

# **The End to Hitting Women: The Qur'ānic Concept of Ḍarb ('hitting')**

Islamic Perspective of spousal reprimand, Domestic Violence and  
Intimate Partner Violence (IPV)

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## Forward

### Dr. Jasser Auda

I was pleased to read this booklet written by my dear brother, Imām Abdullāh Hasan under the title “The End to Hitting Women: The Qur’ānic Concept of Ḍarb (‘hitting’)”. Imam Abdullah is bringing new insights into the interpretation of verses from the Qur’ān that are often misinterpreted and misused to justify violence and oppression of women, a position taken by several (mis-)interpreters in a way that is unfair to Islam and its eternal teachings.

We need such insights to understand the book of God and the traditions of His Prophet (peace be upon him), especially with regards to two subjects: women and governance. Several (mis-) interpreters have rendered such subjects in a way which, in my view, is contrary to both the spirit and objectives of the Sharī‘ah.

The question then arises: how can we differentiate between a valid interpretation or re-interpretation (which is the case here) and an invalid misinterpretation? We must resort to the absolute and universal objectives (*maqāsid*) of the Sharī‘ah.

Ibn al-Qayyim (d. 748 AH/1347 CE), one of the greatest scholars of Islam, described the Sharī‘ah as follows:

“Sharī‘ah is based on wisdom and achieving people’s welfare in this life and the afterlife. Sharī‘ah is all about justice, mercy, wisdom, and good. Thus, any ruling that replaces justice with injustice, mercy with its opposite, common good with mischief, or wisdom with nonsense, is a ruling that does not belong to the Sharī‘ah, even if it is claimed to be so according to some interpretation.”<sup>1</sup>

Thus, we can argue that the same verses that Hasan explains here were previously subject to *misinterpretation* because the outcome and the meaning go against these absolute and eternal values of Islam: justice, mercy, wisdom, and goodness. In the issue of marriage, specifically, God says:

“And among His signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put Love and mercy between your (hearts), verily in that are signs for those who reflect.”<sup>2</sup>

With regards to marriage specifically then, we can add a fifth objective: love. It is about time that our fiqh (Islamic ethics and rules) are renewed in order to align our behaviour with these eternal and absolute values; justice, mercy, wisdom, goodness, and love. These absolute objectives are fixed ends that reign over the changeable means, and their universality governs how we understand the Sharī‘ah in different contexts of place and time.

May God reward Abdullah Hasan and widen the circles of benefit of his works.

Dr. Jasser Auda

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## Introduction

Perhaps one of the most misunderstood and misconstrued verses in the Qur'ān by Muslims and non-Muslims alike is verse 4:34, the so-called 'chastisement verse'. Those who claim that the verse allows husbands to hit their wives argue that the verse suggests a three step solution in the event of a family dispute where ill-conduct has been committed on part of the wife. The verse instructs first that the husband may exhort his wife and appeal to her reason (*wa'z*).<sup>3</sup> If the problem continues, the husband may then express his displeasure by sleeping in a separate bed.<sup>4</sup> If the wife persists in the deliberate mistreatment of her husband, expression of contempt, and disregards her marital obligations, the husband, they argue, as a third step, may resort to *ḍarb* as a means to 'save the marriage'.

The verse prescribes these three conflict resolution measures in the case of a dispute between husband and wife. The most contentious segment of the verse is the imperative *wadribūhunna* (hit them). The word, coming from the trilateral root ḍ-r-b, in this verse has commonly appeared in modern English translations of the Qur'ān as "hit" or "beat lightly". The addition of "lightly" reflects a dependence on traditional commentary (*tafsīr*) of the verse. Other translators have instead used words such as "tap" and "pat" to represent a physical type of admonishment that is not at the level of hitting or beating. All of these translations, I would argue, do not take into account the context of the verse *vis a vis* the passage following it. Others have posited seemingly far-fetched translations, wherein, they argue; *ḍarb* implies sexual intercourse,<sup>5</sup> or the temporary separation<sup>6</sup> of husband and wife. Although the Prophet did separate from his wives when a dispute arose, I argue that this is not the primary purport of the verse.

Insofar as a translation must maintain a 'literal' expressive framework, the most adequate one-word translation of the word *ḍaraba* would be "to percuss" or, "to strike" or tap lightly as a doctor would examine a patient". In this study, however, I will show that the real meaning of *wadribūhunna* is not literal, but that the imperative is a stand in for a metonymic expression of anger and display of displeasure. This interpretation, I argue, has basis in the works of the Muftī (judge) of Makkah and the student of Ibn Abbās (interpreter of the Qur'ān), 'Aṭā' Ibn Abī Rabāh<sup>7</sup> (d. 114 AH), and is, in fact, suggested by the writings of a large number of scholars.

In this brief study I will provide a comprehensive overview of the phrase *wadribūhunna* from its linguistic (*luḡha*/philology), rhetorical (*balāghīyya*), jurisprudential (*fiqhīyya*), exegetical (*tafsīriyya*) framework, and include some supporting traditions (*ḥadīth*) of the Prophet.<sup>8</sup> I will not be able to delve into similar discussions surrounding the terms *qawwāmūn*, *wahjurūhunna*,<sup>9</sup> *nushūz* (in detail) and other such controversial terms in this particular verse will not be the focus of this article. They will be addressed in a much more extensive study "Spousal Reprimand in Islam", God willing. The following remarks on the phrase *wadribūhunna* are only summarised from it.

## What is Domestic Abuse?

### Defining Domestic Abuse:

The UK Government defines domestic violence as:

"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."<sup>10</sup>

Domestic abuse, or more precisely IPV<sup>11</sup> (Intimate Partner Violence), occurs across all societies, and in many couples, regardless of age, gender, race, sexuality, wealth or geography. Technically then, although women can perpetrate domestic abuse (IPV) against men, studies show that domestic abuse is mostly carried out by men against women.<sup>12</sup> Home Office figures reveal that, on average, 100 women and 30 men a year die due to domestic abuse. While most of these women are killed by men, the statistics reveal that approximately one third of the men are killed by other men and a little under one third are killed by women against whom they have a documented history of abuse. Furthermore, children in such relationships are often affected—whether directly, or indirectly. There also exists a strong correlation between domestic violence and child abuse, suggesting overlap rates between 40-60%.<sup>13</sup>

Whatever form it takes, domestic abuse is rarely a one-off incident, but a pattern of abusive and controlling behaviour through which the abuser seeks power over their victim. Typically, the pattern of abuse only tends to get worse over time. Domestic abuse can begin at any time, in the first year or after many years of two partners living together. It may also begin, continue, or escalate after a couple have separated. Domestic abuse may occur at home or in a public space.<sup>14</sup>

### Understanding the Qur’anic Paradigm:

Under no circumstances is such abuse against women, in its various manifestations, encouraged or allowed in Islam. There are many examples in Qur’ān and *ḥadīth* that describe the sort of loving, respectful, and kind behaviour that husbands and wives ought to exhibit to one another.

