

MANAGING DOMESTIC VIOLENCE

Islamic Religious Perspective

Z. Kamaruddin, R. Abdullah, and I. Ramzy[♦]

Abstract: Domestic violence is one of the most wide spread crimes in the contemporary society, irrespective of race, ethnicity, country, religion, and culture. The causes and reasons for domestic violence have been discussed quite extensively. The vindication of violence against women based on religious affiliation and a high rate of partner violence among particular religious communities has led social scientists to consider religion as a reason for violence in the family. In the case of Muslims, the verse 4:34 in the *Qurān* is identified as potentially influential. This has challenged the primary narrative of Islam as a religion that promotes peace and harmony. This article examines domestic violence in the context of religious teachings across cultures with special reference to Islam. The Malaysian experience in domestic violence found that confusion in interpreting the religious text with cultural affiliation contributes to domestic violence rather than the spirit of the religion itself. This paper proposes a contextual reading of texts to remedy such confusion - especially regarding verse 4:34 - while underlying socio-cultural and political conditions.

[♦]**Zaleha Kamaruddin** (Co-Author) is the Rector of the International Islamic University Malaysia (IIUM). She is a Professor of Law. Her area of interest includes Islamic Family Law, women rights, rights of the child, and administration of Islamic law. **Raihanah Abdullah** (Co-Author) is Associate Professor at the Department of Shariah and Law, Academy of Islamic Studies (API), and the Dean, Research Cluster, University of Malaya (UM). Her areas of interest are Islamic Family Law, Islamic Law and Gender and Islamic Law and Society. **Ismath Ramzy** (Corresponding Author) is a Research Fellow at the Centre for Civilisational Dialogue, University of Malaya (UM), Malaysia. His interest includes multiculturalism, peaceful co-existence, and religious dialogue.

Methodologically, this article primarily employs textual analysis with the support of empirical data.

Keywords: Dialogue, Domestic Violence, Interpretation, Islam, Religion, Women

1. Introduction

Despite substantial efforts taken to put a halt to domestic violence, statistics show an increasing annual trend.¹ 35 studies from various countries show that 25% to 50% of women have been physically abused by their partner.² According to Gillian Guy, Citizens Advice chief executive in the United Kingdom, this situation will worsen in the future.³ On December 19, 2012, the Malaysian Prime Minister's wife, Rosmah Mansor, launched the 'Say No to Violence against Women'⁴ campaign to counter the negative impact domestic violence on families as well as on national development.

Domestic violence is one of the greatest challenges for the family institution in both developed⁵ and developing countries.⁶

¹Alexandra Topping, "Domestic Violence Figures Are Disturbingly High," *The Guardian*, 7 March 2013, <<http://www.theguardian.com/society/2013/mar/07/domestic-violence-figures-citizens-advice>>; Beck Eleven, "Domestic Violence on the Increase," *Follow the News*, 20 July, 2011, <<http://www.stuff.co.nz/the-press/news/10286094/Domestic-violence-on-the-increase>> (11 November 2014).

²Yut-Lin Wong, and Sajaratulnisa Othman, "Early Detection and Prevention of Domestic Violence Using the Women Abuse Screening Tool (WAST) in Primary Health Care Clinics in Malaysia," *Asia-Pacific Journal of Public Health* 20, 2 (2008), 102-116.

³Topping, "Domestic Violence."

⁴The campaign was organized by Ministry of Women, Family and Community Affairs.

⁵Janice Joseph, "Agency Response to Female Victims of Domestic Violence: The British Approach," *Criminal Justice Studies* 19, 1 (2006), 45-60., and Christopher G. Ellison, John P. Bartkowski, and Kristin L. Anderson, "Are There Religious Variations in Domestic Violence?" *Journal of Family Issues* 20, 1 (1999), 87-113.

It is an ‘invisible crime’ that occurs in each and every society,⁷ every 6 to 20 seconds.⁸ The British police receive one call related to domestic violence every minute.⁹ The report also says that two women are killed through domestic violence every week.¹⁰ According to Joseph, domestic violence makes up 25% of all violent crimes and is the most prevalent form of violence in the United States.¹¹ It is estimated that physical violence occurs among 28% of US couples while severe violence among them reaches 3% to 10%.¹² Moreover, five out of every six homeless families are not able to escape domestic violence;¹³ and it is estimated that one-third of children in the world live with their abused mothers.¹⁴

It raises the question as to whether Islam provides room for perpetrators to justify their violent activities against women.

⁶Thomas Reuters, “The World’s 5 Most Dangerous Countries for Women: Thomson Reuters Foundation Survey,” <<http://www.trust.org/spotlight/the-worlds-most-dangerous-countries-for-women-2011/>> (11 November, 2014).

⁷Joseph, “Agency Response to Female Victims.”

⁸Zainab Alwani, “Family Relationship: An Islamic Perspective,” in M. B. M. D. Ahmed, ed., *Domestic Violence Cross Cultural Perspective*, North Texas: MCC for Human Services, 2009, 32-45 and Zainab Alwani and Salma Abugideiri, *What Islam Says About Domestic Violence: A Guide for Helping Muslim Families*, Herndon: Faith-Foundation for Appropriate and Immediate Temporary Help, 2003.

⁹Joseph, “Agency Response to Female Victims.”

¹⁰Joseph, “Agency Response to Female Victims.”

¹¹Joseph, “Agency Response to Female Victims.”

¹²Ellison, Bartkowski, and Anderson, “Are There Religious Variations in Domestic Violence.”

¹³Catriona Mirrlees-Black, “Domestic Violence: Findings from a New British Crime Survey Self-Completion Questionnaire,” UK Home Office Research Study 191, (1999) <<https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=178705>>

¹⁴Sylvia Walby and Jonathan Allen, “Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey,” UK Home Office Research Study 276, (2004) <<http://www.avaproject.org.uk/media/28792/hors276.pdf>>

Infact, the traditional methods, based upon a literal and de-contextualized, interpretation to the verse 4:34 of the *Qurān*, high rate of partner violence among the Muslims and authentication of violence on religious ground heartened this hypothesis. It also challenges the primary message of Islam that is peace and harmony within and without.

