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A Critical Examination of Qur'an 4:34
and its Relevance to Intimate Partner Violence in Muslim Families

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Abstract

This article examines Islam's position on wife beating in the context of intimate partner violence (IPV). Though research indicates multiple causes of IPV, Islam is singled out as the main cause for violence against women in Muslim societies, based on the interpretation of verse 4:34 (which seemingly supports wife beating). This verse is often interpreted out of context and Islam's position on IPV is confused with the issue of *nushuz* (contentiously translated as wife's disobedience, flagrant defiance, and/or misbehavior). The lack of accurate translations compounds the problem for English readers. This article critically examines the legal meanings and implications of *nushuz* found in verse 4:34 within the context of IPV; and the authors contend that contextual understating of this is imperative for positive clinical engagement with Muslim clients.

Keywords: domestic violence, intimate partner violence, Islam, wife beating, wife abuse, *nushuz*, *wadribhunna*, *qawwamuna*, Qur'an 4:34

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Islam is commonly portrayed as condoning wife abuse (in all its forms, especially wife beating). While wife beating exists in most societies for various reasons, within Muslim societies the problem is usually attributed to the Qur'anic verse 4:34 that seems to legitimize wife beating - if read out of context. This is primarily due to a failure to understand Islam's legal position on intimate partner violence (IPV) and the meaning and legal implications of the imperatives *nushuz* and *wadribuhunna* found in that verse. This article provides evidence from Islam's primary legal texts and the views of leading Muslim scholars to demonstrate the prohibition of all forms of IPV. By extension, the article also explores Islam's legal position on wife beating by critically examining the meaning and legal implications of verse 4:34. Using this as a framework, the article provides substantial theoretical evidence that establishes the invalidity of reading verse 4:34 as condoning wife beating and provides evidence contrary to the notion of wife beating. The findings of this article are crucial for researchers, practitioners, service providers and policy makers in the provision of culturally and religiously competent care when addressing issues of IPV and wife beating in Muslim societies.

Contemporary Understanding of DV and IPV

Domestic violence (DV) is an umbrella term that usually refers to violence or abusive behaviors that occurs in a domestic setting, where a family member asserts control over another family member(s) (Hegarty, Hindmarsh, & Gilles, 2000). Domestic violence includes violence or abuse by a husband against a wife (or de facto), violence by a wife against a husband, a child against a parent, parent against a child (commonly referred to as child abuse), sibling abuse, and abuse of

the elderly (Hegarty et al., 2000). The most common category of DV is male partner abuse against females (Portwood & Heany, 2007). The United Nations estimates that at least one-third of women around the world are victims of violence, whether physical or sexual (United Nations Development Fund for Women [UNIFEM], 2007). In fact, DV is the leading cause of injuries to women of reproductive age in America (Portwood & Heany, 2007), and an estimated 87% of DV sufferers in Australia are women (Healey, 2005). Often the male perpetrator is not only known to the female victim, but he has also betrayed a close personal relationship with her, making the home, the greatest place of safety, a threat (Portwood & Heany, 2007). The body of existing research indicates that DV is not confined to any particular age, social status, or cultural, religious, socioeconomic or ethnic group (Vandello & Cohen, 2008).

Though domestic violence is a broader term that covers a wide range of abuse in a domestic setting, IPV is more specific. In the literature, IPV specifically refers to the domestic abuse of an intimate partner¹ against another. Based on a multitude of definitions found in literature, IPV can be best defined as abuse in the form of physical, nonphysical or sexual coercion that takes place in the context of a close relationship between partners or ex-partners that results in (or has the potential to result in) injury, harm, or death, and is shaped by situation, society, relationship, and culture² (Mitchell & Anglin, 2009; Matthews, 2004; Winstok, 2007). This definition, among others, identifies the various dimensions of IPV, signifying the visible and nonvisible features of IPV that affect every aspect of the victim's life. While recognizing the existence of female-perpetrated IPV, this article will focus on the most widespread form of evidence-based IPV, which is that of a husband against a wife (or partner).³

IPV ranges from mild verbal abuse to severe physical violence and sometimes even death. Statistics from media, police records, clinical data, victim surveys⁴ and self-reports paint a

horrifying picture of how widespread and serious this phenomenon is (Portwood & Heany, 2007). The consequences of IPV on victims are far-reaching, costing the economy billions of dollars each year including health costs, psychological costs, neurological costs and social costs (McCloskey & Grigsby, 2005; World Health Organization [WHO], 2008). IPV behaviors comprise physical abuse or willful injury (slapping, hitting, punching, pushing, kicking, or biting); threats to hurt a partner, relatives, friends, or work colleagues; damaging property (furniture, residence, or pets) to frighten or intimidate a partner; emotional abuse (making a partner feel worthless, criticizing them, their looks, their dress, or putting them down constantly); verbal abuse (yelling, shouting, swearing, or calling a partner names); financial abuse (controlling the money, taking a partner's money by force, or not giving enough money to a partner); social abuse (controlling where a partner goes or preventing them from seeing their family or friends); sexual abuse (forcing a partner to have sex or participate in sexual activities against a partner's will); spiritual abuse (forcing religious activities against a partner's wishes or prohibiting a partner from participating in religious practices of their choice); and stalking (following a partner, repeatedly telephoning them, text messaging and emailing, or waiting outside a partner's house or workplace without their consent; Matthews, 2004). Physical abuse has been recognized as nearly always being accompanied by psychological abuse that has a more profound and lasting effect than the physical violence itself (Krahé, Bieneck, & Möller, 2005). Later on in this article due to the nature of the discussion related to verse 4:34, the discussion will be restricted to one form of IPV, that is, wife beating.

