

## CHAPTER TEN

### The Qur'an says men can strike or hit women, how is this?

Many whilst reading the Quran without its explanation and understanding the verses and saying of the Prophet mentioned regarding this has led many to interpretate verses incorrectly. Reading the Quran with personal understanding will lead to misguidance. Let us understand the verse and the meaning of the verse from the Sunnah.

*The Prophet was asked, "What are the rights that a wife has over her husband?" The Prophet replied, "Feed her when you take your food, give her clothes to wear when you wear clothes, refrain from giving her a slap on the face or abusing her, and do not separate from your wife, except with in the house." If Western men had such level of understanding, the rate of domestic violence and suffering by women would become a thing of the past.*

*"...then admonish them and sleep apart from them, and beat them (lightly), then if they come under your command..."<sup>1</sup>*

The situation being referred to here is one in which, without any excuse or legal justification, a wife ceases trying to please her husband in any way. As for the complication, it consists in the fact of Islamic law has authorised the husband to deal with "rebelliousness" on his wife's part in ways which it has not authorised the wife to deal with such "rebelliousness" on the part of her husband.

Specifically, if a wife acts and/or speaks in a manner which reflects a spirit of non-cooperation and insolence towards her husband, the husband is given three graduated means by which to deal with this. The first means consists in words of advice and admonition spoken in gentleness and affection. The second is to begin sleeping separately from his wife rather than sharing the same bed with her. The third is strike her lightly, that is in a way that is meant not to cause her pain, but simply to 'alarm' her. However, it is a recognised principle of Islamic law that a husband is not permitted to resort to the second means until he has exhausted the first, that is, after having spoken calmly with his wife about the problem without meeting with any positive response; similarly, he may not resort to the third means until after he has tried the second and despaired of solving the problem in this way.

It is a fact, of course, that just as a wife can be "rebellious", and so can a husband that is, by treating his wife in a manner which violates the rules of conduct clearly set forth in Islamic law. However, unlike the husband whose wife becomes uncooperative, a wife whose husband becomes abusive is only permitted under Islamic law to employ the first means, that is, advice and admonition. In other words, even if she finds that her words of counsel and exhortation are falling on deaf ears, she may not resort to the second or third strategies mentioned above.<sup>1</sup>

The problem which arises in this connection is that the difference between the ruling on how the husband may deal with rebelliousness on his wife's part and the rulings on how a wife may deal with such behaviour on her husband's part involves an apparent violation of the equality between men and women which Islamic law aims to promote and preserve.

#### **Discipline**

It should be clear to us as human beings, as it is, without a doubt, to Allah (The Exalted) who created us and gifted men and women with qualities unique to each gender, that if a woman were to strike her disobedient husband as a means of disciplining him, his "manliness" might be transformed into a fierce savagery with nothing to keep it in check. If this took place, the husband might react to his wife with such viciousness that by the time he was finished with her, she would be shattered at the best and, at the worst, no longer alive. In other words, as a result of her attempt at "disciplining" her wayward husband she will, in all likelihood, have offered her life as a sacrifice for the sake of equality, not for the sake of the dignity with which Allah (The Exalted) has endowed both men and women in equal measure, but rather, simply for the sake of beings able to employ the same means as the man when protecting and defending this dignity.

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<sup>1</sup> The wife may resort to the second strategy if her husband's "rebelliousness" takes the form of some act of disobedience to Islamic law which he commits in the bed which they share, for example, seeking to have sexual relations with her during her menstruation period or urging her to let him perform anal intercourse.

Hence, one might ask: Does this type of equality, for which there is no need in the first place, justify the woman's offering up her life as a sacrifice for its sake?

In answer to this question, Islamic law holds that an offending, abusive husband must receive the punishment he deserves; however, the means by which he is punished must not expose his wife to any danger or harm. Therefore, Islamic law guarantees the wife's protection in such a situation by setting up the judge in an Islamic court as the wife's deputy in that it is the judge who undertakes to defend her rights and to impose the required penalty on her husband. Not only so, but the punishment meted out to the husband may go beyond merely being struck to include imprisonment and/or other penalties as well. Hence, whenever there is reason to believe that the party who has been wronged is unable to come to his/her own defence or that an attempt at self-defence would expose this party to further harm, Islamic law brings punishment to bear on those to whom it is due by assigning this task to the judiciary authority and to relevant enforcement agencies.

What we must realize, is that under Islamic law, both the husband and the wife are subject to essentially the same punishment for the offence of "rebelliousness." Nevertheless, Islamic law has established different ways of enforcing this penalty against the husband and the wife respectively.

Is there any society on earth in which there are prisons for only men, and none for women? Are there cities or states anywhere in the world whose laws specify punishments to which men are subject but not women?