The Qur’ān eloquently describes the reciprocal marital relationship stating “...they (your wives) are your garment and you are a garment for them...”<sup>15</sup> In the Qur’anic paradigm, marriage is represented as a means of tranquillity, protection, encouragement, peace, kindness, comfort, justice, mercy, and love (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 “Women” describes guidelines of behaviour, a code of ethics and conflict resolution in all aspects (e.g., care, inheritance, marriage, divorce, conflict resolution, etc.) that relate to women.<sup>16</sup>

Moreover, several verses specifically enjoin kindness to women in contexts of marriage and inheritance where they may have the *upper hand* (2:229-237, 4:19, 4:25), or in the context of the marital home where there ought to be a spirit of love and kindness (30:21; 9:71). In other verses, God calls men and women "protecting friends of one another". Still other verses express God's disapproval of the oppression or ill treatment of women.

### Understanding the Prophetic Example:

The Prophet exemplified a model of a marital relationship based on care, mercy, kindness, mutual consultation and justice. This is well-documented in the books of *ḥadīth*. The Prophet said, "The believers who show the most perfect faith are those who have the best behaviours, and the best of you are those who are best to their wives".<sup>17</sup>

In reference to the relationship between husband and wife, The Prophet said: "A believer should bear no malice to his wife, if he dislikes one of her habits, he [ought to remember that he] likes another of them".<sup>18</sup>

It is well-established that Prophet never hit his wives, although they argued with him and held different opinions from him. He strongly reprimanded men who hit their wives and later had intimate relations with them [as though nothing had transpired].<sup>19</sup> 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".<sup>20</sup>

In his farewell pilgrimage sermon, the Prophet further asserted the importance of the kind treatment of women, equating the violation of women's marital rights to a breach of God's covenant. Additionally, he discouraged women from marrying men who are known for their harshness, as evidenced in the story of Fatimah bint Qays narrated in Muslim: "She said: When my period of *'iddah* (3 month waiting period after the death or divorce of a husband) was over, I mentioned to him that Mu'awiya b. Abū Sufyān and Abū Jahm had sent proposal of marriage to me, whereupon God's Messenger (may peace be upon him) said: 'As for Abū 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 Usāma b. Zayd.' I objected to him, but he again said: 'Marry Usāma'; so I married him. God blessed me therein and I was envied (by others)".<sup>21</sup>

Aisha, the wife of the Prophet also narrates that, "God's Messenger never beat anyone with his hand, neither a woman nor a servant, but only, in the case when he had been fighting in the cause of God (in battle) ..."<sup>22</sup>

In the following five sections, I present an Islamic response to various aspects or types of domestic abuse, one which takes into account the higher objectives of Islamic law (*maqāṣid*).

### Physical Abuse:

Muslims believe that the Prophet Muhammad was sent by God as a mercy to the worlds. He never raised his hand against another human being. The Prophet's wife 'Ā'isha reported that he never struck any of his wives.<sup>23</sup> The Prophet was also reported to have asked his companions incredulously and admonishingly: "could any of you beat your wife as he would a slave, and then lie with her in the evening?"<sup>24</sup>

### Emotional Abuse:

The Qur’ān emphatically prohibits vilifying others.<sup>25</sup> Emotional neglect on the part of the husband could also be considered a legal shortcoming in fulfilling his responsibilities. This sort of abuse has been strictly discouraged and prohibited.<sup>26</sup>

### Verbal Abuse:

The Prophet forbade the cursing of others and using obscene language. He likened cursing to killing.<sup>27</sup> He said “The worst form of usury is the violation of the personal honour of a Muslim.”<sup>28</sup> No Muslim should curse or use foul language against another human being. A wife is someone to be loved, respected and honoured, not abused.

### Sexual Abuse:

The Prophet encouraged both husband and wife to fulfil each other’s sexual needs. Both need to consider the emotional and physical state of each other and neither should be ‘pressured’ or ‘forced’ into having sexual intercourse. Islam prohibits all forms of harm. The Prophet (peace be upon him) said: “There should be neither harming nor reciprocating harm.”<sup>29</sup>

### Financial Abuse:

The scholars of Islam agree that it is obligatory for husbands to financially support their wives—regardless of their wives’ financial position. God describes husbands as protectors and [financial] maintainers of their wives.<sup>30</sup> A husband must fulfil the financial needs of his wife without policing his finances in any way that could be considered degrading or demeaning. Furthermore, because the wife is considered financially independent, it would be an abuse of power for the husband to try to control or spend her income, gifts, or inheritance—which are exclusively at her disposal. The husband cannot demand that his wife, regardless of her financial position, bear any part of the financial responsibility in the family or the home.<sup>31</sup>

A sincere and holistic reading of the Qur’ān which takes into account the intricacies of the Arabic language, the Prophet’s traditions, and the socio-historical context of those traditions and revelation of certain verses in the Qur’ān will illustrate clearly that no form of domestic abuse is sanctioned by Islam, Qur’ān, or any of the legal texts. Any form of violence that results in the shedding of blood, breaking bones, or causing wounds is of course valid grounds for a wife to annul her marriage contract, and requires the judge to assign an equivalent punishment.

So, if Islam condemns all forms of violence against women, what does verse 4:34 of the Qur’ān *actually* sanction? To answer this question, we must consider a number of issues, including the historical context of the verse, other translations, language, and previous interpretations.

### Context and Framework:

In some societies, hitting wives “lightly” is considered an acceptable method of reprimand for ill-conduct. In other societies, it is considered abhorrent and repugnant. This gap is evident in the differing approaches of early Makkan and Medinan societies. In my reading of the *ḥadīth* and historical literature, Islam encouraged a move to the Medinan approach; that is, to viewing any form hitting in a marital relationship as abhorrent.

Makkah and Medina were the two major cities where the Prophet and his companions lived and where the majority of the Qur’ān was revealed. Early Muslims migrated to Medina to escape religious prosecution in Makkah. In Medinan society, men did not hit their wives, despite the fact that Medinan women acted in a manner that Makkan men considered unacceptable.<sup>32</sup> It is important to recall, in this vein, that early Makkan culture was hostile to women—particularly those in the lower classes. The religious culture in Mecca—a mix of mostly pagan Arab, early Christian and Jewish traditions, reflected and reinforced this. Furthermore, aside from being born into wealth or a leading tribe, Makkans could only reach dominance through military or commercial acumen. These were, with few exceptions, the domain of men. As an extreme example of such hostility, some members of Makka even buried their female daughters alive—a practice explicitly outlawed by the Qur’ān. Early Makkan culture might accurately be described as a socially Darwinist culture. The strong did not accept any challenges to their authority. This mentality, in many cases, meant that some Makkan men did not tolerate defiance, sometimes especially from their wives. After their immigration to Medina, Makkan men complained to the Prophet that their wives had become “emboldened” by the ways and culture of the Medinan women, whose behaviour towards their husbands they perceived as arrogant and rude.<sup>33</sup>

Ibn ‘Āshūr (d. 1392 AH) argues that this verse was “revealed at a time when hitting one’s wife was acceptable in society—particularly amongst the Bedouin.” “Using hitting as a corrective measure”, he claims, “was not viewed as transgressive even by the women of that society.”<sup>34</sup> The placing of stringent conditions on actions which were already common place in a place like early Makkah, and the fact that the verse made it a last resort in fact seems to imply that the Qur’ān’s revelation of this verse was to marginalise *darb* as a corrective measure in a marital relationship. Furthermore, he argues, in the event of anger and severe marital discord, remaining within the stringent conditions the scholars have provided would be virtually impossible. And since going beyond such conditions is forbidden, he concludes, this verse was actually revealed to eventually do away with domestic violence. Ibn ‘Āshūr adds: “we [also] say that it is permissible for the authorities, if they know that a husband is not fit to apply the legislated reprimands properly, that they have the licence to punish men who transgress such bounds.”<sup>35</sup>

### **A note on translations:**

One of the principle reasons why the verse under discussion has been misunderstood is due to incorrect translations by various translators of the Qur’ān over the centuries. Even a cursory look at some of the translations will demonstrate how the divine intended meaning has been lost.