International Prevalence of IPV

Findings from the WHO multicountry study (Garcia-Moreno et al., 2006) reveal a lifetime prevalence of physical violence that range from 13% (Japan city) to 61% (Peru provincial), with

most sites falling between 23% and 49%. Lifetime prevalence of sexual partner violence ranges from 6% (city sites in Japan, Serbia, and Montenegro) to 59% (Ethiopia provincial), with most sites falling between 10% and 50%. The reporting of either/both sexual and physical partner violence ranges from 15% (Japan city) to 71% (Ethiopia provincial), with most sites falling between 29% and 62%. Urban Japan consistently reported the lowest prevalence of all forms of IPV, whereas the provincial areas of Bangladesh, Ethiopia, Peru, and Tanzania reported the highest prevalence rates.

Research within the United States show that IPV is the most prevalent form of interpersonal violence (Ellison, Bartkowski, & Anderson, 1999). Statistics on IPV in America (Bureau of Justice Statistics [BJS], 2007) based on continuous data sets⁵, shows that one in four women annually experience serious assault by their intimate partners, with only one-seventh of the cases coming to the attention of the police. These statistics also indicate those men who beat their wives do so at least three times or more each year and 40% to 60% of those men also abuse children, with approximately 3.3 million children each year witnessing abuse to their caregivers.

IPV and Muslim Communities in Western Countries

While IPV is a universal human problem, limited research has been conducted to reflect its prevalence in Muslim minority communities in Western countries. One such study on South Asian Muslim women in North America indicated that of those who screened positive for IPV, 24% experienced physical abuse perpetrated by partners during the previous five years (Ahmad, Riaz, Barata, & Stewart, 2004). In comparison, a study in Illinois on South Asian Muslim women disclosed a prevalence rate of 77% for women aged 18-35 years, college educated and employed (Adam & Schewe, 2007). Another study conducted in Boston on South Asian women disclosed a prevalence rate of 40.8% for lifetime violence from their current male partner (Raj &

Silverman, 2002). In contrast, South Asian women in London reported a prevalence rate of physical abuse within the previous year and lifetime as 14% and 41%, respectively (Richardson et al., 2002).

To date, no quantitative population-based study has examined the prevalence of intimate partner abuse among Muslims in Australia. Nevertheless, qualitative studies, case studies, and data from law enforcement, the criminal justice system, shelters and various other social service agencies, document the problem's existence (Family Domestic Violence Unit [FDVU], 2006; Ibrahim, 2001). Studies conducted at a national level in Australia (Australian Bureau of Statistics [ABS], 2006; Mouzos & Makkai, 2004), examine IPV on the basis of age, marital status, educational attainment, gender, employment status, household income, relationship to perpetrator, and even country of birth, but fail to categorize IPV prevalence on religious group differences. Similarly, research that has included Muslims in the sample (FDVU, 2006) has failed to provide empirical evidence of prevalence rates of IPV for this community.

Religious Influences on IPV

Religious beliefs play a significant part in sculpting not only the way people live, their choices, and their social lives (Fam, Waller, & Erdogan, 2004), but also the attitudes and beliefs they hold towards IPV and its justification. In cases where violence is exhibited however, a difference in theological orientation between partners, especially if male perpetrators hold strong attitudes, creates a conflict in values, lifestyles, sexual behavior, social friendship choices, leisure activities, gender roles, child-rearing practices and other areas that affect both partners (Ellison et al., 1999). These perpetrators subscribe to an ideology of male supremacy perpetuated by their cultures of origin, where often women are given inferior status and/or women are viewed as male property (Hassouneh-Phillips, 2001).

At times, religious texts may be misinterpreted and rationalized by these male perpetrators to justify their behavior (UNIFEM, 2001) and to induce shame, guilt, and distress in their victims (FaithTrust Institute [FTI], 2007); these justifications are used despite their contradicting traditional religious scholars' emphasis on the differentiation in societal gender roles and not the supremacy of one gender over the other (Dangor, 2001). At other times, it is the attitudes of religious leaders that serve to exacerbate violence in families by their reluctance to deal with violence against women in their communities (Pyles, 2007), especially when the perpetrators are prominent in the community (FTI, 2007). In general, the communities' shared racial, national, cultural or religious identities may be summoned by perpetrators to justify violence towards women and rationalize noninterference by the state (UNIFEM, 2001).

There are many more factors that contribute towards IPV, including male-dominant norms (Gondolf, 2002), increased marital conflict, sexual jealousy and accusations of infidelity (Wilson, Johnson, & Daly, 1995), lack of communication (Naved & Persson, 2005), low income or unemployed male partners, social isolation (Bell & Mattis, 2000; Dobash & Dobash, 1979), aggressive peer group behaviors and attitudes, stereotypical gender roles (Ellison et al., 1999), racism and political oppression (Matthews, 2004), alcohol and substance dependency (Bennett & Williams, 2003), situational justification of chastisement, childhood witnessing of marital abuse (Hotaling & Sugarman, 1986) and victimization, holding attitudes of hostility toward women (McKenry, Julian, & Gavazzi, 1995), and the lack of a father figure (Dutton, 1995).

Contrary to conventional belief, the scant literature on the influence of religion on IPV reveals that a stronger affiliation to religion significantly reduces the risk of IPV (Cunradi, Caetano, & Schafer, 2002; Ellison et al., 1999; Nason-Clark, 2004). This protection against IPV is related to the promotion of general commitment to family life, the institution of marriage, an

understanding of positive partner role identities, and conflict strategies that the religious institutions propagate (Ellison et al., 1999).