Islam, particularly, the *Qurān* does not encourage violence, especially violence in the family. However, failure to consider the context in interpreting the texts of the *Qurān* and Hadith provided an opportunity to the perpetrators of violence to authenticate their violent behaviour and led some Muslim scholars to endorse it. Hence, enough consideration on contextual reading of the *Qurān* not only rejects violence in the family but also shows a plan to combat domestic violence in the framework of Islam.

2. Partner Violence in Muslim Countries

Thomson Reuters Foundation Global Poll of Experts report indicates that women in Muslim countries are more vulnerable than in Western Countries. Afghanistan, Pakistan and Somalia have been identified as the most dangerous countries for women.¹⁵ The report of the United Nations Entity for Gender Equality and the Empowerment of Women also indicates that the highest rate of domestic violence occurs in Muslim countries.¹⁶ Five Muslim countries, namely Bangladesh, Uganda, Somalia, Turkey and Tajikistan recorded more than 36% incidences of domestic violence. A survey conducted in Bangladesh has shown 47% of married women experienced physical violence at the hands of their husbands. In addition, domestic violence appears to be an important cause of maternal

¹⁵Thomas Reuters, "The World's 5 Most Dangerous Countries for Women."

¹⁶Patricia Tjaden, and Nancy Thoennes, "Full Report of the Prevalence, Incidence, and Consequences of Violence against Women: Findings from the National Violence against Women Survey," *Research Report*, National Institute of Justice, Washington, DC: United States Department of Justice, 71 (2000) <<http://www.nij.gov/pubs-sum/183781.htm>>

mortality in Bangladesh.¹⁷ A 2009 study conducted by the General Directorate of the Status of Women (KSGM) shows that 39% of women in Turkey are reported to have experienced physical violence.¹⁸ In Pakistan, domestic violence is recorded as a more common cause of injury than rapes and road accidents.¹⁹ The report submitted to the U.S. Department of Justice indicates 64.3% of Pakistani women have been struck, beaten, or abused sexually.²⁰ Khalid Ranjah, Pakistan’s Minister for Human Rights, conceded that violence against women remains a problem despite the introduction of harsh sentences, including the death penalty.²¹

Nigeria is another country where a high level of domestic violence has been recorded.²² A study reports that 31% of Nigerian women have been physically abused at least once in

¹⁷V. Faveau, et al., “Causes of Maternal Mortality in Rural Bangladesh, 1976–1985,” *Bulletin of the World Health Organization* 66, 5 (1988), 643-651; Carine Ronsmans, and Myriam Khat, “Adolescence and Risk of Violent Death During Pregnancy in Matlab, Bangladesh,” *The Lancet* 354, 9188 (1999), 1448.

¹⁸ICON-Institut Public Sector GmbH, “National Research on Domestic Violence against Women in Turkey” (Summary Report), Hacettepe Institute of Population Studies and BNB, Ankara, 2009, <http://www.hips.hacettepe.edu.tr/eng/dokumanlar/2008-DVAW_Summary_Report.pdf>

¹⁹ICON-Institut Public Sector GmbH, “National Research on Domestic Violence against Women in Turkey.”

²⁰Mieko Yoshihama, et al., “Life Course Experiences of Intimate Partner Violence and Help-Seeking among Filipina, Indian, and Pakistani Women: Implications for Justice System Responses,” National Institute of Justice (2011) <<https://www.ncjrs.gov/pdffiles1/nij/grants/236174.pdf>>

²¹Alexandra Zavis, “Pakistani Government Fails to Protect Women,” *TCU Skiff*, 18 April 2002 <http://www.skiff.tcu.edu/spring_2002/041_802/govt.html>

²²F. Omorodion, “The Social Context of Wife Battering,” in *Unequal Rights: Discriminatory Laws and Practices against Women in Nigeria*, ed., Josephine Effah, et al., Nigeria: Constitutional Rights Project, 1995.

their lifetime.²³ The picture is almost similar in the Middle East. According to Ebtisam Halawani of King Abdul Aziz University, 50% of marriages in Saudi Arabia end in divorce due to ill treatment and violence.²⁴ The Egypt Demographic and Health Survey reported that one out of every three married Egyptian women had been physically abused at least once.²⁵

Domestic violence is a common way of life among Muslims in Muslim minority countries also. A qualitative research conducted at the Oregon Health Sciences University reveals that domestic violence is a widely accepted practice among US Muslims.²⁶ It is almost similar to the condition among Muslims in India.²⁷

3. Islam and Partner Violence

There are many reasons for domestic violence: low self-esteem, extreme jealousy, difficulties in anger management and inferiority complex are a few among them. The explanations of the cause of violence have developed within a wide variety of disciplines including sociology, psychology, criminal justice, public health, and social work. Consequently, there are a

²³O. Odujinrin, "Wife Battering in Nigeria," *International Journal of Gynecology and Obstetrics* 41, 2 (1993), 159-164.

²⁴Somayya Jabarti, "Alarming Divorce Rate; Must Be Addressed Urgently," *Arab News*, 24 October 2003 <<http://www.arabnews.com/node/239330>>

²⁵Fatima El-Zanaty and Ann Way, *Egypt Demographic and Health Survey 2005*, Cairo: Ministry of Health and Population, National Population Council, El-Zanaty and Associates, and ORC Macro, 2006, 208.

²⁶Dena Hassouneh-Phillips, "Polygamy and Wife Abuse: A Qualitative Study of Muslim Women in America," *Health Care for Women International* 22.8 (2001), 735-748.

²⁷Harihar Sahoo, and Manas Ranjan Pradhan, "Domestic Violence in India: An Empirical Analysis," New Delhi: INDE: Serials 89 (2009), 303-321 and L. Visaria, *Violence against Women in India: Evidence from Rural Gujarat. Domestic Violence in India: A Summary Report of Three Studies*, 1999, 14-25.

number of competing theories²⁸ on the two distinct forms of violence, namely the common couple violence and patriarchal terrorism. A survey on the theoretical explanations focused on the characteristics of the perpetrator has identified fifteen theories which can be discussed under three broad categories: intra-individual theory, socio-psychological theory, and socio-cultural theory.²⁹ A distinction has also been made between micro and macro-oriented theories.³⁰ Robert E. Emery and Lisa Laumann-Billings have studied these factors under four categories: (a) individual characteristics, (b) the immediate social context, (c) the broader ecological context, and (d) the societal and cultural context.³¹

Socio-cultural reasons focused on the acceptability of violence as a means to resolve conflict³² are considered in this research. Even though the perpetrator learns violent behaviour from his family, friends and community,³³ endorsement of such an attitude by religion³⁴ creates tension among the women. Gelles underlined the influence of religion and culture in

²⁸M. P. Johnson, “Patriarchal Terrorism and Common Couple Violence: Two Forms of Violence against Women,” *Journal of Marriage and the Family* 46 (1995), 11-19.

