



Original Research

Rape under Islamic Law: The Confusing Classification of Zina and Limitations in Getting Justice

Melanie Rae Perez, Florida International University, USA

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Abstract: Rape is an atrocity that has plagued humanity since the beginning of time. With the rise of civilization, religion has shaped much of humanity's social and moral structure, including how rape is perceived, processed, and punished. In parts of the Muslim world, particularly in the states and nations that have adopted Islamic law, rape constitutes Zina, a legal term stemming from sacred texts. This article offers a comprehensive examination whether this categorization is problematic and poses the question if rape truly exists within Islamic law. Through content and discourse analysis, this article will refer to sacred texts and Islamic law as it currently stands to examine the Zina classification. to determine if the classification leaves women vulnerable, unable to seek justice, and creates impunity in the modern Islamic world. The hopes of this study are to contribute to the ongoing conversation on women's rights within the context of Islamic religion and society.

Keywords: *Islam, Islamic Law, Women's Rights, Gendered Violence*

Introduction

Rape is an atrocity that has plagued humanity since time immemorial. With the rise of civilization, religion has shaped much of humanity's social and moral structure, including how rape is perceived and punished. In parts of the Muslim world, particularly in the states and nations that have adopted Islamic law, rape constitutes Zina, a legal term stemming from sacred texts (Noor 2010). This categorization is problematic because it creates several barriers for women who have been raped in seeking justice, including having the difficult task of proving coercion (Azari 2015). Rape does not truly exist within Islamic law, leaving women vulnerable and unable to seek justice. The concept of rape or force Zina is treated with impunity by men and the society at large, culminating in the current state of oppression for women when it comes to receiving justice in the modern Islamic world. The following will examine the issue of rape/Zina under Islamic law, illustrating the injustice and inhumanity that underscores certain religious-based societies and how they support rape victims.

Literature Review

Islamic law's treatment of sexual intercourse violations such as rape and Zina is highly complex, encompassing religious, cultural, and legal considerations that make up its framework. This literature review seeks to demystify this debate and provide a better understanding of how Islamic law classifies and addresses such sensitive matters.

Islamic *fiqh* has long addressed issues surrounding Zina and rape with great deliberation. Early Islamic teachings distinguished between consensual and nonconsensual sexual acts; those not consensually performed were considered nonconsensual; this distinction has since changed with time, often according to different schools of thought; works like Kamali's "Crime and Punishment in Islamic Law: A Fresh Interpretation" (2019) provide valuable insight into this shift by showing how interpretations within Hanafi, Maliki Shafi'i Hanbali schools have changed over time; works like Kamali's (2019) provide insight into this change by showing interpretation shifts within Hanafi, Maliki Shafi'i Hanbali schools of thought.

Contemporary scholarly debates, as illuminated in Azam's works such as "Competing Approaches to Rape in Islamic Law: 2016 and 2013" (2016), represent ongoing tensions between traditional interpretations and modern legal challenges. Case studies from Islamic countries demonstrate diverse legal practices, some reflecting traditional *fiqh* principles while others adopting modern human rights viewpoints—a fact acknowledged by Duque in "Towards a Legal Reform of Rape Law Under International Human Rights Law" (2021). Cultural and social considerations remain significant influences when interpreting and enforcing laws; Humphrey addressed this in "Culturalising the Abject: Islam Law And Moral Panic in the West" (2007).

Challenges in Distinguishing Rape from Zina

Literature shows persistent difficulties when distinguishing rape from Zina within Islamic law. Ahmad notes the difficulty in distinguishing one from the other when discussing proof, as discussed in "The Crime of Rape and Hanafi Doctrine of Siyasah" (2014) by considering burden of proof issues; evidence including witness testimony and physical proof is often an area of contention; Azari offers an examination of these evidentiary challenges through her article titled "Assessment of Capabilities and Inadequacies in Islamic Law: Critical Examination" (2015).