Research on religious involvement has found both direct and indirect effects in reducing perpetration and victimization of IPV in men and women (Cunradi, Caetano, & Schafer, 2002). Involvement with religious organizations reduces the factors that are associated with IPV, such as social isolation, alcohol and substance abuse, and depression (Ellison, Trinitapoli, & Anderson, 2007). Research also shows that with religious involvement, levels of social integration and social support are increased, likelihood of alcohol or substance abuse is reduced, and the risks of psychological problems are decreased. Furthermore, religious involvement in the form of rituals, sermons, and informal social interaction could be utilized to highlight commitment to relationships and family life that would lead to personal and spiritual growth, as it encourages altruism, self-sacrifice, shared purpose, love, and caring for the well-being of the family rather than one's own self-interest (Ellison et al., 2007). Through its principles of sanctity of marriage, religion may also motivate individuals to fulfill their familial roles while drawing upon the information, and practical and emotional support that exist within their religious communities; thus enabling them to resolve any conflict through anger management and improved communication (Ellison et al., 2007; Lambert & Dollahite, 2006). Studies also show that joint prayer performed by couples decreases negativity, contempt, hostility, and emotional reactivity towards one's partner by fostering forgiveness and by appealing to God for help and guidance (Butler, Stout, & Gardner, 2002).

Islamic Law on IPV

Although there is very little research available on IPV in Islamic history (Semerdjian, 2004), it is possible to deduce Islam's legal position on IPV from the Qur'an, *Sunnah* (Prophetic practice)

and the context of historical and contemporary *fatwas* (legal verdicts). Since our discussion is restricted to one aspect of IPV, namely wife abuse, it is necessary to contextualize Islam's legal position on IPV by examining, albeit briefly, Islam's attitude toward the treatment of wives as illustrated by the Qur'an and Prophetic traditions. The Qur'an eloquently describes the reciprocal marital relationship stating "...they (your wives) are your garment and you are a garment for them..." (Qur'an, 2:187). In the Qur'anic paradigm, marriage is represented as a means of tranquillity, protection, encouragement, peace, kindness, comfort, justice, mercy, and love (Qur'an, 2:187 & 229-237; 4:19 & 25; 9:71; 30:21). It indicates that marriage is a sharing between two halves of society and that its objectives, besides perpetuating human life, are emotional well-being and spiritual harmony. In fact, an entire chapter exclusively entitled *The Women* describes guidelines of behavior, a code of ethics and conflict resolution in all aspects (e.g., care, inheritance, marriage, divorce, conflict resolution, etc.) that relate to women (Qur'an, 4:1-176).

The precedent of a marital relationship based on care, mercy, kindness, mutual consultation and justice was set by direct examples from the life of Prophet Muhammad and is well-documented in the books of *hadith*⁶ (Jamil, 2007). The Prophet Muhammad said, "The believers who show the most perfect faith are those who have the best behaviors, and the best of you are those who are best to their wives" (At-Tirmidhi, as cited in An-Nawawi, 1999, p. 271). In reference to the relationship between husband and wife, Abu Hurairah, [d.681] relayed that he heard Prophet Muhammad saying "A believer should bear no malice to his wife, if he dislikes one of her habits, he likes another of them" (Muslim, as cited in An-Nawawi, 1999, p. 269).

It is well-established that Prophet Muhammad never hit his wives, although they argued with him and held different opinions from him. He strongly reprimanded men who first hit their

wives and would later have intimate relations with them (Sahih Al-Bukhari, 7:62:132). When asked about a husband's responsibility toward a wife, the Prophet said "Give her food when you take food, clothe when you clothe yourself, do not revile her face, and do not beat her" (Sunan Abu-Dawud, 11:2138-2139). In his farewell pilgrimage sermon, he further asserted the importance of kind treatment of women,⁷ equating the violation of women's marital rights to a breach of God's covenant.⁸ Additionally, he discouraged women from marrying men who are known for their harshness, as evidenced in the story of Fatimah bint Qays narrated in Sahih Muslim (Book 009, Number 3512): "She said: When my period of 'Idda was over, I mentioned to him that Mu'awiya b. Abu Sufyan and Jahm had sent proposal of marriage to me, whereupon Allah's Messenger (may peace be upon him) said: As for Abu Jahm, he does not put down his staff from his shoulder, and as for Mu'awiya, he is a poor man having no property; marry Usama b. Zaid. I objected to him, but he again said: Marry Usama; so I married him. Allah blessed there in and I was envied (by others)".

Based on such legal texts, classical and contemporary Muslim scholars view all forms of IPV as oppression (Abd al Ati, 1977; European Council for Fatwa and Research, 2005). Prohibition of oppression and injustice is premised on and derived from the Qur'an (Qur'an, 7:33) and Prophet Muhammad's tradition, including his statements: "Verily, your blood, property, and reputations are as inviolable to one another as the inviolability of this day, this month, and this city of yours" (Bukhari and Muslim, as cited in Keller, 1991, p. 668). Abuse against wives is a form of injustice and is hence prohibited, as decided by the Council of the International Islamic Fiqh Academy [IFA]:

What is meant by violence is words and actions committed by a member of the family against another member, which are marked by severity and harshness, and which cause physical or moral harm to the family as a whole or to one of its members. This behavior

is forbidden because it contradicts the objectives of *shari'ah* as regards the preservation of life and reason, and because it contradicts the divine approach that is based on righteousness and kind treatment (IFA, 2009).

Islamic law also addresses IPV under the concept of *darar* (harm) that includes several types of abuse against a wife, including:

The failure of a husband to provide obligatory support (*nafaqa*) for his wife, which includes food, shelter, and clothing. A husband's absence from the home, his inability to fulfil his wife's sexual needs, or mistreatment of his wife's family members can result in dissolution of the marriage contract. . . *Darar* [harm] also includes physical abuse against a spouse (Semerdjian, 2004, p. 121).