For example:

Abdullah Yusuf translates Q. 4:34 in the Saudi revision of 1985, in the following manner:

“Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (And last) beat them (lightly); but if



they return to obedience, seek not against them means (of annoyance). For Allah is most High, great (above you all).”

However, a more accurate translation is provided by Professor Abdel Haleem<sup>36</sup>:

“Husbands should take good care of their wives; with [the bounties] God has given to some more than others and with what they spend out of their own money. Righteous wives are devout and guard what God would have them guard in their husbands’ absence. If you fear high-handedness from your wives, remind them [of the teachings of God], then ignore them when you go to bed, then hit them. If they obey you, you have no right to act against them: God is most high and great.”

Like many other translators, Abdullah Yusuf Ali translates the *al-rijāl* to denote the apparent meaning of the word. Translating *al-rijāl* as men gives the impression that this verse is referring to the relationship between men and women in general. However, looking at the context of the verse, and the works of many early and modern scholars, readers will learn that “men are *qawwāmūn* over women” only describes the relationship between husband and wife within the family. Abdel Haleem explains this crucial misinterpretation by stating: “Let us consider some terms in this verse. First we have “men” and “women”. They mean “husbands” and “wives”, as the passage goes on to mention intimate relations between couples and arbitration that may lead to divorce. Why does the verse not say “husbands” and “wives”? Because the word “zawj” (which in modern Arabic means husband) applies in classical Arabic to both sexes. It has no feminine; it is like the English word “spouse”, and it would not have made sense to say “spouses are given more than spouses”. This can also be seen in other parts of the Qur’ān where “husbands” and “wives” are mentioned; the same terminology of “men” and “women” is used. The verse is thus talking about “husbands” and “wives”, not “men” and “women” in general. This distinction is important because those who misunderstand the verse take it to mean that God has given men in general more than women in general, applying that very extensively and interpolating what they think men are given more of .e.g. strength, intelligence, wisdom; even having a beard is listed by some! Then they go on from this to say that women cannot be judges, heads of state or in any position of leadership over men.”<sup>37</sup>

Such differences which arise in translations and commentaries arise because translators and exegetes have differing world views, different knowledge of Arabic, the Islamic sciences, as well as different methods of approaching the text. The specific differences between Abdel Haleem and Yusuf Ali have resulted in some misunderstandings which Abdel Haleem further addresses in his book *Understanding the Qur’ān*.<sup>38</sup>

Although I prefer Abdel Haleem’s translation, I still have reservations of his translation of the word *waḍhribūhuna*. I will present an alternative translation based on his overall translation at the end of the article.

### **A note on language:**

The root word composed of the three letters ḍ-r-b has numerous connotations and implications. It is important to survey, albeit very briefly, the various contexts this idiom has been employed in the Qur’ān. This will demonstrate the accuracy of the Qur’ān and its exactness when addressing detailed and specific issues. Although this is not the primary argument of this study, nevertheless, it may provide some support to the overall contextual and accurate purport of the expression that this study is presenting.

The imperative verb *idrib* is formed from the root verb *daraba*. *Daraba* has various meanings in the Arabic language, some of which I include below:

*Daraba* vb. (I) ~ to strike, smite, stamp, beat; to liken or strike (a parable or similitude), to cite (an example or a dispute); (*daraba fi al-'ard*) to journey; to draw or cast (a veil); (with prep. 'ala) to pitch on, to stamp; (with prep. 'an) to turn something away; (with prep. bayn) to set up between, to separate, (n.vb) striking, smiting, etc.; (with prep. fi) journeying.<sup>39</sup>

In the Qur'an, God employs the various meanings of *daraba* in the following verses:

- In verses 2:273, 3:156, 4:101, 5:106, 73:20, and 4:94 to mean "to journey in the land/God's path":

[Give] to those needy who are wholly occupied in God's way and cannot travel in the land [for trade]. The unknowing might think them rich because of their self-restraint, but you will recognize them by their characteristic of not begging persistently. God is well aware of any good you give. (2:273)

So, you who believe, be careful when you go to fight in God's way, and do not say to someone who offers you a greeting of peace, 'You are not a believer,' out of desire for the chance gains of this life- God has plenty of gains for you. You yourself were in the same position [once], but God was gracious to you, so be careful: God is fully aware of what you do. (4:94)

- In verses 14:24, 14:25, 14:45, 16:74, 16:75, 16:76, 16:112, 17:48, 18:32, 18:45, 22:73, 24:35, 25:9, 25:39 in order to propound/cite an example, similitude, or parable:

[Prophet], do you not see how God makes comparisons? A good word is like a good tree whose root is firm and whose branches are high in the sky. (14:24)

- In verses 8:12, 47:4, 47:27, 8:50 to mean "smite/strike their necks/beat":

Your Lord revealed to the angels: 'I am with you: give the believers firmness; I shall put terror into the hearts of the disbelievers- strike/smite above their necks and strike all their fingertips.' (8:12)

• In verse 18:11 to mean conceal/cover over their ears:

"We sealed their ears [with sleep] in the cave for years." (18:11)

• In verse 24:31 to mean "draw/cast [the ends of] their head-coverings over the bosoms":

"And tell believing women that they should lower their glances, guard their private parts, and not display their charms beyond what [it is acceptable] to reveal; they should let their headscarves fall to cover their necklines and not reveal their charms except to their husbands..." (24:31)

• In verses 2:60, 26:63, and 38:44 to mean "strike with":

"Remember when Moses prayed for water for his people and We said to him, 'Strike the rock with your staff.'" (2:60)

“Take a small bunch of grass in your hand, and strike [her] with that so as not to break your oath.” (38:44)<sup>40</sup>

It is important to mention here that whenever the imperative verb *idrib* is used in the Qur’ān to denote ‘strike’, the Qur’ān qualifies such an imperative by including an instrument of striking:

2:60 - Strike the rock (2) with your staff (1)

2:73 - Strike him (the body) (2) with a part of it (heifer – a young cow) (1)

7:160 - Strike the rock (2) with your staff (1)

8:12 - Strike off their heads (2) and strike off every fingertip (2) of them

8:12 - Strike off every fingertip (2) of them.