²⁹Richard J. Gelles and Murray A. Straus, “Violence in the American Family,” *Journal of Social Issues* 35, 2 (1979), 15-39.

³⁰Ola W. Barnett, Cindy L. Miller-Perrin, and Robin D. Perrin, *Family Violence across the Lifespan: An Introduction*, New Delhi: Sage, 2010.

³¹Robert E. Emery and Lisa Laumann-Billings, “An Overview of the Nature, Causes, and Consequences of Abusive Family Relationships: Toward Differentiating Maltreatment and Violence,” *American Psychologist* 53, 2 (1998), 121-135.

³²UNICEF and Innocenti Research Center, “Domestic Violence against Women and Girls,” *Innocenti Digest* 6 (2000), 7.

³³T. Goldsmith, “What Causes Domestic Violence?” *Psych Central*, 2006 <<http://psychcentral.com/lib/2006/what-causes-domestic-violence/>>

³⁴J. M. McAllister and A. Roberts-Lewis, “Social Worker’s Role in Helping the Church Address Intimate Partner Violence: An Invisible Problem,” *Social Work and Christianity* 37, 2 (2010), 161-187.

domestic violence in a New England community.³⁵ Brikferhoff, Gradin and Lupri discussed the link between religion and self-reported perpetration of spousal abuse in Canada.³⁶ Lisa Hajjar, in her study on the reformation effort of the Moroccan government in women's affairs, including the Code of Personal Status (*Mudawwana al-Ahwél al-Shakísiyyah*), highlighted the influence of religion in domestic violence.³⁷ Anton Blok and Nigel Rapport³⁸ respectively accentuated it again in their studies. The acceptance of violence against women in the *Qurān* and widespread practice of violence against women among Muslims led social scientists to conclude that Islam is the religion promoting extremism and violence.

The *Qurānic* verse 4:34 is believed by many to be a divine sanction of wife beating in Islam:

Men are the protectors and maintainers of women because Allah has made one of them excel over the other, and because they spend out of their possessions (to support them). Thus righteous women are obedient and guard the rights of men in their absence under Allah's protection. As for women of whom you fear rebellion, admonish them, and remain apart from them in beds, and beat them. Then if they obey you, do not seek ways to harm them. Allah is Exalted, Great.

Silas studied this verse in the light of the Hadith, *Seera* (biography) of Prophet Muhammad (saw), and said that a woman in Islam is inferior to a man. Thus, a man is allowed to

³⁵Christopher G. Ellision, John P. Bartkowski and Kristin L. Anderson, "Are There Religious Variations in Domestic Violence?" *Journal of Family Issues* 20, 87 (1999), 87-113.

³⁶Ellision, Bartkowski and Anderson, "Are There Religious Variations in Domestic Violence?"

³⁷Lisa Hajjar, "Religion, State Power, and Domestic Violence in Muslim Societies: A Framework for Comparative Analysis," *Law and Social Inquiry* 29, 1 (2004), 1-38.

³⁸Nils Zurawski, "Book Review: Meanings of Violence: A Cross-Cultural Perspective," *The Global Review of Ethnopolitics* 1, 2 (2002), 107-132 and J. B. Allcock, "Book Review: Meanings of Violence: A Cross Cultural Perspective," *Anthropological Theory* 1, 4 (2001), 497-498.

discipline his wife, as her superior and he also has the authority to beat her if he feels she is being disobedient.³⁹ Thus, according to him Muslim women are victims as far as they are religious. As shown above, the high rate of partner violence among Muslims and perpetrators’ excuses of violence on religious grounds fortifies this claim.

Indeed, affiliation of religion with partner violence not only creates legal tension between common law and *Shariah* law but also challenges the primary message of Islam, which is peace and harmony. The excuse of violence in a family on religious grounds contradicts the common law that defines “any threatening behaviour, violence or abuse between the partners as crime.”⁴⁰ Under this legal ruling, threatening behaviour among the partners – whether physical, verbal, or psychological – is considered as violence. Perpetrators would face legal consequences while the *Qurān* seems to endorse violence against women by encouraging men to chastise their women using violent methods. In this view, perpetrators are merited for their violent behaviour from God as they are following His commands. Therefore, Muslims in non-Muslims countries are seeking solutions for domestic violence, harmonizing the tensions between common law and Islamic law while defending the Islamic message of peace and harmony in all walks of life.

As a point of fact, ignoring some aspects in understanding the solution given in the verse 4:34 of the *Qurān* has not only led Muslim scholars to endorse violence among partners, but has also created a vicious image of the *Shariah* among non-Muslims, all the while also providing religious perpetrators of domestic violence an authentication for their violent attitude.

³⁹B. Silas, “A Rebuttal of Jamal Badawi’s ‘Wife Beating’,” *Journal of Biblical Apologetic* 8, 5 (Spring 2003), 104-110.

⁴⁰“Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality.” See: J. Du Plat-Jones, “Domestic Violence: The Role of Health Professionals,” *Nursing Standard* 21, 14 (2006), 44-48.

Azizah Y Al-Hibri reports incidences in which some Muslim and Christian religious leaders in the United States did not support victims in domestic violence, claiming that men have the right to 'chastise' their wives.⁴¹ On 5 October 2004, France expelled Algerian-born Imam Abdel Qader Bouziane for telling a French magazine that Muslim husbands may beat their wives.⁴² Similarly, the Spanish Court sentenced the Egyptian-born Sheik Muhammad Kamal Mustafa, the imam of the mosque of the Spanish city of Fuengirola, for publishing a book endorsing wife beating based on *Shariah* procedures.⁴³ The renowned Egyptian scholar Yusuf Qaradhawi has also advocated wife beating on multiple occasions in his writings⁴⁴ as well as in interviews,⁴⁵ even though he described it as "neither obligatory nor desirable," but as an acceptable method for a last resort.⁴⁶ Qabri Abd Al-Rauf has also endorsed it in an interview on Iqra TV on 13 September 2004 and explained that "beating doesn't mean beatings with a rod or beatings that draw blood ... the beatings are intended to instil fear ... and declaring that he isn't satisfied with this wife."⁴⁷ Similarly, Speaking on Syrian TV

⁴¹Azizah Al-Hibri, "Islamic Perspective on Domestic Violence," *Fordham International Law Journal* 27 (2003), 195-224.