Consistent with this understanding, the Ottoman *fatwas* dealt with the issue of IPV in the context of *darar* (Semerdjian, 2004) evident from the seventeenth-century *fatwa* of the Ottomani scholar Abū al-Sa'ūd (1491-1774) that reads:

Question: Zeyd hurts his wife Hind in many ways. If the *qadi* (judge) knows about it, is he able to separate Hind from Zeyd? Answer: He is able to prevent his hurting her by whatever means possible (Imber, 1997, as cited in Semerdjian, 2004, p. 121).

Hence the Ottoman courts decreed that an abused wife was able to annul her marriage contract and “the most important proof needed was to show that the husband had broken the marriage contract or that the marriage caused the woman harm” (Sonbol, 1996, as cited in Semerdjian, 2004, p. 121). Therefore, “physically assaulting a wife violates the marriage contract and is grounds for immediate divorce”. Furthermore, *shari'ah* records of Othman courts' contain evidence of “the ability of women to seek retribution when subjected to abuse”. In 1687 the *shari'ah* “courts of Aleppo ruled against abusive husbands in several cases of domestic violence” (Semerdjian, 2004, p.121). For example:

In one court case from May 1687 Fātima bt. Hajj 'Ali filed a lawsuit against her husband testifying that he was abusing her, he had hit her with a stick on her body and on her mouth causing her to bleed. She claimed that he was constantly abusive. In her defense [sic] she brought along five witnesses. The court reprimanded the abusive husband,

ordering that he be given *ta'zir* (discretionary corporal punishment) (Imber, 1997, as cited in Semerdjian, 2004, p. 121).

Consistent with the Ottoman *shari'ah fatwas*, the nineteenth-century Syrian jurist Ibn 'Abidin stated that *ta'zir* (discretionary corporal punishment) is mandatory for a “man who beats his wife excessively and ‘breaks bone’, ‘burns skin’, or ‘blackens’ or ‘bruises her skin’ ”. While Ibn 'Abidin does not “state what form the punishment should take”, there is evidence that “Muslim jurists repeatedly admonished men who committed violence against their wives and the *shari'ah* court upheld their position” (Semerdjian, 2004, p. 121).

Recently some contemporary scholars, such as Sheikh Al-Atrash from Al-Azhar University Egypt, have issued *fatwas* explaining that in the act of self defense a Muslim woman is permitted to use violence against her abusive husband (Abou el Magd, 2008), which is consistent with the law of self-defense in domestic violence situations under criminal law in the West (Alexander, 2002; Lanham, Bartal, Evans, & Wood, 2006). Such a *fatwa* draws inspiration from the idea that people are permitted to defend themselves from violence (IFA, 2009), even in their own homes as it contradicts the objectives of *shari'ah* mentioned earlier.

Clearly, the Islamic position is one where IPV is forbidden in the *Sunnah* as well as sanctioned against in legal texts. Accordingly, any violence and coercion used as a tool of control or subjugation in the home is construed as oppression and is unacceptable in Islam, even if sanctioned by cultural practices. Any form of violence that results in the shedding of blood, breaking bones or causing wounds requires *ta'zir* and is valid grounds for a wife to annul her marriage contract. So, if Islam condemns all forms of violence against women, what does verse 4:34 of the Qur'an sanction?

The Legal Implications of Verse 4:34

To distinguish between IPV and the legal meanings in verse 4:34, the following Arabic key terms found in the verse need to be understood in context: *qawwamuna*, *nushuzahunna*, and *wadribuhunna*. Before discussing the former two terms, it is prudent to demonstrate the problem with the conventional English translations of the term *wadribuhunna*. A recent translation by Ahmad Zaki Hammad (2007, p. 138) renders the meaning of *wadribuhunna* as “strike them with a light hand [*wadribuhunna*]. But if they obey you, then do not seek to go against them in any way. Indeed God is ever exalted, all great”. Abdalhaqq and Aisha Bewley (1999, p. 73), Muhammad Habib Shakir, Abdullah Yusuf Ali, Arthur J. Arberry, Muhammad Asad, and Mufti Muhammad Taqi Uthmani⁹ translate the contentious verb *wadribuhunna* as “beat them”. Taqi-ud-Din Al-Hilali and Muhsin Khan (1993, p. 131) translate it as “beat them (lightly, if it is useful)”, Irving (1998) says “and [even] beat them [if necessary]”, while Pickthall (1938) says it should mean “scourge them”. Hamza (2008) says it means “strike them, but not violently”. Clearly, there is disagreement on how best to translate *wadribuhunna*, but all translations give an explicit negative connotation and, read out of context, provide reasonable evidence for wife “beating”.

Few translators depart from the above conventional translation. Laleh Bakhtiar (2007) suggests that the word *wadribuhunna* should actually be translated to mean “to go away,” because “God would not sanction harming another human being except in war” (MacFarquhar, 2009). Bakhtiar adopts this translation and believes that it is appropriate based on the premise that the Prophet did not beat any of his wives when he had difficulties with them, and that the “beat” translation contradicts verse 2:231 of the Qur'an that a wife should not be mistreated after

being divorced. Given that there is no agreement on the translation of *wadribuhunna* it is necessary to look beyond English translations for a proper understanding of its legal meaning.

Meaning of *Qawwamuna*

It is important to understand the legal meaning of *qawwamuna* and *nushuz*, before any attempt is made to understand the meaning of *wadribuhunna*. Commenting on the meaning of *qawwamuna* with respect to verse 4:34, the classical scholar of Qur'anic exegeses (*tafsir*), Ibn Jarir al-Tabari [d. 923] said:

Allah, majestic be His praise, means by men are caretakers of women that they are in charge of their womenfolk, in disciplining and guidance, respecting the rights that they [women] owe to Allah and to them. Because of that by which Allah has favoured one over another means because of that through which Allah has favoured men over their wives, since men must give them their marriage payment (*mahr*) and spend of their wealth to support them, and save them their pains and effort: that is the favouring of Allah Most Blessed and Exalted of men over women, and is why they have become caretakers of them who have authority over them regarding those of their affairs that Allah has given them charge of ... (as cited in Keller, 1995).