20:77 - Strike for them a dry path in the sea (See 26:63 - elaborated - Strike the sea (2) with your staff (1)

38:44 - Take in your hand a bundle of rushes (1), and strike with it

It is only in Q. 4:34 that the imperative verb *idrib* not accompanied by an object or part of the body by which to strike. This anomaly, combined with the fact that there is no apparent qualification with regards to the means or severity of the beating, makes it unlikely that the imperative *wadribūhunna* ought to be understood as an imperative ordering Muslim men to hit their wives.<sup>41</sup> Even if it is asserted that the imperative here denotes mere permissibility and not a command (*yufīd al-‘ijāza wa laysa al-‘amr*) as many scholars have posited<sup>42</sup> —the verse still seems to license the husband to hit his wife. The proposal of this study is that God does not intend any such hitting by His use of the word *darb*.

Abdul Ḥāmid A. Abū Sulaymān<sup>43</sup> argues that since “the root verb *daraba* has several figurative or allegorical connotations, among which are:

- to travel or to depart
- to block the ear or prevent it from hearing
- to neglect, ignore and abandon
- to make truth and falsehood evident and distinguishable from the other
- to drawing a woman’s head covering over her own bosom
- to strike a path through the water pushing it aside.
- to partition or separate.
- to be overshadowed by ignominy (with regards to people)
- to cut, to slash, and to strike.
- in the rest of the verses, however, it means to impel, to shock, to slap, or to damage.<sup>44</sup>

In this vein, Abū Sulaymān argues, *wadribūhunna* means ‘to separate’. In other words, when the husband encounters ill-conduct from his wife, he is advised to follow the two preliminary steps for reconciliation. In the event those two fail, he is told to separate from his wife.

The fact that the Prophet himself, in the event of marital strife, separated from his wives’ by leaving their homes and never hit them lends support, Abū Sulaymān argues, to this opinion.

### The correct interpretation:

Looking at the verse in a more holistic fashion, however, I would like to assert the following points.

1. The apparent text of the verse suggests that husbands need not wait for *nushūz* to actually occur, but only need fear its occurrence before they can take such action. The fear this verse alludes to seems to imply a fear which is similar to that in the next verse where God says: “If you [believers] fear that a couple may break up (*shiqāq*), appoint one arbiter from his family and one from hers. Then, if the couple want to put things right, God will bring about reconciliation between them: He is all knowing, all aware.”<sup>45</sup> Recall that the breach has not yet occurred, but God is providing potential solutions for the couple anyway. Likewise, God has provided solutions for a situation where *nushūz* has not yet occurred. If the imperative *wadribuhunna* is meant to give license to men to hit women in the literal sense then the inevitable question to pose would be: for what reason should the wife be ‘hit’? Should she be ‘hit’ for the *nushūz* (ill-conduct) that has not been displayed?!<sup>46</sup>

2. Scholars have provided plethora of definitions of *nushūz* on the part of the wife in books of jurisprudence. Definitions<sup>47</sup> range from the woman leaving the house without the husbands’ permission to committing adultery. For example:

The *Hanafīs*<sup>48</sup> define her *nushūz* as, “her leaving the house of her husband without his permission and keeping her husband from her without due right.”<sup>49</sup>

The *Malikīs* say: “It is her departing from the obligatory obedience to her husband, preventing him from her sexually, leaving the house without his permission to a place that she knows he would not permit her to go to, leaving the rights of God upon her, such as performing the complete washing after sexual intercourse or fasting the month of Ramadan, and her locking the door on her husband, keeping him out.”<sup>50</sup>

The *Shafi’īs* say: “It is the wife’s disobeying the husband and elevating herself above what God has obliged upon her and her raising herself above fulfilling her obligatory duties.”<sup>51</sup>

The *Hanbalīs* define it as: “It is the wife’s disobedience of her husband concerning those acts of obedience that are obligatory upon her from the rights of marriage.”<sup>52</sup>

Many contemporary writers and scholar shave defined *nushūz* to mean adultery by amalgamating various verses in the Qur’ān and in particular the statement of the Prophet in his final sermon. The traditional definitions of *nushūz* which I have presented are difficult to practically implement in all situations—particularly in a modern context.

Defining *nushūz* as adultery (including even the actions that lead to adultery) may appear to be the more credible reading, especially given the statement<sup>53</sup> of the Prophet in his farewell sermon. However, it is well known that the legally acceptable punishment for proven adultery is a capital punishment. None of the scholars ruled that adultery should be punished by *ḍarb*.

Interestingly, al-Rāzī argues that if a wife was in the habit of welcoming her husband (by standing up) when he entered the room, hastening to fulfil his ‘commands’, rushing to his bed, and being happy when he touched her and then suddenly she stops all that good behaviour and practices, she has committed *nushūz*.<sup>54</sup> The inevitable questions to pose would be: what if the wife is tired? What if she is unhappy with her husband because he is behaving inappropriately towards her? What if she is attending to other matters while he enters the house? What if the husband is not touching her the right way for her to be pleased?! These questions are left unanswered when appropriating these definitions for *nushūz*. For me it paints a one sided perspective of marriage – that it is the sole duty of the wife to please her husband. Marriage in the Qur’ān is based on mutual and reciprocal love, compassion, respect and honour. Not that one is superior to the other as the master is to the slave!

In my reading of the various definitions of *nushūz* provided by some of the jurists there seems to be a clear unjust or imbalanced rhetoric between the *nushūz* (ill-conduct) of the wife and the husband. The *nushūz* of the wife is taken more seriously and hence require severe chastisements. Whereas the *nushūz* of the husband is mostly regarded or interpreted as a result of a flaw or shortcoming on part of the wife. However, I would argue, *nushūz* from the husband may be more harmful and dangerous than caused by the wife because he has been appointed by God to shepherd his family (with mutual consultation of his wife) and due to the fact that he has been afforded more responsibilities - or burdened with more duties to take care of the family.<sup>55</sup>

In light of the various definitions that the *fuqāha* (jurists) have propounded, *nushūz*, in my view, can simply be defined as: anything that a spouse performs which clearly violates the explicit *commands of God*.

3. If the context (*siyāq*) of Q. 4:34 and the context of the proceeding verse (Q. 4:35) is analysed, it becomes clear that the husband should **take a decisive stance on his wife’s *nushūz***. This is the intended meaning of *ḍarb* at this instance. After the husband has attempted the other two reconciliatory measures, he may resort to a third step. But while the permission to resort to a decisive third step is clear, the license to inflict physical or even psychological pain upon one’s wife is not. There are, on the other hand, clear reports from the Prophet that forbid husbands from hitting their wives “Do not hit the maidservants of Allah!” (*lā taḍribū imā’ Allāh*).<sup>56</sup>

4. The correct expression of the Qur’ānic conception of *ḍarb* in Q. 4:34 is expressed by ‘Aṭā’ Ibn Abī Rabāḥ (d. 114 AH) who said: “A man must not hit his wife - if he instructs her and she does not comply; he ought instead [of hitting her] show her his anger (*yaghḍab ‘alayhā*).”<sup>5758</sup> About this commentary, Ibn al-‘Arabi remarks, “This is from the juristic insight of ‘Aṭā’, his understanding of the Sharī‘ah, and his ability of deduction and inference.”<sup>59</sup>

Ibn ‘Āshūr explains further: “I [Ibn ‘Āshūr] see ‘Atā’s insight as even more far-reaching than Ibn al-‘Arabi, since he placed these things as needed due to their substantiating evidences, a large group of scholars agreeing with this understanding.”<sup>60</sup> ‘Atā’ Ibn Abī Rabāh’s (d. 114 AH) understanding is in congruence with the Qur’ānic concept of *ḍarb* (in Q. 4:34).