Studies demonstrate the profound impacts of legal distinctions on both victims and society. Studies such as Mir-Hosseini's "Criminalizing Sexuality: Zina Laws as Violence Against Women in Muslim Contexts" (2011) underscore their societal ramifications; in this review we'll look at how Islamic law handles Zina laws as they pertain to violence against women cases which both affect individuals individually but also shape societal attitudes and norms.

Comparative Analysis with Other Legal Systems

A comparative analysis between Islamic law's approach to rape and Zina with that of other legal systems can reveal both similarities and distinctions. International human rights perspectives such as those described by Tripp in his 2019 publication "Seeking Legitimacy: Why Arab Autocracies Adopt Women's Rights" offer insight into whether reform could occur within Islamic Law. Our comparative study will seek to understand its unique legal framework while taking into account global discourse surrounding sexual violence against women and women's rights issues.

Finding Differences between Rape and Zina

The Islamic legal framework presents unique difficulties when distinguishing rape from Zina, particularly due to the complex legal texts and interpretations, as well as the burden of proof necessary in such cases. As pointed out by Azam in "Rape as a Variant of Fornication (Zina) In Islamic Law: An Examination of Early Legal Reports (2013), early Islamic texts did not clearly distinguish rape and Zina, leading to legal discussions that remain contentious today. Further confusion can result from various schools of thought adopting differing approaches regarding criminal sanctions under Islamic law, as discussed by Kamali (2019).

The burden of proof in cases of rape under Islamic law has long been the subject of significant academic discourse. Ahmad's 2014 article entitled, "The Crime of Rape and Hanafi Doctrine of Siyasa" examines these stringent requirements for evidence; particularly among Hanafis. Azari (2015) highlights how these stringent requirements often make justice hard to attain for victims of such offenses.

Witness Testimony and Physical Evidence

Witness testimony and physical evidence play an integral part in cases involving Islamic law violations against rape. Yet requirements for admissible evidence vary considerably, as Azam notes in his "Sexual Violation in Islamic Law: Substance, Evidence and Procedure" (2015), leaving gaps between legal theory and practice which negatively impacts case outcomes.

Islamic law's classification of rape and Zina has far-reaching ramifications for victims as well as society at large. Studies such as Mir-Hosseini's "Criminalizing Sexuality: Zina Laws as Violence Against Women in Muslim Contexts" (2011) have highlighted its social stigmatizing, psychological impacting effects exacerbated by legal systems, while its larger social repercussions include gender inequalities perpetuation as well as marginalizing of victims of such violence. Comparing Islamic approaches to rape and Zina with those from other legal systems reveals significant variations. When considering international human rights perspectives as discussed by Duque's "Towards a Legal Reform of Rape Laws under

International Human Rights Law” (2021), significant reform potential exists that could harmonize with international standards.

The literature highlights significant obstacles in differentiating rape from Zina under Islamic law, stemming from historical interpretations, evidentiary burdens, victim impact analyses, and the legal framework surrounding each aspect. While there has been growing discourse surrounding reforming these aspects, such efforts remain complex, being affected by cultural, religious, and legal considerations; further research needs to bridge existing knowledge gaps while exploring possibilities of aligning Islamic law with international human rights standards.

Zina

According to Islamic law, also known as Sharia law, Zina is an unlawful act that constitutes sexual intercourse outside of a marital framework (Azari 2015). This is a broad definition that encompasses many acts, including: adultery, bestiality, prostitution, sodomy, and rape (Tripp 2019). Zina is considered a Hudud crime, or violations against God’s boundaries that require specific proof (Azari 2015). These are considered profound violations against both God and man’s law, necessitating a steep burden of proof on the part of the accuser. Importantly, one thing that differentiates rape from the other actions in the Zina category is choice; rape is defined by coercion and necessitates at least one guilty and one innocent party. Other instances of Zina, including an extramarital sexual affair between consenting adults, cannot be ethically or morally equated to rape in any objective measure, yet this disparity exists in Islamic law.