Keller (1995), an Islamic law specialist, says that al-Tabari states that the reason for the revelation of this verse is that a man slapped his wife, and she went to the Prophet who wanted her to take retaliation against her husband by striking him back in reprisal. Meanwhile God revealed the verse about men being caretakers of women (Qur'an, 4:34). So the Prophet summoned the man, recited the verse to him and said, "I wanted one thing, but Allah wanted another". While this is the often-cited reason for the revelation of this verse, Keller points out that for religious purposes, this reason is not well-documented enough to rely on for the verse's interpretation and that al-Tabari's first interpretation is sounder.

Consistent with the interpretive principle established by scholarly consensus (*ijma*) of specialists of methodological bases (*usul*) of sacred law (Keller, 1995), the verse should be examined in the *generality* of its lexical significance, not the specificity of its historical context.

Hence, the 14th century Arabic grammarian and exegete Abu Hayyan al-Nahwi says of verse 4:34:

Because Allah Most High has mentioned [in preceding verses] the matter of men and women acquiring their appointed share and their estate-division inheritance, He [here] apprises them that men are in charge of the interests of women. Caretakers (*qawwamuna*) is an intensive form [indicating something done much]. Because Allah has favoured one over another means “because of Allah's favouring some men over others, this man having been given more sustenance (*rizq*) than that man, this man being better off than that one”. And because they spend of their property means “upon women”. The word *ma* [lit. what, translated above in the citation of al-Tabari as “because of that through which Allah has favoured,” and secondly, “because of what they spend”] is [rather] *ma masdariyya* or “the indefinite pronoun signifying a verbal noun” in both instances. [Thus meaning “because of Allah's favouring the one,” and “because of their spending of their property”] (as cited in Keller, 1995).

Hence, whenever a husband is unable to support his wife, he is no longer her caretaker. Consequently, all Muslim schools of jurisprudence state that a wife is no longer obliged to remain at home, and the *Shafi'i* school of thought states that she is entitled to have the marriage annulled if she wishes to do so. In summary, “he is no longer a caretaker or entitled to oblige her to remain at home because he has vitiated the objective of <http://www.q-news.com>/protecting her by marriage, for the aim of marriage is her security” (as cited in Keller, 1995). If a husband fulfils his religious obligations towards his wife, then he can be in “charge of her interests, supervision, and discipline” (Keller, 1995). Salman al-Oadah, a contemporary Islamic law scholar summarizes the legal implications of *qawwamuna* as :

Men are held liable for handling the affairs of women and are responsible for the women under their care. A husband, therefore, has the responsibility of taking care of his wife, protecting her, defending her honor, and fulfilling her needs regarding her religion and her worldly life. It does not mean – as all too many people have falsely assumed – that he has the right to behave obstinately towards her, compel her, subject her to his will, suppress her individuality, and thus heinously negate her identity (Al-Oadah, n.d.).

The Meaning of *Nushuz*

There is disagreement among classical and contemporary scholars about the meaning of *nushuz* in verse 4:34. This word is often translated into English to mean “disobedience” (Bewley & Bewley, 1999, p. 73), “flagrant defiance” (Hammad, 2007, p. 138), “ill-conduct” (Al-Hilali & Khan, 1993, p. 131), and “misbehavior” (Murad, Badawi, & Hutchinson, 2000, p. 84). As with the English translations of the word *wadribuhunna*, *nushuz* needs to be understood in context.

Yuksel (n.d) explains that the “intended meaning of the verb cannot be separated from the other aspects of the same verse referring to *nushuzahunna*,” which should be more accurately translated as “disloyalty” (within marriage). Other Muslim scholars define *nushuz* as a severe act of disobedience that threatens the sanctity and continuation of marriage, considering that the marital bond is a pledge (Qur’an, 4:21) entered into by both partners (AbuSulayman, 2003).

Further, the 13th century classical scholar, judge, and Qur’anic exegete Imam Baydawi defined *nushuz* as “disobedience” (Abou El Fadl, 2006). The 12th century jurist Ibn Rushd said that “a *nashiz* is a deviant woman who refuses to pray, fast, or cleanse herself from impurities” (Abou El Fadl, 2006, p. 109). Since the word *nushuz* is also used in the Qur’an (4:128) to describe men’s behavior, should the meaning of “disobedience” be applicable to a husband also? Likewise, if *nushuz* means arrogance, defiance, and disobedience in the case of the wife, does it mean the same thing in the case of a husband? In response, Muslim jurists stated that “*nushuz*, in the case of a wife, means disobedience, and in the case of a husband, means a grave and known sin (*fahisha mubina*)” (Abou El Fadl, 2006, p. 110). However, is it not possible that *nushuz* in the case of a wife should also mean a “grave and known sin,” and not simply “disobedience”? Abou El Fadl believes that this is a plausible meaning particularly if we take the farewell sermon by Prophet Muhammad into account where he declared:

O people, I command you to treat women with kindness for they are your support. You have no other rights over them unless they commit a grave and known sin (*fahisha mubina*). If they do, abandon them in beds and beat them lightly, but if they comply do not transgress against them (Abou El Fadl, 2009, p. 110).

If the Prophet used the expression *fahisha mubina* (a grave and known sin) to mean *nushuz*, then *nushuz* in verse 4:34 cannot simply mean “disobedience” of the wife but a “grave sexual sin”, or “sexual lewdness” (Abou El Fadl, 2009, p. 110). Haddad (2000) agrees that *nushuz* in the verse is a euphemism for adultery because a wife’s primary marital responsibility is spelled out in the *hadith* as “not allowing whom you hate to enter your bed or your house”. Therefore, *nushuz* refers to some serious level of misbehavior which could threaten the continuation of the marriage, not just some minor annoyances and the natural give-and-take between partners. The issue of *nushuz* is particularly important in Islamic law as this is the one condition where jurists agree that the wife revokes her right to maintenance by her husband (Abd al Ati, 1977, pp. 157-159), and where the imperative *wadribuhunna* may be practiced. But what exactly is meant by *wadribuhunna*?