⁴²BBC, "French Eject 'Pro-beating' Imam: A Muslim Cleric who Advocated the Beating of Women Has Been Expelled from France," *BBC News*, 21 April 2004 <<http://news.bbc.co.uk/2/hi/europe/3645145.stm>>

⁴³M. Marín, "Disciplining Wives: A Historical reading of Qurān 4: 34," *Studia Islamica* (2003), 5-40.

⁴⁴Yosuf Qardawi, *Al-Hall wa-al-haram fi al-Islam* [The Lawful and the Prohibited in Islam], Al-Qahirah: Maktabat Wahbah, 2007, 198.

⁴⁵Mehdi Hassan, "Has Political Islam Failed?" Islamic Intellectual Tariq Ramadan Discusses Islamism and the Rise and Fall of the Muslim Brotherhood, Part 1, *Al-Jazeera*, 3 April 2014 <<http://www.aljazeera.com/programmes/headtohead/2014/03/transcript-tariq-ramadan-201432820219269232.html>>

⁴⁶Qardawi, *Al-Halal wa-al-haram fi al-Islam*, 198.

⁴⁷The Middle East Media Research Institute (MEMRI), "Egyptian Al-Azhar Professor Sabri Abd Al-Rauf Explains Wife-Beating in *Journal of Dharma* 40, 2 (April-June 2015)

on 26 July 2004 Sheik Abd Al-Hzmid Al-Muhajir explained that the *Qurān* refers only to a disobedient wife.⁴⁸ A similar view has presented by the Egyptian Supreme Council for Islamic Affairs, Sheik Yusuf Al-Badri.⁴⁹ This shows that there are mainstream Muslim scholars who have ignored to consider some important aspects in understanding the solution provided in verse 4:34 and endorse wife beating.

There are many scholars, however, who consider authorizing violent behaviour in domestic conflicts as anti-Islamic as they believe that no verse of the *Qurān* can have despotic androcentric intent.⁵⁰ Rather, such intent can only come from interpretation. They have attempted to review the interpretational methods to challenge the patriarchal paradigm and find an alternative understanding.

Some of them have used semantic analysis to interpret the key word ‘*darba*’ as ‘avoiding’ instead of ‘hitting’⁵¹ and some others have used the ‘*maqasid* method’ to encourage women to take action against men who have mistreated them.⁵² Tariq Ramadhan not only denied partner violence in Islam, but has also reviewed the views of early Muslim scholars critically. He

Islam” *Iqra TV* (Saudi Arabia) - 13, September, 2004 <<http://www.memritv.org/clip/en/0/0/0/0/0/0/0/264.htm>>

⁴⁸MEMRI, “Wife Beating: An Arab How-To,” *Frontpage Mag* 05 November 2004, <<http://archive.frontpagemag.com/readArticle.aspx?ARTID=10893>>

⁴⁹MEMRI, “Wife Beating: An Arab How-To.”

⁵⁰Augustine Pagolu, “The Religion of the Patriarchs,” *Journal for the Study of Old Testament: Supplement Series* 277, 1998 and Augustine Pagolu, “Patriarchal Religion as Portrayed in Genesis 12-50: Comparison with Ancient Near Eastern and Later Israelite Religions,” *Transformation: An International Journal of Holistic Mission Studies* 13, 3 (1996), 32-32.

⁵¹Abdul Hamid Ahmad, *Darb al-Mar’ah Wasilah Li Hall al-Khilafat al-Zawjiyyah* [Hitting the Wife as a Solution to Family Conflict], Cairo: Dar al-Fikr Publication, 2004.

⁵²Yosuf Al-Qaradawi, “A Reply to the Dossier against the Mayor’s Meeting with All of London’s Faiths and Communities,” London: Greater London Authority, 2005, 5-11 <http://legacy.london.gov.uk/news/docs/qaradawi_dossier.pdf>

highlighted the reasons for the patriarchal influence among Muslim scholars and stated,

Scholars were remote from such considerations when they undertook the first legal deciphering. Interested in the legal framework, they mainly focused on function. They were also influenced by culture, which fashions gender relations and the conception of the natural status of women in traditional Eastern, Arab (or Persian or Asian) and patriarchal societies.⁵³

This reveals that mainstream scholars who are exposed to non-Arab cultures denied domestic violence in Islam even though mainstream Arab scholars and commentators endorsed such an attitude in their writings and interviews.

Jamal Badawi, another mainstream Muslim scholar, described endorsing domestic violence on religious grounds as a misapplication of Islamic ideology. He wrote,

It is also true, however, that in many so-called 'Islamic' countries, women are not treated according to their God-given rights. But this is not the fault of Islamic ideology, but rather the misapplication or sometimes the outright denial of the ideology in these societies. Much of the practices and laws in 'Islamic' countries has deviated from or are totally unrelated to the origins of Islam.⁵⁴

Muslim feminists taking a similar position as above, negate androcentric intent in the *Qurān*.⁵⁵ They assert that Allah, the Almighty, is fair to all men and women, and does not do injustice to the latter. Hence, He did not sanction corporal discipline against women and did not favour men's authority over women. However, such intent has come through male dominion by literal interpretations of the *Qurānic* verses, such as

⁵³Tariq Ramadhan, "Need for Women as Subjects, not Victims," *The Malaysian Insider*, 27 November 2013 < <http://www.themalaysianinsider.com/sideviews/article/need-for-women-as-subjects-not-victims-tariq-ramadan#sthash.Ufq77Z51.dpuf>>

⁵⁴Jamal Bandai, "The Status of Women in Islam," *Al-Ittihad*.

⁵⁵Rachel M. Scott, "A Contextual Approach to Women's Rights in the Qur'ān: Readings of 4: 34," *The Muslim World* 99, 1 (2009), 60-85.