As with all issues pertaining to women under Islamic law, rape is legally complex, usually to the detriment of victims. Per Noor (2010, 427), “Rape is translated in Arabic as *ightisab* or *Zina bi al-ikrah*, which literally can be translated back to English as forcible unlawful sexual intercourse.” In the context of Sharia law, rape occurs between an unmarried man and women when the latter forces the former into intercourse with no consent (Azari 2015). In all definitions of the term, rape implies a lack of consent and loss of control over a woman’s bodily autonomy and agency.

While this definition seems objective and clear, the categorization under Zina places the onus of sin on both parties, regardless of consent (Azari 2015). Zina is considered a major sin, and penalty under Islamic law is severe punishment both in the earthly realm and after death (Noor 2010). However, attaining a judgement of Zina in the case of rape places the responsibility of proof solely on the victim barring a confession. For a Zina conviction to occur, the victim must produce four sane, adult, male witnesses to testify having seen the penetrative act (Noor 2010).

The distinction between rape and Zina is that the latter disregards the issue of consent (Azam 2013). For example, if two consenting adults participate in a consenting sexual relationship outside of marriage, they have committed Zina, and both would be punished.

Rape, on the other hand, is forced onto the nonconsenting party, a clear difference between the two transgressions. Per Azam (2013), there is discord concerning the classification of rape as Zina, as some argue that rape is its own offence as put forth in the sacred texts of Islam. Furthermore, rape has not been categorized as Zina throughout the entirety of Islamic history, as it was at times considered an act of *jarh*, or bodily injury (Azam 2013) but has since become obsolete. The current classification is at the root of injustice for victims of rape across the Islamic world.

Rape as Zina

Under Islamic law as implemented by various jurisprudences, rape is considered Zina rather than its own singular moral and legal transgression (Noor 2009). This is problematic because it forces victims to meet specific burdens of proof that are almost impossible to procure under most circumstances, often resulting in the victims being held legally liable (Noor 2009). For something to constitute Zina and be prosecuted as such, it must meet several specifications. Firstly, the act of unlawful intercourse must have been witnessed by at least four individuals, and the victim must then produce these individuals during legal proceedings to verify their experience (Noor 2009).

If the victim cannot produce these witnesses, then they may be liable for *qadhf*, or slander, which can then be prosecuted through legal channels and result in the punishment of the victim (Noor 2009). This is understandably challenging because most rapes occur without witnesses, which may then result in the victim being accused of slander (Noor 2009). Resultingly, rape victims may forgo seeking justice through legal channels for fear that they will be punished. Another form of proof accepted by Muslim jurists to prosecute and punish rape is by the perpetrator admitting guilt four times without rescinding the statements, another challenging piece of evidence to attain by rape victims (Tripp 2019). Both types of proof are difficult, if not impossible, to attain, making many rape victims reticent in seeking justice for fear of being punished.

Another aspect of Zina that inhibits the prosecution of rape is the fact that many Islamic jurists do not believe that rape can occur within the institution of marriage (Noor 2009). For example, the Shafi'ite, Hanbalite, and Malikite schools of Islamic law view Zina as, "the unlawful and mutually consensual vaginal or anal intercourse between a man who is sane and who has reached the age of puberty (bulgh) and a woman who is not in his ownership" (Noor 2009, 2). In this context, ownership means marriage or enslavement, meaning forced penetration enacted by a husband on a wife or a man on a female slave would not constitute rape. This is because, in this highly patriarchal context, women are considered inferior and the property of their male guardians, i.e. fathers and husbands (Tripp 2019). This greatly inhibits the legal rights of Muslim women living under Islamic law, as they have virtually no protection against rape and other forms of violence from their husbands. Forgoing marriage

entirely is also not an option for many Muslim women, as the pressure of sociocultural norms and expectations are immense. This shows that men can easily commit rape with impunity within the institution of marriage, and only slightly less easily outside of it.

