov. 2002) (available at <http://www.xyonline.net/sites/default/files/Kimmel,%20Gender%20symmetry%20in%20dom.pdf>).

<sup>163</sup>Ronald Adrine & Michael W. Runner, *Engaging Men and Boys in Domestic Violence Prevention Strategies*, 6 J. Ctr. Families, Children & Cts. 175, 178 (2005) (available at [http://www.courts.ca.gov/documents/CFCC\\_Journal6\\_.pdf](http://www.courts.ca.gov/documents/CFCC_Journal6_.pdf)). The enrollment of male students in the pilot DV course at QUCL was all the more surprising to the instructors.

<sup>164</sup>Futures Without Violence, *Engaging Men to Prevent Violence Against Women*, <http://www.futureswithoutviolence.org/content/features/detail/1714/> (last accessed May 3, 2013). Futures Without Violence Executive Director Esta Soler stated, "We cannot change society unless we put more men at the table, amplify men's voices in the debate, enlist men to help change norms on the issue, and convince men to teach their children that violence against women is always wrong." Jackson Katz, *The Macho Paradox: Why Some Men Hurt Women and How All Men Can Help* 10 (Sourcebooks 2006) (quoting Esta Soler).

more likely to be perceived by women—and men— as approachable.<sup>165</sup> This may be particularly the case in a male-dominated faculty.<sup>166</sup>

### Guest workers and related issues

One of the sensitive issues not addressed sufficiently in the clinic, but which warrants more critical attention, is the status of non-Qatari women. As noted above, persons with Qatari citizenship are in the minority. Like other Gulf States, Qatar has laws permitting sponsors of immigrant workers to exercise unilateral power to cancel residency permits, deny workers' ability to change employers, report a worker as "absconded" to police authorities, and deny permission to leave the country.<sup>167</sup> Sponsors may restrict workers' movements and employees may be afraid to report abuses or to assert their rights. Although Qatar has moved toward regulating some conditions for domestic workers, they remain vulnerable to abuse, as they are isolated inside homes and are not protected by the general labor laws.<sup>168</sup>

Students in the law school clinic struggled with whether to include domestic workers under the "coverage" section of the draft law. Their research indicated that other countries had opted not to cover domestic workers.<sup>169</sup> Although they could envision circumstances where domestic workers were victims of violence, one student raised the possibility that the latter could be charged as perpetrators, which might be even more problematic. Reform of the existing labor laws seemed like a more viable option for protecting household workers or the larger immigrant manual labor force.<sup>170</sup>

Qatar is also a destination for women who migrate for legitimate purposes, but subsequently become involved in prostitution. The extent to which these women are subjected to forced prostitution, and attendant forms of abuse, is unknown.<sup>171</sup> Here again, the ex-officio or quasi-governmental leadership of Sheikha Mozah, who helped launch Qatar Foundation on Combating Human Trafficking,<sup>172</sup> could be instrumental in drawing attention to this social phenomenon and possibly creating a way forward. The accompanying awareness-raising strategies would also require that QU students carefully consider culturally and linguistically appropriate means of communicating with prospective clients in the guest worker communities.

<sup>165</sup>See e.g., Morrison Torrey, Jennifer Ries, & Elaine Spiliopoulos, *What Every First-Year Female Law Student Should Know*, 7 Colum. J. Gender & L. 267, 292 (1998) (asserting that no U.S. law school has a female faculty proportional to female students and citing studies that suggest "female professors are perceived as (and may actually be) more accessible to both male and female students"); Paula Gaber, *Just Trying to be Human in this Place: The Legal Education of Twenty Women*, 10 Yale J. L. & Feminism 165, 216 (1998) (citing statistics that "women [law] faculty are more likely to mentor women students, and women students are more likely to perceive women faculty as approachable") (quoting Lorraine Dusky).

<sup>166</sup>See e.g., *id.*, at 216 (without "overt friendliness cues, female students often do not seek out mentors" in a school dominated by male professors) (quoting Lani Guiner, Michelle Fine, Jane Balin, Ann Bartow, & Deborah Lee Stachel, *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 U. Pa. L. Rev. 1, 75 (1994)).

<sup>167</sup>Fromherz, *supra* n. 5, at 127.

<sup>168</sup>U.S. Dept. of State, Human Rights, *supra* n. 16, at 25.

<sup>169</sup>But, see Law of Republic of Indonesia, No. 23/2004, *supra* n. 117, with its unique provision protecting domestic workers who are "amongst the most vulnerable to sexual and physical abuse." De Alwis, *supra*, n. 78, at n. 200.

<sup>170</sup>A regional director for Human Rights Watch has concluded that the country's "inadequate legal and regulatory framework . . . grants employers extensive control over [migrant] workers, [and] leaves workers vulnerable to exploitation during the recruitment process and provides little effective redress" Houry, *supra* n. 11, at 25. While the existing Qatari labor law provides some workplace protections, it actually *excludes* domestic workers. *Id.* In its annual human rights report, the U.S. State Department labeled the "pervasive denial of expatriate workers' rights" as one of Qatar's principal human rights problems. U.S. Dept. of State, Human Rights, *supra* n. 16, at 1. See also, Blanchard, *supra* n. 109, at 17 (new national legislation lacking in protections for foreign workers).

<sup>171</sup>U.S. Dept. of State, *Trafficking in Persons Report 2012*, (available at <http://www.state.gov/j/tip/rls/tiprpt/2012/192368.htm>) (last accessed May 5, 2013).