The Meaning and Legal Application of *Wadribuhunna*

Haddad (2000) reiterates that wife beating is clearly outside the teachings of Islam, and that verse 4:34 does not refer to permitting violent acts against women, emphasizing that those claiming that Islam sanctions wife beating have decontextualized the verses and misrepresented Islam entirely. Haddad indicates that the verse 4:34 does not imply physical beating, since the Arabic root word of the verb *wadribuhunna* is also used to indicate washing the face with water and to travel the earth. When asked if *wadribuhunna* in 4:34 is interpreted as a command or a recommendation, he responds “Not even a recommendation” quoting Al-Shafi’i’s argument “*wa al-darbu mubah, wa al-tarku afdal* - and hitting is permitted, but not hitting is preferable” (Haddad, 2000).

Furthermore, Haddad argues that in this context the final pilgrimage sermon of Prophet Muhammad needs to be understood, wherein the Prophet explains, “My last recommendation to you is to treat women well. Truly they are your helpers and you have no right over them beyond this, except if they commit clear indecency (adultery). If they do this then refuse to share a bed with them and beat them without indecent violence (*fadribuhunna darban ghayra mubarrih*)”. The final wording “*ghayra mubarrih*” means without violence or intensity. To elaborate further, “*Mubarrih*” is defined as “violent, intense, severe, acute, sharp, excruciating, tormenting, and agonizing”. Al-Tabari states that “*ghayr mubarrih* means *ghayr sha’in*, which means not disgraceful, outrageous, obscene, and indecent [beating]” (Haddad, 2000). Thus, any Muslim who beats his wife violently or causes injury commits a grave sin and should be held accountable. Therefore, Haddad concludes that it is incorrect to assume that Islam permits wife beating.

Abou El Fadl (2006) attempts to provide a context and rationale for the meaning of the term “beat” or “*daraba*” in Arabic, by presenting the bigger picture of Islam. Wherein the overall ethos of Islamic law does not permit violence generally (less so against other Muslims) how could it be sanctioned as a normal, permissible practice against women, or wives? He argues that the meanings concerning “beating” in verse 4:34 must be examined within the context of other verses of the Quran, *hadith*, and how scholars have understood them. Thus *wadribuhunna* referred to in the verse is only relevant in the situation where a married woman has committed open adultery and that to “beat” a woman simply because she is disobedient cannot possibly be a legitimate understanding. He states that the greater *maqasid* or higher objectives of Islamic law regarding marriage indicate that the beating of women is forbidden in Islam; that the *wadribuhunna* referred to in 4:34 has specific conditions and is to be used only in certain

situations. Many Prophetic traditions generally relating to beating and violence in Islamic law support this view. Thus, IPV is a *separate issue* from the context of the verse and such actions should be condemned unconditionally.

Abou El Fadl (2006) alludes to the fact that the word “beat” (e.g., as used in “to beat around the bush” or “beat it”) in English has many meanings, indicating that “beat” and “strike” in English are not simply limited to violence inflicted with the hands. It is in the same light that he examines the meaning of the Arabic verb used in verse 4:34, stating that “*daraba*” can cover an equally wide range of meanings. These include: to travel, to get out, to strike or beat, to set up or establish, to give, to condemn, to ignore, to seal, to cover, and to explain, among other meanings, stating that typically this verb has a lot of associated meanings in any dictionary. Consistent with this contextualization, those who render the English translation of *wadribuhunna* to mean beat/strike/scourge argue that it should “not be on the face, or cruelly, or with anything which might leave a mark on the body”, and that “his strokes should be symbolic, the law forbids that which leaves bruises or other marks” (Murad, Badawi, & Hutchinson, 2000). In other words the “beating” is conditional, and is “symbolic” as argued by Murad, Badawi, and Hutchinson: If a man has to administer physical correction to a wife, his strokes should be symbolic, the law forbids that which leaves bruises or other marks. A wife with a complaint against her husband’s treatment may apply to a magistrate to deal with the matter (Murad, Badawi, & Hutchinson, 2000, p. 84).

There is agreement that if all fails a husband may “discipline” his wife when there is clear evidence that she has committed *nushuz*, through a symbolic hitting that is not humiliating, injurious, or deformative. This symbolic “hitting” should be with a *miswak* (a small natural toothbrush not thicker than the index finger; Ibn Kathir, 2000), or a folded handkerchief, but with

the proviso that this symbolic “hitting” should be *ghayr mubarrih*. Additionally, the symbolic “hitting” should not be on the face for it is prohibited in the *shari’ah* to hit anyone on the face; a sinful act that requires monetary compensation (*qawad*).

Al-Qaradawi (1982), describes “beating” to be permissible (if all other measures fail) only in some extreme cases of a wife’s rebellion. He defines it as beating *lightly with the hands*, avoiding the face and other sensitive parts. He stresses that in no cases should the husband resort to a stick or any other instrument that might cause pain and injury (Al-Qaradawi, 1982, p. 205). Badawi states that under no circumstances does the Qur’an encourage, allow, or condone IPV, but in extreme cases in an effort to salvage a marriage the husband may administer a “gentle tap with a *miswak*” without causing any physical harm to the body or leaving any mark; stressing that this option is a last resort after exhausting all other prerequisite steps (Badawi, 1995, p. 13).