It is important to understand the role of cultural relativism when it comes to the classification of rape as Zina, as this has not always been the legal standard in the Muslim world. Zina, and Islamic law in general, was ubiquitous in the Islamic world until the colonial era, which then led to the westernization of the twentieth century (Mir-Hosseini 2011). During the mid-twentieth century, the Muslim world experienced tyrannical leadership from oppressive monarchs and dictators who imposed some Western ideals, including less conservative sociocultural norms (Mir-Hosseini 2011). Consequently, there was a reactionary pivot toward traditionalist Islam after the Iranian Revolution and subsequent Islamic revival, which catapulted many nations and states back to medieval laws and legal systems, including with interpretations of Zina and treatment of women, as:

Until the nineteenth century, Islamic legal tradition granted women better rights than did its Western counterparts. For instance, Muslim women have always been able to retain their legal and economic autonomy in marriage, while in England it was not until 1882, with the passage of the Married Women's Property Act, that women acquired the right to retain ownership of property after marriage. (Mir-Hosseini 2011, 24)

Clearly, while women's rights have been severely eroded since the Islamic revival, there have been times in history where Muslim women had more rights than their Western peers, showing that progress is possible.

Jurisprudence

It is important to note that Islamic law is not a monolith; it varies greatly among communities, states, and nations (Azam 2016). Islamic law is not a universal framework but rather something that is interpreted and carried out by *Fiqh*, or Islamic jurisprudence, based on religious texts based on the sayings and actions of the Prophet Muhammad (Mir-Hosseini 2011). Essentially, it is the responsibility of *Fiqh* to apply discernment when interpreting the laws put forth by the Prophet Muhammad in both the Quran and hadith (Mir-Hosseini 2011). Consequently, these laws can range significantly among jurisprudences, as is evidenced by the differences between interpretations of what constitutes Zina and how punishment should be enacted.

Furthermore, the concept of rape as put forth in religious texts is often objectively different than what qualifies the act according to Islamic jurists. At times, jurist interpretations oppose the Prophet Muhammad's saying, often to the detriment of women. An example of this can be seen in the hadith narrated by Abd al-Jabbar Ibn Wa'il concerning the rape of a woman, which states:

When a woman went out for prayer, a man attacked her and raped her. She shouted and went off, and when a man came by, she said: “That man did such and such to me...” Then they brought him to Allah’s messenger. When he was about to pass sentence, the man who had assaulted her stood up and said: “Apostle of Allah, I am the man who forced her against her will.” The Prophet (s.a.w) said to the woman: “Go away, for Allah has forgiven you.” And about the man who had intercourse with her, he said: “Stone him to death.” (Noor 2008, 75)

In this hadith, it is clear that rape and Zina are distinct because the Prophet Muhammad accepts the woman’s account without necessitating the testimony of four witnesses. Additionally, the rapist does not confess to the crime four times, nor is further physical evidence required. The rapist is swiftly and severely punished, and the woman receives justice and forgiveness from Allah.

Unfortunately, jurists are subjective, and their beliefs influence how they interpret laws concerning rape put forth in sacred texts. These men have been conditioned by the patriarchy to view women as inferior despite equality under Allah (Tripp 2019). While hypocritical, the hierarchal and misogynist sociocultural landscape that dominates much of the world and the Islamic world emboldens such jurists in their actions, as it maintains the status quo in terms of men controlling power. Regardless of interpretation, Zina as propelled by Islamic jurists is, invariably, not favorable toward women.

The punishment for Zina also varies across jurisprudences and includes imprisonment, fines, seclusion, receiving 100 lashes for unmarried participants and stoning for married adulterers (Noor 2010, 73). The punishment for qadhf, or libelous slander if the victim cannot produce required evidence, is lashings, seclusion, payment of fines, etc. (Noor 2010). The terrible irony for rape survivors under this legal system is that they are likely to be punished for being victims.