The *ḍarb* ‘Atā’ was referring to its prohibition is the customary *ḍarb* which is known to people in societies not the Qur’ānic conception of it. In ‘Atā’s reading, therefore, the corrective measure which the husband ought to take is not to hit one’s wife, but to display anger. In other words, ‘Atā is reading the word *ḍarb* as a metonymic stand-in (*kināyah*) for “showing one’s anger”. This is similar to the way some scholars understand *ḍarb* to be a figurative stand in for taking a journey or presenting an example elsewhere in the Qur’ān.<sup>61</sup>

It must be remembered that this is permitted anger—when a person gets angry about something that is legitimate, and still persists in their patience. God praises those who restrain their anger and pardon others. He says: “Be quick in the race for forgiveness from your Lord, and for a Garden whose width is that (of the whole) of the heavens and of the earth, prepared for the righteous,- those who spend (freely), whether in prosperity, or in adversity; who restrain anger, and pardon (all) people - and God loves those who do good.”<sup>62</sup> Restraining anger implies that the person does not do anything that will violate the commands of God, despite feeling displeasure due to God’s laws being contravened. In the final stage of spousal reprimand, after pleading kindly for the wife to stop her mistreatment of the husband, the most a husband is afforded to show is (definitive) ‘anger’.

5. The subsequent verse, Q. 4:35, supports the view that the *ḍarb* ought to be understood as a metonymic stand in for anger. If Q. 4:34 is licensing physical (or any form of) violence then surely this will cause more than a simple discord between spouses. It will cause fear, misery, and oppression. But God is all-knowing, and thus, I argue, violence is not what God has allowed in the prior verse. Otherwise, the mediation and reconciliation which this verse intends to provide steps to, would be impossible to achieve.<sup>63</sup>

6. There may be, in the minds of some, the question: If what is being suggested is true why did the Qur’ān employ the phrase *wadribūhunna* instead of ‘you should take a decisive position against your wife’ or ‘you should show some displeasure and anger’ due to her actions?<sup>64</sup> To appreciate the reason, an understanding of the Qur’ānic style (*uslūb al-Qur’ān*) must be clarified and emphasised. In the Qur’ān God employs powerful and strong words to give life to the emphatic meaning present in a word without necessarily intending the literal meaning of the word. Such implications make up entire chapters in books on the Qur’ānic sciences.<sup>65</sup>

For example: In Q. 80:17 God reminds: “**Woe** to man! How ungrateful he is”! The Arabic used for woe is *qutila* (May he be killed). Such a word is used here to symbolise and signify the intense divine curse upon those ungrateful.

In Q. 34:14 God states: “Then, when we decreed Solomon’s death, nothing showed the *jinn*<sup>66</sup> he was dead, but a creature of the earth eating at his stick: when he fell down they realized - if they had known what was hidden they would not have continued their **demeaning labour**”.

Exegetes explain that the Arabic word for torture, “*adhāb*”, is used here to illustrate the extent of the fatigue which overwhelmed the Jinn.

In Q. 2:236 God explains: “You will not be blamed if you divorce women when you have not yet *consummated* the marriage or fixed a bride-gift for them, but make fair provision for them, the rich according to his means and the poor according to his - this is a duty for those who do good.” In this verse, the Qur’ān employs the word *lams* (touch) to denote sexual intercourse. Ibn ‘Abbās said: “*al-lams* is sexual intercourse, God uses metonymic language however He desires and with whatever He desires....”<sup>67</sup>

The Qur’ān is replete with similar styles of metonymy.<sup>68</sup>

7. Many jurists who understood this verse to imply *ḍārb* literally nonetheless express a leaning towards the metonymic conception of it for all the reasons I have mentioned prior, even though they may not explicitly state it.<sup>69</sup>

The jurists place stringent conditions<sup>70</sup> on ‘hitting’<sup>71</sup> the wife in case of *nushūz* (ill-conduct) in a way that essentially undermines the literal concept and promotes the metonymic interpretation (*ta’wīl*) I have presented.<sup>72</sup> Some such conditions include: a) that the tool used to hit cannot be one that can potentially cause injury. Ibn ‘Abbās was of the view that a *siwak*<sup>73</sup> [small tooth-stick], or *shirāk* [shoelace] be used, others say a coiled scarf [*mindil malfuf*] will suffice),<sup>74</sup> b) that the face must be avoided, and c) that the hitting cannot leave any physical traces (*ḍarb ghayr mubarriḥ*).<sup>75,76</sup>

8. Furthermore, on balance and comparing the Qur’ānic notion of *ḍarb* (if taken literally) seems to suggest one thing and all other sources such as the traditions of the Prophet, early commentators of the Qur’ān, the Arabic language, and the Jurists (albeit with various modes of expression) – and with all their stringent conditions thus restricting the ‘*wadribūhunna*’ (‘hitting’) from its customary conception – suggest a completely contrasting and contradictory view. Many have restricted the *ḍarb* in the Qur’ān to the extent that the apparent and literal concept is taken out. According to the rules of interpretation, as expounded in *uṣūl al-fiqh*, once a decisive (*qat’i*) ruling of a text has been specified in some respect, the part which remains unspecified becomes speculative (*zanni*), and as such, is open to further interpretation and specification (*takhsis*). In my estimation the only plausible and conceivable interpretation of the imperative is the understanding I have presented in this study i.e. that is a metonymic (symbolic) stand in for showing displeasure at the wife’s ill-conduct and nothing more. The Qur’ān, Sunnah and the legal texts overwhelmingly point to this.

9. It is important to stress and highlight that even though the Qur’ānic injunction to ‘hit’ was revealed the Prophet continuously reprimanded those who raise their hand against their wives as cited above and in certain traditions categorically prohibiting ‘wife-beating’ by stating “Do not hit the maidservants of Allah!” (*lā taḍribū imā’ Allāh*). This imperative from the Prophet seems to contradict the Qur’ānic imperative! Moreover, scholars such as Muhammad ‘Abduh (d. 1323 AH) argued that the tradition (and similar traditions) in which the Prophet said “the best of you would not beat their wives” amounts to a virtual prohibition<sup>77</sup> (while others, even traditional scholars, stating that ‘hitting’ was *makrūh* – strongly disliked) because of the vehement disdain the Prophet displayed about violence against women. This is clearly illustrated in many authentic traditions.