Yet other scholars like Taha Jabir Alalwani and Maher Hathout, hold the view that even light tapping is not appropriate (FTI, 2007). They argue that verse 4:34 should be interpreted in light of the historical and environmental context. Taking it as an absolute to apply to any time or any person is erroneous, given that the Qur’an orders one to live with his wife in kindness and equity. These scholars also argue that to interpret the word *wadribuhunna* to mean “hitting” is to err with the practice of the Prophet who during a severe situation of marital discord, practiced a period of separation (or boycott) from his wives, which renders the meaning of *wadribuhunna* to “boycott them” and not “beat them”.

It is evident from the above discussion that no classical or contemporary Muslim scholar has ever argued that *wadribuhunna* actually means “beat” your wives, despite the fact that this is how English translations render the meaning. In fact, these scholars made every attempt to stipulate strict conditions to govern the actual process of *wadribuhunna*, which in any case is

understood to be a last resort in a marriage that has become seriously dysfunctional due to the *nushuz* of the wife. By extension, under no other circumstance can a husband inflict any type of abuse on his wife, regardless of social, psychological, or cultural influences that may be imposed on the husband.

Additionally, and to make matters more stringent, during the gradual three steps of reconciliation specified in verse 4:34, it is emphatically stressed that if marital harmony is restored following any of the first or second steps (before *wadribuhunna*), then it is legally binding on the husband “not to engage in any further acts that may annoy the wife” (Badawi, 2007, p. 424). If the husband abuses this legal guideline by resorting to the second or third step where the first suffices, then his action is prohibited and he is liable to pay compensation under Islamic law (Abd al Ati, 1977, p. 158). All of these steps are articulated in verse 4:34 and elaborated by Islamic law, to safeguard the wife from being abused when in a state of *nushuz*. Under no other circumstance is the imperative *wadribuhunna* applicable for it goes directly against verse 4:34 and Islamic law.

In cases where all these three measures fail, then to rescue the collapsing marriage and secure the rights of each spouse, the Qur'an provides a just arbitration system in verse 4:35 with the condition that both parties must have the desire for reconciliation:

And if you fear a breach between the two, then appoint a judge from his people and a judge from her people; if they both desire agreement, God will effect harmony between them, surely God is Knowing, Aware (Qur'an, 4:34).

This arbitrary system is particular to the issue of *nushuz* and in no way implies a situation of IPV. In situations where a wife's safety may be at risk as a result of IPV, this process of arbitration may place the wife at further risk, which is why a desire for reconciliation is stressed in verse 4:35, implying a process that has overcome any danger that may exist. It seems that the

method the Qur'an uses is more results-oriented than dogmatic, where both parties are dealt with equitably and with justice. If reconciliation with the help of arbitrators from each side fails, and marital harmony does not seem to be restorable, then the couple may seek divorce. Even at this stage, the Qur'an directs the husbands "not drive them (the wife) out of their houses, nor should they themselves go forth, unless they commit an open indecency" (Qur'an, 65:1). Also, husbands should not use divorce as an excuse to harm the wife in any way, rather the injunction is to "retain them with kindness or divorce them with kindness" (Qur'an, 65:2), and:

Lodge them where you lodge according to your means; and do not injure them in order that you may straighten them; and if they are pregnant, spend on them until they lay down their burden; then if they suckle for you, give them their recompense and enjoin one another among you to do good; and if you disagree, another (woman) shall suckle for him (Qur'an, 65:6).

When the classical Muslim jurist Ibn Rushd was asked whether a man who caught his wife performing lewd acts with a foreign man in bed could beat his wife and imprison her, he responded that the husband may forgive his wife or divorce her and anything beyond that would be considered a transgression (Abou El Fadl, 2006). This is based on Qur'an 2:231, "And when you divorce women and they reach their prescribed time, then either retain them in good fellowship or set them free with liberality, and do not retain them for injury" and Qur'an 65:2 mentioned earlier. Given the above, it seems evident that wife beating is not only "immoral", but is inconsistent with *maqasid*, namely, the preservation of life, honor, and intellect. It is also inconsistent with the Prophet's example and many traditions that describe beating as "hateful and detestable" (as cited in Abou El Fadl, 2009, p. 111).

Clinical Implications for Marriage and Family Therapists

This article establishes the prohibition of wife abuse, including wife beating. A proper understanding of the arguments established in this article is undoubtedly important for

practitioners to inform practice efficacy with Muslim clients. Once the practitioner recognizes that Islamic law in general, and verse 4:34 of the Qur'an in particular, does not sanction IPV or wife beating, he or she can intervene to prevent future IPV-related injuries. Understanding the distinction between IPV and *nushuz* provides practitioners with the necessary knowledge to contextualize a client's specific case, especially if verse 4:34 is quoted as religious evidence for wife beating by perpetrators (FTI, 2007). Since IPV cannot be sanctioned under any circumstances in Islam, perpetrators should be held accountable for their violent behavior rather than being allowed to masquerade behind their misuse of religious texts and awareness created for victims on how faith can be used against them as a means of maintaining power and control over them (FTI, 2007; Hassouneh-Phillips, 2003). Thus, increasing awareness of the contexts in which IPV occurs in diverse cultural settings is important in improving the health and well-being of IPV victims (Hassouneh-Phillips, 2001).

Practitioners can facilitate an informed understanding of kind treatment, gentleness and care of women and wives required under Islamic law by encouraging couples to draw on their religious beliefs, texts, practices, leaders, and religious communities to assist them in preventing, addressing, and reconciling marital conflict (Ellison et al., 2007; Lambert & Dollahite, 2006). As an effective clinical tool, and to optimize healing, it would be conducive for practitioners to recognize that religious factors play an essential part in the way a religious client may cope at times of difficulty to resist and recover from abuse (Gillum, Sullivan, & Bybee, 2006; Hassouneh-Phillips, 2003).