Women’s Rights

Islam, like most Abrahamic religions, is patriarchal; it is controlled by men, often to the detriment of women (Mir-Hosseini 2011). The current classification of rape as Zina under Islamic law greatly inhibits women’s rights in finding justice and in deterring men from committing rape, as:

The current treatment of rape in the penal codes of Islamic states has been increasingly assessed over the last two decades. Many cases in which women claimed to have been sexually assaulted and raped have been highlighted in which women could not provide enough evidence to prove non-consent. Consequently, in some cases, victims have been punished for Zina (fornication). (Azari 2015, 245)

With rape classified as Zina, women have little legal recourse in seeking justice; they may even be punished for being victims. This reality naturally inhibits many rape victims from coming forward in the Islamic legal system, as it is designed to minimize the crime committed against them. This greatly hinders the human right of bodily agency and autonomy, as women in many cases are held culpable for their own rape. Furthermore, some jurisprudence, including the Malikites in Northern Nigeria, view pregnancies that occur as a result of rape to be physical evidence of Zina (Noor 2010). Instances of women being punished for their own rapes abound since the Islamic revival, including 16-year-old Pakistani girl Jehan Mina in the 1980s, who claimed to have been raped by relatives and subsequently became pregnant. According to the laws then prevailing in Pakistan, pregnancy without evidence of coercion was seen as proof of fornication (Zina). Thus, the girl was sentenced to receive the *hadd* punishment for Zina, which was one hundred lashes. The sentence was later reduced to thirteen lashes because Mina was underage (Azam 2013).

Unfortunately, this example is one of countless instances where Islamic law fails to uphold women's rights; in this case, a child who was raped and impregnated by family members and punished for it. The injustice faced by Mina and other Muslim girls and women under Zina is breathtaking, as they must pay exorbitantly for the crimes of men. The multitude of violations in this example highlight the scope of the problem when it comes to the current classification of rape under Islamic law.

Women-Led Movements

The oppression of women under Zina and Islamic law has inspired women-led movements throughout Islamic nations despite the danger faced by participants intent on shifting the status quo. Importantly, due to the patriarchy present in much of the Muslim world, many women led movements are threatened and eradicated with social and political intimidation, harassment, imprisonment, and violence (Tripp 2019). However, Muslim women continue to work within these unjust parameters to attain change. For example, Jordan, Tunisia, and Lebanon repealed their rape-marriage exoneration laws in 2017 after consistent women-led protests against their existence (Duque 2021). Before this, men who raped women were exonerated if they married the woman after the act, and this was easily done by force due to women's marginalization (Duque 2021). International women-led movements have also evolved to advocate for Muslim rape victims who are relegated to Zina law and punishment. One example is the Global Campaign to Stop Killing and Stoning Women (SKSW), which was established in 2007 with the goal of eradicating stoning as punishment for women (Mir-Hosseini 2011). Stoning, a torturous form of execution, is done publicly to serve as a deterrent to others from committing similar acts (Mir-Hosseini 2011).

As previously discussed, stoning is a corporal punishment that is specifically used in punishing *hadd* crimes, including Zina. While both men and women can be sentenced to

death by stoning, the practice is predominantly used against women, reflecting the broader misogyny present in the execution of Islamic law (Tripp 2019). Per Mir-Hosseini (2011, 3), the SKSW campaign:

is a response to women's experiences of the injustice and violence brought by the "Islamization" of criminal justice in some countries. It emerged through women's and human rights activism in countries as diverse as Nigeria, Iran, and Pakistan, and has spread elsewhere. The issues addressed by the SKSW Campaign resonate in many other Muslim contexts where traditional and patriarchal interpretations of Islam's sacred texts are invoked to limit women's rights and freedoms.