It is a well known principle in the study of the origins of jurisprudence (*Uṣūl al-Fiqh*) that the Prophet is the explainer and interpreter of the Qur’ān. Among the jurists, some argue that the *Sunnah* (Prophetic example) takes precedence over the seemingly direct or exact understanding. This view purports that the Qur’ān is always in need of the *Sunnah* to be applied correctly, and the *Sunnah* can be applied without recourse to the Qur’ān. Awzā’ī (d. 157 AH) was reported to have commented: “The Book [Qur’ān] is in more need of the *Sunnah* than the *Sunnah* is in need of the Book.”<sup>78</sup> Yahya b. Kathīr (d. 723 AH) was also reported to have stated: “The *Sunnah* judges the Qur’ān but the Qur’ān does not judge the *Sunnah*.”<sup>79</sup> In other words, the *Sunnah* shows how the Qur’ān is to be applied. If the *Sunnah* shows a certain verse does not apply to a particular issue, even though the verse’s apparent meaning implies that it does, the ruling of the *Sunnah* takes precedence over the apparent meaning of the verse.

10. When the husband shows some anger and displeasure at the actions of his wife in a decisive manner after trying to be more gentle in the earlier two steps, she will be alerted in a major way to the fact that she has committed some sort of *nushūz*. In this situation, if she is not willing to rectify her conduct then the couple must resort to the final step the Qur’ān offers for reconciliation. The Qur’ān instructs, “If you [believers] fear that a couple may break up, appoint one arbiter from his family and one from hers. Then, if the couple want to put things right, God will bring about reconciliation between them: He is all knowing, all aware.”<sup>80</sup>

### Alternative Translation:

“Husbands should take good care of their wives; with [the bounties] God has given to some more than others and with what they spend out of their own money. Righteous wives are devout and guard what God would have them guard in their husbands’ absence. If you fear *nushūz* (ill-conduct) from your wives, remind them [of the teachings of God], then ignore them when you go to bed, *wadribūhunna* (then show some definitive ‘anger’ over their actions). If they obey you, you have no right to act against them: God is most high and great.”

### Summary:

Domestic abuse is a problem in too many societies. Under no circumstances is such abuse against women, in its various manifestations, encouraged or allowed in Islam. There are many instances in the Qur’ān and the *ḥadīth* where the relationship between a husband and wife is described as one of mercy and kindness. The Qur’ān and *ḥadīth* specifically enjoin kindness towards women.

I have tried to demonstrate that much of the understanding of the word *ḍarb* as hitting comes from a cultural context that accepts a husband’s use of hitting as a corrective measure in response to a wife’s *nushūz*, and not as the divine intent (*maqṣad*) of the verse.

The jurists always understood the Qur’ānic license for *ḍarb* to be within specific stringent bounds. An analysis of such conditions suggests their understanding of chastisement in this verse should be expanded to mean an expression of anger than physical violence. Thus, even the traditional opinions of the scholars recognise that the preferred response to a wife’s *nushūz* is, as ‘Aṭā’ Ibn Abī Rabāḥ argued, a display of anger and displeasure, and not physical violence.<sup>81</sup>



## End notes:

<sup>1</sup>Shamsuddin Ibn al-Qayyim, *I-lam Al-Muwaqī'n*, ed. Taha Abdul Rauf Saad (Beirut: Dar Al-Jeel, 1973) vol.3, p. 333.

<sup>2</sup>Qur'ān, 30:21

<sup>3</sup> According to Abdel Haleem, the correct rendition of *wa'ziz* "reminding" as opposed to "admonishing". *Understanding the Qur'an*, pp, 49-50.

<sup>4</sup> In one interpretation.

<sup>5</sup>Al-Qur'ān: a contemporary translation by Ahmed Ali, Princeton University Press, 1988; pp78-79.

<sup>6</sup> Abu Sulayman, *Marital Discord: Recapturing Human Dignity Through the higher Objectives of Islamic Law*, IIIT 2008, Second edition, pp., 20-21.

<sup>7</sup>Atā b. Abī Rabāh was a prominent Tabi'ī (successor), Mufassir (Qur'ānic exegete), Muḥaddith (transmitter of ḥadīth), faqīh (jurist) and Mufti (Judge) of Makka. He was born in Yemen to Nubian parents and raised in Makka as a client of the Abī Khudhaym family. He was a student of Ibn Abbās (The great companion of the Prophet and interpreter of the Qur'ān) and `Abd Allāh b. `Umar and was often quoted by his 8th century student, the Islamic scholar Ibn Jurayj.

<sup>8</sup> Ahādīth (sing. ḥadīth) or Traditions of the Prophet will not be the primary focus of this paper. This will be addressed in the detailed booklet "Spousal Reprimand in Islam" by the author.

<sup>9</sup> There are around 11 different interpretations of *wahjūrahunna*. Common interpretation is to refrain from sexual intimacy. One interpretation suggests the husband to tie the wife (who persists in *nushūz*) in the house or the bed. Another suggests (*al-san'āni*) that husband should 'call her to bed'! It is noteworthy to ask why the scholars subjected their legal creative attention to interpret this imperative in so many different ways and only apply one interpretation for the *darb* imperative (though with stringent conditions). I would argue it is due to their contextual and extreme patriarchal readings of this verse.

<sup>10</sup><http://www.domesticviolencelondon.nhs.uk/1-what-is-domestic-violence-/1-definition.html>, accessed 24 Nov 2013.

<sup>11</sup>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 partner against another. Intimate partner in the Muslim societies can only be married partners, given the Islamic prohibition of marital relationships outside of marriage.

<sup>12</sup><http://www.domesticviolencelondon.nhs.uk/1-what-is-domestic-violence-/25-domestic-abuse-against-men.html>, accessed 24 Nov 2013.

<sup>13</sup><http://www.domesticviolencelondon.nhs.uk/1-what-is-domestic-violence-/1-definition.html>, accessed 24 Nov 2013.

<sup>14</sup> Ibid, accessed 24 Nov 2013.

<sup>15</sup>Qur'ān, 2:187

<sup>16</sup>Qur'ān 4:1-176)

<sup>17</sup>Recorded in Tirmidhī

<sup>18</sup>Recorded in Ṣaḥīḥ Muslim (the second most authentic book of Prophetic traditions)

<sup>19</sup>Ibid

<sup>20</sup>Recorded in Abū Dawūd

<sup>21</sup>Recorded in Ṣaḥīḥ Muslim (the second most authentic book of Prophetic traditions)

<sup>22</sup>Ibid

<sup>23</sup>Ibid

<sup>24</sup>Recorded in Ṣaḥīḥ Bukhārī in Ṣaḥīḥ Muslim (the two most authentic collections of Prophetic traditions)

<sup>25</sup>Qur'ān, 49: 11-12

<sup>26</sup>Recorded in Sahih Bukhārī (the first most authentic book of Prophetic traditions)

<sup>27</sup>Ibid

<sup>28</sup>Recorded in Abū Dawūd

<sup>29</sup>Recorded in al-Ḥakim's al-Mustadrak, and Al-Nawawī's forty ḥadīths collection.

<sup>30</sup>Qur'ān, 4:34

<sup>31</sup> There are plethora of texts in Islam that show abhorrence and disdain for all forms of domestic abuse which are too many to include in this brief study.

<sup>32</sup>Ibn 'Ashūr, al-Tanwīr wa al-Taḥrīr, under Qur'ān 4:34.

<sup>33</sup> Bukhari: (2336), Ṣaḥīḥ IbnHibbān: (4147), Musnad al Bazzār: (206), Consideration on the *Nasikh and the Mansukh* from the traditions by al-Ḥazimī, pp., 139-140, Dār al Kutub al-'Ilmiyya, Beirut, first edition 1996.