<sup>172</sup>Sheika Mozah sponsored the first Doha Forum on Human Trafficking and will serve again as its patron in 2013. *Meet on combatting human trafficking begins*, The Peninsula (Jan. 17, 2012) (available at <http://www.thepeninsulaqatar.com/qatar/179926-meet-on-combatting-human-trafficking-begins.html>); *Two New Workshops in Qatar on Combating Human Trafficking*, Qatar Press Releases (Nov. 20, 2012) (available at <http://arabpressreleases.qa/politics/2821/two-new-workshops-in-qatar-on-combatting-human-trafficking>). As the inaugural domestic violence clinical course was winding down during the 2012 spring semester, the law school signed a memorandum of understanding with Qatar Foundation for Combating Human Trafficking (QFCHT) to establish clinical programs to address human trafficking. Mohamed Khoulaidi, *QU, QFCHT Sign Agreement to Combat Human Trafficking*, Qatar Tribune (May 21, 2012) (available at <http://www.highbeam.com/doc/1G1-290346651.html>). It was unclear whether this arrangement was intended to take the place of future QUCL clinical courses.

Outreach to this clientele raises even more fundamental questions about the mission and objectives of a law school clinic in a society so stratified on the bases of class and citizenship privileges, and where the culture and civic engagement are deeply divided between the minority neo-traditional Qataris and the majority working class and professional expatriate communities.<sup>173</sup>

### Skills curriculum

It feels great that, even before we graduate, we can participate in the legal field. I tend to believe that making a better change in the society is our responsibility starting now. This course has taught me that we must spread our awareness in various ways about domestic violence and every issue that threatens the society.

*Second year female student*

This class raised awareness of domestic violence among the class and other QU students. Domestic violence was under the spotlight and we were able to analyze this problem and come up with solutions for it. Also, we have learned many skills during this course, which will definitely benefit our educational and career life in the future.

*Third-year male student*

Finally, in the context of a professional school and the incubator for the country's prosecutors, high-level functionaries, and judges, much more could be done to expose law students to a structured skills curriculum and to address other skills needed for public education and media advocacy. It is important "to inculcate in students a sense of ethical and professional responsibility."<sup>174</sup> Attempts should be made to foster future lawyers' professionalism, in keeping with best practices for legal education.<sup>175</sup> *Clinical* education, moreover, is the quintessential means of fostering professionalism.<sup>176</sup> It is also a teaching methodology that has gained a foothold in the Middle East and throughout the world.<sup>177</sup> Moreover, a more direct focus on the emotional and material needs of women likely to experience abuse would include instruction and training on interviewing and counseling and on intensive collaboration with other QU faculties and resources outside the law school.

### CONCLUSION

The domestic violence course has provided me with worthwhile information that I did not know. When I heard stories about domestic violence, my simple answer was: Why doesn't she just ask for a divorce? But, after my study in this class, I realize that divorce is not always the solution. We need to find solutions, even simple ones, to fix the problem in our Arabian society, which falls on deaf ears due to people's way of thinking.

*First-year female student*

Teaching law students in Qatar about domestic violence, working collaboratively with them to develop an action plan to stop family violence, and overseeing their drafting preliminary provisions of legislation to criminalize domestic violence presented a unique opportunity for a distinctive shared experience between United States educators and Qatari law students. Despite the current lack of consensus about strategy and tactics to deal with the arrest, prosecution and treatment of abusers in the American context, it seems that traditional domestic violence strategies have been beneficial in: 1) creating general public awareness campaigns; 2) providing support services to women and children; 3) enhancing civil remedies; 4) criminalizing acts of violence; and 5) coordinating an overall community response.

<sup>173</sup>For a further discussion of the gulf between Qatari nationals and the expatriates, and the lack of introspection, postmodernism, and anomie among today's Qatari youth, see Fromherz, *supra* n. 5, at 8–17. Professor Fromherz describes a tightly controlled and well-ordered "society whose comfortable, traditional assumptions are perpetuated and shielded by billions in wealth and hundreds of thousands of expatriate servants." *Id.* at 17.

<sup>174</sup>Frank S. Bloch & N.R. Madhava Menon, *The Global Clinical Movement*, in Bloch, *supra* n. 4 at 268–69.

<sup>175</sup>See e.g., William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond & Lee S. Shulman, *Educating Lawyers: Preparation for the Profession of Law* 129–30 (Carnegie Fndn. for the Advancement of Teaching 2007) (professionalism includes matters of morality and character, that go beyond rules of conduct for lawyers, such as basic honesty and trustworthiness); Stuckey, *supra* n. 4, at 77–83 (students need to develop professional skills to deal sensitively with clients, colleagues and others).

<sup>176</sup>*Id.* at 189; Stephen Wizner, *The Law School Clinic: Legal Education in the Interests of Justice*, 70 *Fordham L. Rev.* 1929, 1936 (2002).

<sup>177</sup>Rosenbaum, *supra* note 38, at 51 (noting various forms of clinical education from the Levant to the Maghreb to the Gulf to sub-Saharan Africa).

In their *Action Plan to Fight Domestic Violence in Qatar*, the QUCL students integrated many of the strategies that have proven successful in combating domestic violence elsewhere. Although they incorporated most of the tried and true methodologies, they also emphasized the need to craft culturally appropriate programs to achieve these goals. While the future leaders of Qatar seemingly are on the same path as others before them in addressing the problem of domestic violence, it is also clear that they aspire to make the solutions uniquely their own.