4:34. Therefore, they advocate contextual and historical reading in order to liberate the *Qurān* from androcentric interpretations.

Rachel M. Scott,⁵⁶ Yusuf Ali,⁵⁷ Jawad Syed,⁵⁸ and many others have widely discussed this method, examining the legacy of Muslim feminists like Fatima Mernissi, Muhammad al-ʿUalbi and ʿOmina Wad ʿEd. Scott defines contextualization as “reading a verse with regard to the historical, social and political context in which it was revealed in order to disclose an underlying liberal intent.”⁵⁹ According to this definition, the liberal intent or intent of God would be exacted from the text out of Arab cultural influence.

Despite the fact that the contextualization method addresses socio-political and cultural aspect of the verses in question, it is challenged by mainstream Muslim scholars due to its failure to incorporate *maqasid al-shari’ah* and the Weltanschauung of the *Qurān*. Aysa explained the reasons for disagreement of mainstream scholars with this methodology:

This unevenness in focus suggests that it may seem more urgent or beneficial to scholars of feminist *tafsir* to elucidate the historical context of the *Qurān* itself (in a sense, to ‘rescue’ the *Qurān* from the patriarchal context of its revelation) than to expose the historical context of traditional exegesis (and thereby draw attention to their disagreement with authoritative scholars). However, even as exegesis is given less attention than the text of the *Qurān*, it seems that even less priority is reserved for approaching Hadith in relationship to the *Qurān*.⁶⁰

⁵⁶Scott, “A Contextual Approach to Women’s Rights in the *Qurān*.”

⁵⁷Md. Ali, “A Contextual Approach on the Views of Muslim Feminist Interpreters of the *Qurān* Regarding Women and Their Rights in the Society,” *International Journal of Arts and Sciences* 3, 13 (2010), 313-331.

⁵⁸Jawad Syed, “A Context-Specific Perspective of Equal Employment Opportunity in Islamic Societies,” *Asia Pacific Journal of Management* 25, 1 (2008), 135-151.

⁵⁹Scott, “A Contextual Approach to Women’s Rights in the *Qurān*.”

⁶⁰Aysha A. Hidayatullah, *Feminist Edges of the Qurān*, Oxford: Oxford University Press, 2014, 80-81.

Accordingly then, the interest of feminists is in producing a feminist version of interpretation (*Tafsir*). For this purpose, they consider the context of revelation, leaving aside the context of the interpreters. Hence, they questioned the status of women in the era of the Prophet referring to socio-political and economic conditions. Amina Wadud, for instance, use the method of *Qurānic* hermeneutics to contextualize the meaning of the verses. The guidance and the solutions that conveyed by the texts, according to them, responded to the issues of particular context and are irrelevant today as the context has changed. Also, they give less importance to Hadith and ignore the contributions of traditional *mufassirin* (commentators of the *Qurān*). This has made mainstream Muslim scholars suspect this methodology as a scheme of orientalist to swerve the Muslims from true *Qurānic* guidance, as well as to produce a liberal *Shariah* or liberal Islam on the basis of Western principles and values.⁶¹ Some others consider this methodology as a new missionary approach towards Muslims.⁶²

4. Contextualization: A Method to Solve Partner Conflict

This article advocates contextualization of understanding the verse 4:34 in order to comprehend the solution provided in the *Qurān* for domestic violence. However, the proposed method of 'contextualization' in this article is different from the method of contextualization proposed by Muslim feminists.

⁶¹Ali, "A Contextual Approach on the Views of Muslim Feminist Interpreters."

⁶²Ishtiyag Danish, "Contextualization: A New Missionary Approach to Muslims," *al-Tawhid Journal* 5, 3 (n.d), 1-20. <<http://www.al-islam.org/al-tawhid/context.htm>>; Abdul Asad, "Rethinking the Insider Movement Debate: Global Historical Insights toward an Appropriate Transitional Model of C5," *St Francis Magazine* 5, 4 (2009), 133-159; Jim Leffel, "Contextualization: Building Bridges to the Muslim Community," *Crossroads Online Journal* 1 (2004), <<http://www.xenos.org/ministries/crossroads/OnlineJournal/issue1/contextu.htm>>

‘Contextualization’ means “extracting the Divine message or Divine intent in a particular verse from the nexus of socio-economic, political and cultural contexts of revelation as well as the context of interpreters.”⁶³ In order to serve this goal, linguistic and grammatical analysis will be used in line with *maqasid al-Shariah* and the Weltanschauung of the *Qurān*. The extracted Divine intent will then be interpreted in a particular socio-political and cultural context of our time. Thus, contextualization consists of understanding the Divine intent and explaining it within our context.

The contextualization of the *Qurānic* text is not a new phenomenon. Classical and modern scholars have utilized this approach in *Qurānic* exegeses and commentaries.⁶⁴ The sciences of the *Qurān* (*Ulum al-Qurān*) and the basic principle of exegesis (*Usul al-Tafsir*) reflect this method of contextualization. In the modern period, Fazlur Rahman,⁶⁵ Muhammad al-Ùalbi,⁶⁶ Tariq Ramadh Ên⁶⁷ and many others have used this method to explain some issues in the *Qurān*.

However, the extracted intent would not be said to be liberal until it is checked with the *Qurānic* Weltanschauung as well as *maqasid al-Shari’ah*. The effort of some feminist scholars like Ómina Wadud⁶⁸ to explain certain verses of the *Qurān* became controversial among Muslims⁶⁹ due to the lack of such a consideration of *maqasid al-Shari’ah*, as well as the *Qurānic* Weltanschauung. Explaining the liberal intent of the verse in our own context is not as easy as extracting the liberal intent from a

⁶³Scott, “A Contextual Approach to Women’s Rights in the Qurān.”

⁶⁴Scott, “A Contextual Approach to Women’s Rights in the Qurān.”

⁶⁵Fazlur Rahman, *Major Themes of the Qur’Ēn*. Chicago: University of Chicago Press, 2009.

⁶⁶Muhammad al-Talbi, *Ummat Al-Wasat: Al-Islam WaTahaddiyat Al-Mu’asira* [Middle Path Society: Islam and Modern Challenges], Tunis: Saras li-l-Nashr, 1996.

⁶⁷Hassan, “Has Political Islam Failed?”