Practitioners also need to recognize the integral role that Muslim scholars, imams, and leaders can play in the prevention or intervention of cases of wife beating, given that they are often solicited in the decision-making process in such cases (Ibrahim, 2001; Potter, 2007).

Therefore, an effective resolution for IPV issues in Muslim families would see a reconciliation of services provided by practitioners and Muslim leaders facilitating a process of referral and treatment.

As some clients go through a crisis of faith at times of abuse, the role of the practitioner is important in sorting through the client's complex emotions of confusion, anger, guilt, fear, and sadness as a result of IPV (Gillum et al., 2006). Without a value-based practice that respects and is sensitive to Islamic principles and teachings, it is possible that practitioners may fail in providing proper treatment. In certain Muslim societies it is important for practitioners to help victims and perpetrators identify cultural practices that are contrary to legitimate Islamic principles, and not to confuse cultural customs with religious teachings and core spiritual concepts (Hassouneh-Phillips, 2003).

Conclusion

There are many factors that contribute towards IPV. Research shows that religion can be a protective factor in preventing violence against women, and Islam is no exception. This article demonstrated that Islamic law and views of leading jurists and scholars are clearly against all forms of IPV, as it creates havoc in marital harmony. Verse 4:34 does not condone violence against women, and a proper understanding of its implications can only be achieved through a contextual deliberation of the verse. Verse 4:34 addresses a specific case of *nushuz* and a proper understanding of what constitutes *nushuz* is vital. English translations of the contentious word *wadribuhunna* must not mean "beat them", or anything similar, for this gives a misleading connotation to the legal meaning and intended implication. Within the Muslim community, there are individuals who are unaware of the actual intent of verse 4:34. Many of the cases of wife beating (in particular) can be invalidated by a proper understanding of the intent of the verse.

The objectives of the *shari'ah* are to protect life and foster marital harmony, not condone violence. Similarly, verse 4:34 can only be utilized to foster marital harmony and to prevent marital breakdown when there is an established case of *nushuz*.

On the arguments presented, it is safe to postulate that it is not Islamic law that is the cause of IPV found in Muslim societies, but that others factors are at play, including cultural norms and practices, heterogeneous influences (such as race, cultural themes and values, class, language, socioeconomic status, nation of origin, migration pattern, age, and strength of religious beliefs) and misinterpretation (and, indeed, mistranslation) of verse 4:34. The cultural norms and practices of some Muslims, particularly those from strongly patriarchal societies, may assign an inferior status or secondary role to women that may subject some women to abuse in their relationships. It is our contention therefore, that most of the cases of wife abuse can be explained by the husband's ignorance of the basic teachings of Islam on the kind and just treatment of women. Concurrently, the imposition of unfair imported cultural norms and practices that counteracts religious teachings can often be aimed at subjugating women in some Muslim families. Possibly, the problem is not only with the ignorance of basic teachings of Islam, but also with the pseudo and inappropriate application of verse 4:34. To fully understand the meaning of *wadribuhunna* in 4:34, a contextual deliberation of the verse together with the law of the land is necessary. In Western countries, and in countries where the laws forbid violence against women, Islamic law respects and embraces these laws to make such acts completely prohibited. In seeking ways to prevent or reduce cases of IPV, it is important to develop culturally and religiously value-based treatment models that are sensitive to the needs of culturally and religiously driven communities by taking into consideration the correct understanding of religious texts.

Notes

¹Intimate partner in the Muslim societies can only be married partners, given the Islamic prohibition of relationships outside of marriage (Al-Qaradawi, 1982).

²To obtain a complete picture of the violence, it is important to view it in the context of these inter-related factors where the socio-cultural context of the relationships influences the individual life realities, meanings attributed and behaviours within it. It is the socio-cultural context that identifies the complex system of beliefs, values and formal and informal norms (among other things) that regulate human relationships in a particular situation. Culture, in this article, refers to those prevailing customary practices, norms and/or beliefs that may be different to religious beliefs and teachings. For example, if a particular culture's views of IPV as part of male supremacy are culturally acceptable and a normal part of marriage, such incidents are less likely to be reported (Antai & Antai, 2008).

³Other related terminology used in literature to indicate IPV includes domestic violence and spouse abuse. For the sake of consistency this article will use intimate partner violence to refer to violence experienced by female victims by an intimate male partner.

⁴Such as *International Violence Against Women Survey (IVAWS)*, *National Crime Victimization Survey*, *Women's Safety Survey* and *Personal Safety Survey*

⁵ Such as the *Uniform Crime Reports (UCR)* which encompasses the *Supplementary Homicide Reports (SHR)* and the *National Crime Victimization Survey (NCVS)*

⁶ *Hadith* (pl. *ahadith*) is the compilation of oral tradition relating to the words, deeds and silent approvals of the Prophet Muhammad and is regarded as an important tool for determining the Muslim way of life by all traditional schools of Islamic jurisprudence (Omran, 1992). It is the second most sacred text and the second primary source of Islamic ethics, beliefs and practices. There are six major collections of *ahadith* named after the collectors that include *Sahih Bukhari*, *Sahih Muslim*, *Sunan Abu Daud*, *Sunan al-Tirmidhi*, *Sunan al-Nasa'i* and *Sunan Ibn Maja*. *Ahadith* serve as proper codes of conduct and provides Muslims with a model to emulate. A large number of *ahadith* concern social behaviour (Saeed & Akbarzadeh, 2001).

⁷ For text of Prophet Muhammad's words in farewell pilgrimage please refer to Abu Khalil (2003). p. 249.

⁸ The marriage contract is considered to be a covenant that two people make with Allah (Qur'an, 4:21; *Sahih Muslim*).

⁹ For all these translations into English, see <http://altafsir.com/> under Translations.

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