Other groups dedicated to subverting the categorization of rape as Zina include Women Living Under Muslim Laws (WLUML) and the Women's Reclaiming and Redefining Cultures Programme (WRRC), which often work together to advocate and elicit change in the treatment of Muslim women within Islamic law. Unfortunately, progress in women's rights is slow-moving in throughout the world but within the context of the Muslim world it may have broader implications.

Society at Large

Zina also impacts society at large, perpetuating a social structure conducive to oppression. If women, who constitute half of the Muslim population living with Islamic law, are treated with such discrimination and inequality, other minority groups, including homosexuals, have no resource in preserving their human rights. Per Zina laws, homosexuality is prohibited as both same-sex sexual acts and same-sex marriage are illegal and receive capital punishment (Tripp 2019). As Muslim women continue to be discriminated against in all legal capacities, including their ability to attain justice for being raped, other minority groups will endure a similar reality under Islamic law.

In addition to limiting the human rights of marginalized groups, including women and homosexuals, classifying rape as Zina creates a level of impunity for the men committing rape against women. Zubair Abbasi (2022, 2) addresses this unethical and immoral legal framework in the context of Pakistan, writing:

As a result of this approach, instead of protecting Muslim women from violence and rape, Pakistani Zina laws effectively punish raped women for reporting crimes against them and their families. Consequently, these laws have a devastating effect on the reporting of such crimes. Further, Pakistani rape laws have proven to be counterproductive over the years, having resulted in an alarming increase in rape. Once we know that in Muslim societies, acts of rape typically do not impact the individual woman alone, but severely impact her extended family as well, we start perceiving the alarming scope of the problem.

The impunity of rape for men under Zina does not create social deterrents to the crime, leading to an increase in rape due to lack of consequences. Furthermore, rape does not happen in a vacuum; it impacts the victim and her social network, increasing the likelihood of mental illness, social seclusion, compromised interpersonal relationships, etc. (Tripp 2019). When one group of people is marginalized, oppressed, and disenfranchised, society is profoundly burdened on both micro and macro levels. This results in a profound breakdown of society in which progress and quality of life are compromised, especially for minorities. While proponents of classifying rape as Zina under Islamic law may believe they are following Allah's actions and statements, they are internalizing the interpretations of jurists, potentially compromising the state of their souls in the afterlife. From an Islamic perspective, conflating rape with Zina stands against the religious and earthly laws put forth in sacred texts, jeopardizing the state of Muslim's eternal souls. Rape constitutes an evil act as per Islamic doctrine, and it requires punishment in order to limit or eradicate reoccurrence (Noor 2008, 66). Evidence of this can be seen throughout the hadiths; for example, in a hadith narrated by Abu Sa'id al-Khudri the Prophet Muhammad said: "Those of you who see vice should change it with Their hands; if unable, then with their tongue; and if Unable, then with their heart; and this [last manner] Is the lowest degree of belief" (Noor 2008, 67).

This hadith is relatively straightforward in its commandment concerning vice from the perspective of those tasked with maintaining moral justice under Islamic law. The first responsibility when witnessing an act of vice, like rape, is to physically stop it from happening, which is the most heralded option as declared by the Prophet Muhammad. In the context of rape, this can mean imprisonment and other punishment that deters recidivism if the act itself is not intercepted. It is action inspired by faith that is championed above all things by the Prophet Muhammad. If not possible, a verbal admonishment that halts the vice is required, a secondary approach. With the heart means knowing something is wrong internally, but not putting actions or words behind it, demonstrating a cowardice not aligned with Islamic doctrine. This invariably leads to a corrupt, immoral society where men of such lack of morals will be evaluated harshly on the Day of Judgement (Tripp 2019).

Case Study: Pakistan's Hudood Ordinance of 1979

Pakistan's Hudood Ordinance of 1979 is an instructive case study on rape and Zina under Islamic law, providing insight into its complexity. Implemented to align Pakistan's legal system more closely with Sharia law, the Ordinance introduced Zina as a legal category comprising adultery, fornication and rape; however, this led to significant issues concerning both consensual and non-consensual sexual acts that raised significant legal questions over interpretations under Islamic law.