<sup>34</sup>Ibn 'Ashur, al-Tanwīr wa l-Tahrir, under Qur'ān 4:34.

<sup>35</sup>Ibid

<sup>36</sup>Muhammad Abdel Haleem is the King Fahd Professor of Islamic Studies at the School of Oriental and African Studies in the University of London. His new English translation of the Qur'ān, with parallel Arabic text, was published in 2010.

<sup>37</sup>Muhammad Abdel Haleem, *Understanding the Qur'ān*, pp, 49-50.

<sup>38</sup>Ibid. p, 49.

<sup>39</sup>KASSIS. H E, A Concordance of the Qur'ān, University of California Press: Berkeley-Los Angeles-London, Page 410

<sup>40</sup> Here is a good website that discusses all these variations: <http://www.quran434.com/wife-beating-islam.html> Although I do not agree with all the conclusions nevertheless it is a good study, accessed 24 Nov 2013

<sup>41</sup> <http://quransmessage.com/articles/a%20deeper%20look%20at%20the%20word%20dharaba%20FM3.htm>, accessed 24 Nov 2013

<sup>42</sup> Al-Rāzī said in his Tafsīr on 4:34: “Al-Shafī’ī said: “hitting is permitted, but not hitting is preferable (wa al-darb mubāḥ, wa al-tark afḍal).”

It is interesting to note and ascertain the hidden intent of Al-Shafī’ī’s (and others who say it is better – *ajmal* – not to hit) position. If it is better not to ‘hit’, what are the other corrective measures, except for admonishing and abandoning the beds, in cases where the wife is persistently committing nushūz?

<sup>43</sup> Abdul Hamid A. Abū Sulayman is the President of The International Institute of Islamic Thought (IIT) USA; President of the Child Development Foundation, USA; and former Rector of the International University, Malaysia. He is also the author of numerous articles and books on reforming the Ummah, including: The Islamic Theory of International Relations: New Directions for Islamic Methodology and Thought, Crisis in the Muslim Mind, and The Islamic Theory of Economics: Philosophy and Contemporary Means.

<sup>44</sup> Marital Discord: Recapturing Human Dignity Through the higher Objectives of Islamic Law, IIT 2008, Second edition, pp., 20-21.

<sup>45</sup> Qur’ān, 4:35

<sup>46</sup> Many scholars interpreted ‘*takhāfuna*’ to mean to have certain knowledge. In other words if the husband knows that the wife is committing nushūz then he is to proceed to the corrective measures. This was the view of Ibn Abbas and al-Shafī’ī. (al-Qurtubī, Jāmi’ ahkām al-Qur’ān: 5/170)

<sup>47</sup> I have mentioned the wifely *nushūz* in the main article. However, it is also worthwhile to quickly cite some definitions of the nushūz on the part of the husband. For example: The Ḥanafīs defined it as, “It is where the husband hates his wife and brings about harm to her”. (Ibn Nuḡaym, al-Bahr al-raḡīq, vol. 4, p.76.). The Mālikīs defined it as, “The husband transgresses against his wife and harms her by boycotting her, hitting her in ways not called for by the law, irritating her, abusing her, reviling her, such as cursing her, and so forth”. (Jawar al-Iklīl, vol. 1, p.328). The Shafī’īs, “For the husband to transgress her by hitting her, harming her or having very bad behaviour towards her”. (Al-Wajīz, vol. 2, p. 40). And the Hanbalīs defined it as, “It is for him to harm her by beating her or making life difficult for her or to keep her from getting her rights fulfilled, such as proper division [among co-wives], maintenance and so forth.” (Kishāf al-Qinā’, vol. 5, p. 213).

From some of these (and other) definitions it seems that the scholars seem to contradict themselves. For example: by stating that the husbands should refrain from sexual intimacy with the wives who commit nushūz and then paradoxically define the *nushūz* on the part of the husband when he avoids sexual intimacy. This leaves the wife in a tricky situation, to say the least.

Furthermore, scholars also included the reasons why a husband might commit *nushūz*. They cited that if he wants a younger wife, or more beautiful wife, or simply he hates his wife, even her old age, her 'ugliness', him becoming bored of her etc are reasons for him to commit *nushūz* (ill-conduct). If this is to be accepted the question to pose would be: what wrong did the old wife commit? What mistake did the no longer ‘unattractive’ wife make? Accepting these definitions and limits will be to accept an oppressive and immoral reading of the texts.

<sup>48</sup> The Ḥanafīs, Mālikīs, Shafī’īs, and Hanbalīs constitute the four traditional schools of jurisprudence.

<sup>49</sup> Al-Kasānī, Badā’ī’ al-Ṣanā’ī’, vol. 4 p.22

<sup>50</sup> Jawāhir al-Iklīl, vol. 1, p.328

<sup>51</sup> Al-Majmū‘ Sharḥ al-Muhadhab, vol. 16, p. 445

<sup>52</sup> Al-Kāfī fī al-Fiqh al-Imām Aḥmad Ibn Hanbal, vol. 3, p. 137

<sup>53</sup> When examining the actual wording an inevitable question arises. The Prophet said, “...Whom you dislike...”. Does that imply that a wife could bring into her ‘bed’ a man who is liked? That is why classical scholars interpreted the word ‘bed’ in the tradition to mean the house.

<sup>54</sup> Tafsīr al-Rāzī under Q. 4:34

<sup>55</sup> It should be noted that these definitions are ijtihādī which means the matter is not definitive hence the wide ranging definitions provided by the various scholars.

<sup>56</sup> Recorded in Abū Dawūd

<sup>57</sup> Al-Qāḍī Abū Bakr b. al ‘Arabī, Ahkām al Qur’ān: 1/469, pub, Dār al Ma‘ārif, Egypt, Taḥqīq (verified) by 'Alī Muḥammad al-Bijāwī.

<sup>58</sup> This is permitted anger—when a person gets angry about something that is legitimate, and still persists in their patience. God praises those who restrain their anger and pardon others. He says: “Be quick in the race for forgiveness from your Lord, and for a Garden whose width is that (of the whole) of the heavens and of the earth, prepared for the righteous,- those who spend (freely), whether in prosperity, or in adversity; who restrain anger, and pardon (all) people - and God loves those who do good.” [Sūrat Āl-Imrān: 133-134]. Restraining anger implies that the person does not do anything that will violate the commands of God, despite feeling displeasure

due to God's laws being contravened. In the final stage of spousal reprimand, after pleading kindly for the wife to stop her mistreatment of the husband, the most a husband is afforded to show is (definitive) 'anger'.

<sup>59</sup> Ibn 'Āshūr, *al-Tanwīr wa al-Tahrīr*, under Qur'ān 4:34

<sup>60</sup> *Ibid*

<sup>61</sup> Al-Qāḍī Abū Bakr Ibn al 'Arabi, *Ahkām al Qur'ān*: 1/469, pub, Dar al Ma'ārif, Egypt, Tahqīq by Ali Muḥammad al-Bijāwī.