One should note how the Qur'an instructs the husband, in the event when dialogue fails, to seek a positive response on his wife's part by a unique type of partial abandonment, which is actually closer to teasing than it is to rejection, namely, refraining from sharing a bed with her. Bear in mind, however, that this second tactic is to be pursued by the husband simultaneously with continued attempts to communicate with his wife and to discuss the problem with her. It is only when these two tactics together prove to be of no effect in arousing a cooperative response, that is, when the rebelliousness that has come over her has gained the upper hand over the reasonable, compassionate side of her being, that the husband is permitted to strike his wife lightly; moreover, when he does so, the purpose is to restrain the force of her negativity and to defend her overwhelmed humanity.

### **Follow the three steps**

As for those who insist on finding fault with these gradually intensifying steps in the process of dealing with this type of rebellion or moral perversity, something which both women and men might slip into from time to time, they should try to picture the entire situation which the Qur'an is addressing here before making it the butt of unthinking, unreasonable criticism. The situation for which the Qur'anic verses quoted above are prescribing this graduated treatment is as follows:

**FIRST:** (Emotional) The wife has rebelled against the cooperative human approach to the marital relationship, which she cannot do and therefore she would be being disobedient. However, the scenario of which we are speaking of is not that of an oppressed wife who, after living under the iron rule of an unjust, bossy husband, has been driven at last to rebel in defence of her dignity and rights.

**SECOND:** (Sexual) In addition to her reckless insolence, the wife has deliberately disrupted the program of dialogue, shred loyalty and respect; in addition, she then persists in her resistance despite the husband's repeated attempts to appeal to her reason and common sense in a spirit of sympathy (not to sleep with her).

**THIRD:** (Striking) The wife goes on clinging to her rejection of the principle of cooperation and mutual consent even after the husband has resorted to emotional and sexual pressure combined, being a pleasant husband by day and a stranger, as it were, by night.

This is the type of situation which the Qur'an has allowed a husband to deal with by striking his wife in a manner which, though not very painful, is nevertheless meant to frighten (alarm) her. Do you think that this manner of treating such a problem will belittle the woman and wound her self-esteem? Or is it, rather, a means of defending her true dignity and humanity in the face of the foolhardily hatred which has gotten the better of her? At the same time, however, let it be remembered that both the wife and the husband are equally subject to this penalty when their words and actions prove unresponsive to other, gentler approaches.

We find that the first approach is the physiological and the last resort is physical, however, not beating but just to 'alarm' and a 'wake-up' call. Let us take a look at the statistics in the West and see if you can find anything near these in any Islamic home or society.

### **Facts and figures**

Research has found that one woman in four, reports experiencing domestic violence at some time in her life. Every year in England and Wales around 63,000 women and children spend at least one night in a refuge. Of 224 female victims of homicide in 1997, 47% were killed by their current or former partner: this means that approximately every three days one woman dies as a result of domestic violence. A number of studies have also remarked on the psychological impact on victims of living with domestic violence. These include anxiety, sleeping problems, loss of self-respect, low self-worth, feelings of hopelessness, depression and loss of confidence; the effects can lead to self harm, and actual or attempted suicide.<sup>ii</sup>

This is what type of problems Islam is trying to save oneself from. Islam wants to protect the individual and has laid down the relevant laws. It is the ignorance of the West that the Islamic law is questioned; however, they don't see the wisdom behind it all. We find that all the accusations by the West are baseless and take things at face value and are the first to point the fingers at Islam. The Qur'an needs to be understood and read with its explanation, with the saying of the Messenger of Allah (may Allah bless him and grant him peace) and with the rules of the Islamic law. Not even an ordinary Muslim can interpretate the Qur'an without looking at the explanation and the books of Jurisprudence.

### **Wife beating**

What, then, is to be said about the problem of "wife-beating" in non-Islamic families and societies? In situations such as these, the uprising or perversity of which we are speaking is found in the person doing the striking, whereas what we find in the women being struck is injured humanity. In an Islamic environment, that which is being "punished" in the woman is an obstinate rebellion which had gone on for too long. Consequently, it is a rare occurrence in truly Islamic households. In a non-Islamic family or society, by contrast, what is being "punished" in the woman may simply be the fact that she has pursued that which she is entitled to as a human being; as a result, the strikes she suffers are an affliction which spreads and grows steadily worse. In this connection, an American author stated that, *"Every 12 seconds in the United States, a woman is beaten, in some cases to the point of death, by a husband or lover."*

The Muslim husband on the other hand. Who is also following Islam, will look to consult the solutions offered by Islam in case of a 'rebellious' wife, rather than resort to striking her with blows, as this would clearly go against Islam.

### **Real life**

Whilst writing this book I witnessed two incidents within a week, one being in the morning and one in the afternoon. In the first incident the man had thrown a can of Coke from a distance of approximately 15 metres and missed the woman's head by inches. If the can had struck her head no doubt her head would have split. The other incident was when a man just started to kick with full force the women on her buttocks. These incidents were on the street this would not happen with a couple following the teachings of Islam.