⁶⁸Amina Wadud, *Qur’Ēn and Woman: Rereading the Sacred Text from a Woman’s Perspective*, Oxford: Oxford University Press, 1999.

⁶⁹Scott, “A Contextual Approach to Women’s Rights in the Qurān.”

verse. The proposed 'contextualization' in this article consists of a linguistic and holistic analysis in the context of *maqasid al-Shariah* and the Weltanschauung of the *Qurān*.

5. Linguistic Approach

The linguistic and semantic analysis is important to understand the liberal intent of the *Qurān* in any particular verse. There are number of classical scholars like al-Raghib al-Isfahani,⁷⁰ Abu 'Abdullah Al-Qurtubi⁷¹ and modern exegetes that have used this method to interpret the *Qurān*. Óysa Abd al-Rahman⁷² is one of the modern scholars who has used linguistic analysis to explain the intent of the *Qurān*. Toshihiko Izutsu,⁷³ a Japanese scholar, also used this method to explain some *Qurānic* terminologies. Therefore, linguistic analysis is not a new approach towards explaining the meaning of the *Qurān*.

The linguistic approach refers to the scientific analysis of *Qurānic* texts focused on phonology, morphology, syntax, semantics, and pragmatics. This process involves removing features specific to particular linguistic and cultural contexts. The elements of culture in idiom and figurative speech are often converted into relatively invariant meanings. In the verse 4:34, for instance, there have been enough studies undertaken to understand the term *qawwamun* (men are in charge of the affairs of women)⁷⁴ and *fa-dribuhunna* (hitting the women).⁷⁵ The terms

⁷⁰Al-Isfahani, *Mufradat al-Qurān* [Terminologies of the *Qurān*], ed., Safwan Adnan Dawudi, Damascus: Dar al-Qala, 1992.

⁷¹Abi Abdullah Muhammad bin Ahmad al-Ansari, *Tafsir Al-Qurtubi*, tran., Aisha Bewley, London: Dar Al Taqwa, 2003.

⁷²I. J. Boullata, "Modern *Qurān* Exegesis: A Study of Bint Al-Shāti's Method," *The Muslim World* 64 (1974), 103-113; Issa J. Boullata, "Modern *Qurān* Exegesis: A Study of Bint Al-Shāti's Method," *The Muslim World* 64, 2 (1974), 103-113.

⁷³Toshihiko Izutsu, *God and Man in the Qurān: Semantics of the Qurānic Weltanschauung*, Kuala Lumpur: Islamic Book Trust, 2002.

⁷⁴Scott, "A Contextual Approach to Women's Rights in the *Qurān*."

⁷⁵Abdulhamid Abu Sulayman, *Marital Discord: Recapturing the Full Islamic Spirit of Human Dignity*, London: The International Institute of Islamic Thought, 2006.

‘*al-rijal*’ also has to be taken into consideration to understand the liberal meaning of the verse.

6. Socio-Cultural Approach

As mentioned above, the socio-cultural and political context of Arabia needs to be considered to understand the liberal intent of any verse in the *Qurān*. This is due to the fact that existing interpretations of the *Qurān* have been influenced by Arab socio-cultural and political context in two periods; during the time of the Prophet (pbuh) as well as during the time of interpretation following his death. The *Qurān* was revealed to the Prophet Muhammad (pbuh) portion by portion in order to bring a gradual social change in Arabia. Therefore, it uses examples and models from Arab traditions and culture to guide the Prophet (pbuh) in the process of this social change. For instance, the *Qurān* uses the examples of known creatures to the Arabs; like camels (88:17), mountains, and deserts (88:18). The intent of such verses of the *Qurān* are not for explaining the nature of camels, mountains, or deserts, rather they are for highlighting the Greatness and Creativity of Allah. Thus, the task of exegetes is to explain the Greatness of Allah using examples in his or her own cultural context.

The early commentators of the *Qurān* have used examples and models from their own context to explain the intention of verses from the *Qurān*.⁷⁶ As the majority of the commentators were Arabs, or who lived in Arab societies for long periods of time, their commentaries on the *Qurān* are heavily influenced by Arab culture, tradition, and their political situations. This is very obvious among the Muslim jurists. Therefore, contemporary interpreters are required to have knowledge of Arab culture during the time of revelation as well as early interpreters in order to extract the liberal intent of a verse.

⁷⁶For instance, Silas has compiled historical development of exegeses to the verse 4:34 in her article “A Rebuttal to Jamal Badawi’s ‘Wife Beating’.”

7. *Maqasid al-Shari'ah* Approach

Maqasid al-Shari'ah is another aspect to consider in understanding the liberal intent of a verse in the *Qurān* and to interpret into today's context. *Maqasid al-Shari'ah* – or fundamental principles – on the marriage is ensuring peace and harmony in the family⁷⁷ for the welfare of children.⁷⁸ Thus, *Shari'ah* is interested in settling the conflict between couples through any possible means within a cultural context. Due to this reason, the *Shari'ah* permits even telling a lie to accomplish peace,⁷⁹ even though lying is discouraged normatively.⁸⁰

During the revelation of the verse 4:34 of the *Qurān*, the last resort to resolving conflict between couples were hitting⁸¹ and

⁷⁷*The Qur'ān*, 30:21, 4:19, 2:31, 2:187, Hadith: Be kind and merciful to the wives, Ibn Majah, *Sunan Ibn Majah*, Darul Kutub Al Ilmiyyah, Beirut (1952), Hadith 1643: "Do not beat them, and do not revile them" Abu Dawud, *Al-Sunaan*, a collection of Hadith, trans. Ahmad Hasan, 1984, Hadith 2139, <<http://www.luc.edu/orgs/msa/abudawud/index.htm>> Abu'Isa Al-Tirmidhi, *Sunan al-Tirmidhi*, Istanbul: Capri Yayinlari (1981), Hadith 3895: "The prophet prohibited hitting and said the best amongst you is he who is the most kind to his wife and I am the kindest amongst you to my wives," Ibnu Hibban, *Sahih Ibnu Hibban*, Beirut, Dar al-Ma'arif, 1952, Hadith 4186: "Amongst the most perfect of mumins in Imaan is he who is best Character and amongst the best of them is he who kindest towards his wife," Thirmithi: 2612.