Under this Ordinance, victims of rape required four adult male Muslims as witnesses to prove the crime, an almost impossible requirement that could leave victims facing unjust

punishments due to inability to prove rape. Azman Mohd Noor's works (2008, 2010) highlight this particular situation, where his analysis highlights this paradox where victims seeking justice could end up criminalized for Zina.

The Hudood Ordinance received wide condemnation both domestically and internationally for its effects on women's rights and justice, such as in Duque (2021), where it was shown to violate international human rights standards related to protecting rape victims' rights and protection.

The Hudood Ordinance serves as a testament to the necessity of distinguishing rape and Zina in Islamic law in order to prevent severe injustices against women, as well as demonstrate implementation challenges associated with Sharia-based laws in modern legal environments. Furthermore, this case study highlights ongoing debate about reforming Islamic Law, so it provides greater protections while adhering to religious and cultural norms.

Discussion and Analysis

Classifying rape and Zina (illegal sexual intercourse) in Islamic law presents numerous complexities. Religion, culture and legal laws all play a part in these discussions that open up an array of interpretations regarding legal interpretations, social norms and individuals' rights to engage in sexual misconduct.

An initial difficulty is the difficulty associated with distinguishing rape from Zina. Azam (2013) highlights this challenge, noting how early Islamic texts and jurisprudence lacked clear distinction between consensual and nonconsensual sexual acts in early Islamic texts and jurisprudence, creating further difficulty for justice; especially for victims who may face the additional hurdle of meeting stringent evidentiary requirements to prove their case as discussed by Ahmad (2014) and Azari (2015).

Hanafi-inspired legal doctrine requires four male witnesses as evidence in cases of rape, making it nearly impossible for many victims to seek justice in such legal environments. Ahmad's work illustrates these difficulties while Azam's examination of sexual violations under Islamic Law (2015) showcases further obstacles preventing victims from receiving justice.

Mir-Hosseini (2011) highlights the social and psychological consequences for victims, which can have serious ramifications for them. They not only face legal obstacles but must also contend with stigmatization from society and psychological trauma that often results in further victimization of those experiencing sexual violence.

Duque (2021) notes that Islamic legal framework's response to rape and Zina differs significantly from international human rights standards, suggesting there could be opportunities for reform to align Islamic law more closely with global norms while upholding cultural sensibilities.

The discussion illuminates a pressing need for nuanced interpretations and reform of Islamic law regarding rape and Zina. This highlights the significance of reconciling religious

teachings with modern legal and human rights standards so as to safeguard individuals who experience sexual violence, protecting their rights and dignity at the same time. Furthermore, this analysis not only contributes to wider discourse surrounding legal rights in Islam contexts but also emphasizes their need for compassionate yet knowledgeable approaches when approaching these sensitive topics.

Conclusion

Ultimately, the classification of rape as Zina makes it difficult, if not impossible, for Islamic women to attain protection and justice in the Islamic world. As it currently stands, men have virtual impunity from rape under Zina as the burden of proof is extreme. This goes against the universal code of morality that frames human rights and dignity, but also the Islamic law as put forth in sacred texts. Unfortunately, the subjective interpretations of Islamic law by jurists, who have a vested interest in maintaining patriarchal control over society, have robbed Muslim women of basic human rights. While women-led movements continue to advocate for those who are oppressed by immoral laws like in the case of rape and Zina, more work needs to be done on all levels of society to secure meaningful change for women without a voice.

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Conflict of Interest

The author declares that there is no conflict of interest.

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ABOUT THE AUTHOR

Melanie Rae Perez: Doctoral Student, Politics and International Relations, Florida International University, Miami , Florida , USA
Email: Mpere670@fiu.edu