### **Domestic violence**

Domestic violence represented by wife beating or abuse is out of control in this country and around the world. While the exact numbers on domestic violence incidents differ, because this is such an under-reported crime there are statistics on which most experts agree.

1. In 1984 the US Surgeon General declared domestic violence as this nation's number one health problem.<sup>iii</sup>
2. A woman is beaten every 15 seconds by her partner; it happens in 25-35 % of American homes; 4,000 women die from such abuse each year.<sup>iv</sup>
3. Physical abuse by male social partners is the single most common source of injury amongst women aged 15 to 44, more common than car accidents, muggings and rape by a stranger combined.<sup>v</sup>
4. In USA, medical costs for domestic violence totals at least \$3-5 billion annually. At least another \$100 million can be added to the cost to businesses in lost wages, sick leave and absenteeism.<sup>vi</sup>

5. Women of all cultures, races, occupations, income levels, and ages are battered - by husbands, boyfriends, lovers and partners.<sup>vii</sup>

6. Approximately one-third of the men counselled (for battering) that emerge are professional men who are well respected in their jobs and their communities. These have included doctors, psychologists, lawyers, ministers, and business executives.<sup>viii</sup>

Statistics as these should awaken all those in denial of the fact that wife beating and abuse is a widespread disease in all different cultures, and communities. It is as common in Western societies as it is in Eastern societies.

Men in Western (and Eastern) societies do not abuse their wives because of scriptural teachings, but because of a natural instinct of domination and aggression. Allah (The Exalted), knowing this, has therefore decreed a perfect law to help men control their temper and to solve any problems before resorting to physical aggression.

These statistics reflect the failure of modern societies in treating this terrifying condition in men. Despite advances in modern psychology and improved understanding of behavioural patterns of men, civilized and uncivilized, a successful solution to this aggressive behaviour has not been found by man.

A solution has, however, been presented to the world in the Qur'an, more than 1400 years ago, in verse 34 of Surah Nisa, Surah No: 4.

*"Men are in charge over women, because Allah has made one of them excel over another, and because men have expended their wealth over them, so the virtuous women are submissive, they keep watch in the absence of husband as Allah commanded to watch. And as to those women whose disobedience you fear, then admonish them and sleep apart from them, and beat them (lightly), then if they come under your command, then seek not any way of excess against them. Undoubtedly, Allah is Exalted, Great."*

At first glance this verse may appear as if promoting physical abuse of women. But when reading 4:34 carefully one realises that it actually prohibits abuse and beating of women by using the best psychological approach.

The advise to first talk and then avoid sexual contact, provides the necessary time and space for both parties to cool off, reason, examine the problem and reach a favourable agreement for both of them.

The Prophet (may Allah bless him and grant him peace) was opposed to such abuse of women and this is clear from ahadith such as the following: *"None of you should beat his wife as a slave is beaten, and then have intercourse with her at the end of the day."*<sup>ix</sup>

'Aisha (may Allah be pleased with her) said: *"The Prophet (may Allah bless him and grant him peace) never beat any of his wives or servants; in fact he did not strike any living being with his hand except in the cause of Allah (The Exalted) or when the prohibition of Allah (The Exalted) had been violated, and he retaliated on behalf of Allah (The Exalted)."*<sup>x</sup>

Ibn 'Abbas (may Allah be pleased with him) relates that if the husband is required to hit the wife, (as a last resort) then it should be with a Miswak.<sup>xi</sup>

This will come into practise when the other methods mentioned above, have been tried and have failed and therefore this will be seen as a last resort. Even when hitting here, it is with a stick of which the thickness is no more than the little finger and the length no more than a hand span. No serious damage can be done with this; however, it is used to 'alarm' her.

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<sup>i</sup> Surah Nisa; Surah No: 4, Verse: 34

<sup>ii</sup> Domestic Violence: Break the Chain Multi-Agency Guidance for Addressing Domestic Violence, 1.18.

<http://www.homeoffice.gov.uk/docs/mag.html>

<sup>iii</sup> US Surgeon General

<sup>iv</sup> FBI

<sup>v</sup> U.S. Surgeon General, 1989

<sup>vi</sup> Sylvia Porter, For Your Money's Worth

<sup>vii</sup> Surgeon General Antonia Novello, as quoted in Domestic Violence: Battered Women, publication of the Reference Department of the Cambridge Public Library, Cambridge, MA

<sup>viii</sup> For Shelter and Beyond, Massachusetts Coalition of Battered Women Service Groups, Boston, MA 1990

<sup>ix</sup> Ahmad

<sup>x</sup> An-Nisa<sup>1</sup>

<sup>xi</sup> Tafsir-e-Qurtubi. Tafsir-e-Imdad ul karam, Vol: one, Page: 263.