⁷⁸*The Qur'ān*, 4:1

⁷⁹Muslim Ibn Hajjaj, *Sahih Muslim*, trans. Abdul Hamid Siddiqui, Indonesia, Islam Spirit Website, Hadith 6303, <<http://archive.org/details/SahihMuslim-IslamicEnglishBook.pdf>>

⁸⁰Hadith 33: "The signs of the hypocrite are three: when he speaks, he lies; when he makes a promise, he breaks it; and when he is entrusted with something, he betrays that trust." Mohammad Ismail Al-Bukhari, *The English Translation of Sahih Al Bukhari with the Arabic Text* (9 Volume Set), trans. Muhammad Muhsin Khan, Al-Saadawi Publications (1996), Muslim Ibn Hajjaj, *Sahih Muslim*, trans. Abdul Hamid Siddiqui, Indonesia, Islam Spirit Website, Hadith 59, <<http://archive.org/details/SahihMuslim-IslamicEnglishBook.pdf>>

⁸¹The Messenger of Allah, said: "Let none of you lash his wife in the same way as he lashes a slave and then come to sleep with her at the end of the day" Al-Bukhari, 4830; It is narrated on the authority of

divorce.⁸² Thus, the *Qurān* advised to use the available and most civilized method during that time to resolve the conflict, like dialogue, advice, avoiding the bed, hitting,⁸³ and counselling.⁸⁴ However, it does not mean that other methods that can resolve a conflict between partners cannot be used. Rather, it endorses the use of any available means that could resolve the conflict as far as it serves *maqasid al-shari’ah* in the family.

Contrarily, a means or method mentioned in the *Qurān* or Hadith to resolve domestic conflict that actually worsens the situation in the family in a different cultural context should be reconsidered in line with *maqasid al-shari’ah*. For instance, if the ‘*darba*’ / hitting would worsen the conflict among the partners in our cultural context, it has to be replaced with other methods to resolve said conflict.

There are examples in Islamic history for suspending methodologies mentioned in the *Qurān* or Hadith in accordance with socio-cultural and political development. For instance, Umar, the third caliph, suspended the punishment for theft though it is prescribed in the *Qurān*.⁸⁵ He did not amputate the hands of poor people who had stolen a female camel from a Muzani man while working for Haib b. Abu Baltaia.⁸⁶ Umar’s justification for not applying the instruction of the text was

‘A’ishah, may Allah be pleased with her, that she said: “the Messenger of Allah, sallallahu ‘alayhiwasallam, never beat a servant nor a woman (of his wives),” Al-Bukhari, 2328.

⁸²Robertson Smith, *Kinship and Marriage in Early Arabia*, Beirut: United Publishers, 1973, 115.

⁸³Hitting is actually discouraged in many hadiths. For instance, “None but a noble man treats women in an honorable manner, and none but an ignorant treats women disgracefully,” *Jamia al-Sagheer li suyuti*: 4102.

⁸⁴*The Qur’ān*, 4:34-35.

⁸⁵*The Qur’ān*, 5:38.

⁸⁶Ali bin Ahmad Ibn Hazm, *al-Muhalla*, Cairo: Maktabahal-Jamhuriyyah, 1967, vol. 2, 343.

based on *maqasid al-shairah*, given that the time when the act was committed was one in which there was a famine.⁸⁷

Similarly, Ali, the fourth caliph, also suspended applying the instruction in the Hadith on lost camels and he built a special sanctuary at the expense of government treasury to take care of them. This new system contradicts the Hadith in which the Prophet (pbuh) instructed to leave lost camels wandering free.⁸⁸ Considering *maqasid al-shariah*, that is ensuring safe return of the camel to its owner, Ali designated a different ruling.⁸⁹ In the case of domestic violence, if 'darba' will not resolve the conflict between couples, but rather worsen the relationship, it has to be reconsidered.

8. Weltanschauung of Qurānic approach

Any development in methodologies mentioned in the *Qurān* towards socio-cultural and political issues are required to be endorsed by the Weltanschauung of the *Qurān*. Interpreting the verses of the *Qurān* while ignoring the Weltanschauung will divert the reader from its message. For instance, the allegation against Islam that "Islam spread by the sword"⁹⁰ is based on ignorance of the Weltanschauung⁹¹ of the *Qurānic* verses⁹² on Jihad against unbelievers.⁹³ Therefore, interpretation of the verses of the *Qurān* in line with its Weltanschauung is essential.

⁸⁷M. Y. 'Izz al-Dīn, *Islamic Law: From Historical Foundations to Contemporary Practice*, Edinburgh: Edinburgh University Press, 2004, 6.

⁸⁸When a Bedouin asked the Prophet about lost camel and how to deal with it "What about a lost camel?" the face of the Prophet became red (with anger) and said, "You have nothing to do with it, as it has its feet, its water reserve and can reach places of water and drink, and eat trees." Al-Bukhari: 609.

⁸⁹'Izz al-Dīn, *Islamic Law*, 6.

⁹⁰R. Hassan, "Rights of Women within Islamic Communities," *Canadian Woman Studies* 15, 2 (1995), 40-44.

⁹¹Robert Spencer, "The Politically Incorrect Guide to Islam (and the Crusades)," Regnery Publishing, 2005, 20-21.

⁹²*The Qur'ān* 9:5, 9:73, 47:4, 9:123 and 4:76

⁹³C. W. Amjad Ali, "Jihad and Just War Theory: Dissonance and Truth," *Dialog* 48, 3 (2009), 239-247.

Seyyed Qutub, in his *Fi-ThilÉl al-Qurān* – Shade of the *Qurān* – used this approach to explain complicated issues like dealing with non-Muslims and Jews.⁹⁴

Contextualization, therefore, is not simply a method focused on the socio-cultural and political contexts of the revelation. Rather, it is a method to extract the divine message in a particular verse from its socio-economic, political and cultural influences; during the period of revelation as well as *time* of interpretation using linguistic and cultural analysis. Further, the derived Divine message has to be balanced alongside *maqasid al-Shariah* and the Weltanschauung of the *Qurān*.

Thus, the contextualization approach opens constructive discussion on the solution provided in verse 4:34 for domestic violence. Linguistically, the terms ‘*al-rijal*’, ‘*nushaz*’, and ‘*dharb*’ in verse 4:34 have to be understood in order to understand the solution provided therein. The method in this verse to solve domestic violence is required to be approached in line with the socio-cultural, economic and political contexts as discussed above. Then, the extracted intent is required to be endorsed with *maqasid al-shariah* and the Weltanschauung of the *Qurān*.

Notwithstanding an effort has been made to affiliate the religion with a high rate of domestic violence in Muslim communities,⁹⁵ the high rate of domestic violence in Muslim communities cannot be explained, however, in association with the religion; it is in association with their cultural affiliations. It is because, if the religious affiliation of perpetrators influenced their violent activities, then it should be a common practice in all Muslim communities. However, the statistics in Malaysia show a different reality.

The Malaysian experience with domestic violence highlights cultural influence rather than religion. In Malaysia, 39% of women above 15 years of age are estimated to have been

⁹⁴The *QurÉn* 9:5

⁹⁵Saida Douki, et al., “Violence against Women in Arab and Islamic countries,” *Archives of Women’s Mental Health* 6, 3 (2003), 165-171.

physically beaten by their partner.⁹⁶ A study in the outpatient clinic of the University of Malaya Medical Centre (UMMC) revealed that one in seven female patients attending the clinic had a background of domestic violence.⁹⁷ A community-based survey on domestic violence in Malaysia reports a high rate of domestic violence among Hindus (67%) who represent 8% of the total population while the Chinese who represent 40% of the population record a 17% incidence of domestic violence. However, among the Malay Muslims these incidents are only 16%.⁹⁸ It shows the religious affiliation cannot explain the high rate of domestic violence. According to Jamal Badawi, "many of these (domestic violence and other) practices are based on cultural or traditional customs"⁹⁹

A study conducted among the Malay Muslims in Malaysia on domestic violence further explains the lack of connection between the high rate of violence among partners and their religious affiliation. According to this research, 94.1% of Muslim women cited socio-economic reasons such as, addiction to drugs, alcohol, or poverty while only 5.9% of them said it had to do with involvement of religious practice.

Cultural affiliation, however, plays a vital role in the rise of domestic violence. A high rate of domestic violence is usually recorded in a society which maintains a high esteem of family

⁹⁶Rashidah Abdullah, Rita Raj-Hashim, and Gabriele Schmitt, "Battered Women in Malaysia: Prevalence Problems and Public Attitudes," *A Summary report of Women's Aid Organisation, Malaysia's National Research on Domestic Violence*, 1995. <<http://www.poline.org/node/309891>>

⁹⁷S. Othman and N. A. M. Adenan, "Domestic Violence Management in Malaysia: A Survey on the Primary Health Care Providers," *Asia-Pacific Family Medicine*, 7.1 (2008), 2 <<http://www.apfmj.com/content/7/1/2>>

⁹⁸W. Yut-Lin and S. Othman, "Early Detection and Prevention of Domestic Violence Using the Women Abuse Screening Tool (WAST) in Primary Health Care Clinics in Malaysia," *Asia-Pacific Journal of Public Health* 20, 2 (2008), 102-116.

⁹⁹Badawi, "The Status of Women in Islam."

cohesiveness and considers separation and divorce as unsatisfactory options¹⁰⁰ while the rate of domestic violence is less in a society which maintains equality as a central value rather than family cohesion.¹⁰¹ Thus, when family cohesion is high, such as in traditional Eastern, Arab, Persian and Asian communities, domestic violence in these countries is also high. Women in these families are unwilling to disclose their experience of domestic violence for fear of bringing shame to their families and communities.¹⁰²

Research on religious antecedents of domestic violence among U.S. couples has revealed positive consequences of religious beliefs in reducing domestic violence.¹⁰³ The researchers concluded as follows:

The frequency of attending religious services bears an inverse relationship to the likelihood of perpetrating abuse for both men and women. For men, these beneficial effects of religious participation are limited to those who attend services at least once a week, whereas among women, the protective effects of attendance are observed among those who attend services at least once per month.¹⁰⁴

The confusion among social scientists in distinguishing between religion and culture has led them to identify religion as the primary source of violence in a family.

9. Conclusion

Domestic Violence has become widespread today regardless of Western and Eastern societies, religion, and culture. Social

¹⁰⁰Nancy Nason-Clark and Catherine Clark Kroeger, *Refuge from Abuse: Healing and Hope for Abused Christian Women*, Intervarsity Press, 2009.

¹⁰¹Fernando Mederos, “Domestic Violence and Culture: Moving toward More Sophisticated Encounters,” *Melissa Institute’s 8th Annual Conference on Family Violence, South Miami*, vol. 19, 2004.

¹⁰²Aarati Kasturirangan, Sandhya Krishnan and Stephanie Riger, “The Impact of Culture and Minority Status on Women’s Experience of Domestic Violence,” *Trauma, Violence, and Abuse* 5, 4 (2004), 318-332.

¹⁰³Kasturirangan, Krishnan and Riger, “The Impact of Culture.”

¹⁰⁴Kasturirangan, Krishnan and Riger, “The Impact of Culture.”

scientists have discussed the reasons for domestic violence extensively from different perspectives. The recent researches identified the religion, particularly Islam as an encouraging factor in partner violence. The perpetrators' justification of their violent behaviour on religious ground, the endorsement of religious leaders and high rate of partner violence among the Muslim families led social scientists to confuse Islam as the prime motivator of violence in the family. However, the analysis of solutions provided in the *Qurān*, particularly in the verse 4:34 for partner violence and related *hadiths* on the issue shows otherwise. Hence, misreading verse 4:34 or fail to consider some aspects interpreting this verse and related *hadiths* on conflicts between couples has painted an obnoxious picture about the solutions for partner violence in Islam. The men in Arab – and some parts of Asian – culture are considered superior to women. As the majority of interpreters of the *Qurān* were Arabs or lived in Arab culture, the interpretation of verse 4:34 also carried with it the ill-fated position on women. This secondary level position of women was then imported into non-Arab Muslim societies through interpretations. Consequently, it misled Muslims and others to identify the *Qurān* as being of a patriarchal nature. However, reading the text based on the contextualization method clarifies the confusion. The contextualization approach not only provides a critical review on traditional interpretations to the solution in the *Qurān* for domestic violence, but also endorses a different method of its implications, considering local culture and tradition in line with *maqasid al-Shari'ah* and the *Weltanschauung* of the *Qurān*.