<sup>62</sup> Qur'ān, 3: 133-134

<sup>63</sup> Readers are directed to this very good study on the 'hitting' verse by al-Hibri:

<http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1917&context=ilj>, accessed 24 Nov 2013

<sup>64</sup> Conversely, one could ask, if it did not mean "beat" or "hit" in the customary sense (which almost all scholars agree it does not) why use a word that could have this implication especially in an environment wherein men did physically beat their wives?

<sup>65</sup> It is important to understand that the Qur'ān was revealed in the rich and complex Arabic language. In order to understand the real purport and objectives of the Qur'ān, recourse to the correct conception of the Arabic language and linguistics is essential. One of the most important branches of *Usūl al Fiqh* (Principles of Jurisprudence), *Tafsīr* (Qur'ānic exegesis) and other sciences make use of the study of language. Linguistics includes principles relating to the way in which words convey their meanings, and to the clarity and ambiguity of words and their interpretation. The knowledge of these principles is essential to the proper understanding of the sources of the Sharī'ah—the Qur'ān, and the authentic *Aḥādīth* of the Prophet—from which laws and rulings are deduced.

<sup>66</sup> The jinn are spiritual creatures mentioned in the Qur'an and other Islamic texts that inhabit an unseen world in dimensions beyond the visible universe of humans.

<sup>67</sup> Ibn Kathīr said that Ibn AbīHātim recorded that Ibn 'Abbas said that Allah's statement: "*lamastumal-nisā*" refers to sexual intercourse. It was reported that 'Alī, Ubay bin Ka'b, Mujāhid, Ṭawūs, al-Ḥasan, 'Ubayd bin 'Umayr, Sa'id bin Jubayr, al-Sha'bī, Qatāda and Muqātil b. Ḥayyān said similarly. See also al-Ṭabarī, *Jami' al-Bayān fī Tafsīr al Qur'ān* under 2:236.

<sup>68</sup> The verb *ḍaraba* (lit., "he struck"), as clarified above, is very often used in a figurative or metonymic (*kināya*) sense, as, for instance, in the expression *ḍaraba fī al-'ard* (he journeyed on earth), or *ḍaraba shay' bi-shay'* ("he mixed one thing with another thing"), or *ḍaraba mathal* (he coined a similitude or propounded a parable or "gave an illustration"), or *'ala ḍarb wāhid* (similarly applied or in the same manner), or *duribat 'alayhim al-dhilla* (humiliation was imposed or applied unto them) and so forth. (Muhammad Asad)

<sup>69</sup> I must confess that in trying to present my overall thesis in regards to the views and indications of the jurists that many understood the *ḍarb* in a metonymic manner nevertheless, there has been great number of scholars who did understand and advocate the imperative in a literal sense. For example, some Ḥanafī jurists like al-Jassas et al argued that a husband was not liable for any penalty, if he were to discipline his wife physically and cause some harm, as long this did not result in her death. (*Ahkām al-Qur'ān*, 2:188)

Although there were scholars who maintained this position the Sharī'ah and its objectives (*maqāsid*) reject these, in my view, readings of such texts. This reading, I would argue, is centred on their contextual and cultural paradigm and 'extreme' patriarchal worldview. The Qur'ān is an eternal guide for all times and contexts that enshrines, establishes and confers justice fairness, dignity and honour to both the husbands and wives. The aforementioned readings and subsequent manifestations, in my view, is not the intended eternal message of the Qur'ān.

<sup>70</sup> These conditions circumscribe *ḍarb* to the Qur'ānic conception of it and thus, I see no reason to list these conditions when discussing and interpreting this particular verse. These are *ijtihādāt* (efforts) from the jurists which neither God nor His Prophet prescribed in the texts. This is so because the current study has demonstrated that 'hitting' is not to be understood in its literal framework.

If it is surveyed from a practical angle, the verse suggests: when the wife commits *nushūz*: 1) the husband admonishes/reminds the wife: according some scholars first he ought to admonish her in a gentle manner, and if she still is persistent he should become very harsh. Couple of scholars even argued to use very harsh and disturbing words. 2) If that fails he should abandon bedding her (this is one of 11 interpretations for the – *wahjūrūhunna* - imperative). If *nushūz* is interpreted as sexual lewdness, would not the wife be relieved? Sexual lewdness meaning she refuses to have sex (and of course the reasons need to be determined). 3) If that does not change her he is permitted (commanded) to 'hit'. If a wife is rising up and becomes arrogant (*nushūz*). Wouldn't hitting aggravate the situation to a more hostile environment? And after all the harsh words and depriving her the bed (sexual intercourse). What use is it for the husband to come with a 'coiled scarf' (*mindil malfuf*)?! Or even a *miswak* or '*shirak*' (shoelace)? It would be ineffective!

And then God mentions Q.4:35, if there is a breach (*shiqāq*) appoints an arbiter to mediate. Is hitting not the greatest and severest forms of breaches in a marriage?

Following the literal perspective or thinking paints that patriarchal bias that wives are always submissive and subordinates (like the *mawla* – master - to the slave). And he has to use even physical force to correct her and keep her in line!

<sup>71</sup> The jurists state that if the ‘hitting’ does not prevent the *nushūz* (ill-conduct) of the wife then ‘hitting’ becomes impermissible. Ḥaṭṭābī al-Malikī commented: “If there is preponderant belief on his part that ‘hitting’ will not benefit the wife (for her to be rectified) then it is not permissible!”. (Mawāhib al-Jalīl: 4/15-16). This further indicates that the scholars continuously limited and restricted the ‘hitting’ in the literal sense. I mean, is there a sort of physical hitting that does not cause harm nor humiliate the person hit?!

<sup>72</sup> Scholars and Qur’ānic exegetes were always cautious (and fearful) of changing words in the Qur’ān. This fear for this particular matter, in my estimation, seems to be out of place.

<sup>73</sup> According to number of scholars the report from Ibn ‘Abbās has a typographical error. The actual report has ‘*shirāk*’ or ‘shoelace’. This is mentioned by Abdullah Adhami in a lecture entitled ‘Gender & Sexuality in Islam’: <http://www.youtube.com/watch?v=pKMPVpjYrN4>, accessed 24 Nov 2013

<sup>74</sup> Tafsīr al-Razī, under 3:34

<sup>75</sup> Ata’ said: "I asked Ibn ‘Abbās: 'What is the hitting that is *ghayr mubarriḥ*?' He replied: '[With] *siwāk* and the like.' Narrated by al-Ṭabarī in his Tafsīr (Dār al-Fikr reprint under the chapter on 5:68).

<sup>76</sup> Tafsīr Ibn Kathir, under 4:34, Tafsīr al-Qurṭubī, under 4:34

<sup>77</sup> al-Ṭālibī, *Ummat Al-Wasat: al-Islām Wa al-Tahaddiyat Al-Mu’asira*, 129;

<sup>78</sup> Recorded by b. ‘Abdul Barr in Jāmi’ Bayan al-Ilm. According to Abū al-Ashbāl al-Zuhayrī, it is authentic. See Abu al-Ashbal al-Zuhairi, footnotes to Yusuf Ibn Abdul Barr, Jāmi’ Bayān al-‘Ilm wa Faḍlihi. (Al-Damman, Saudi Arabia: Dar Ibn al-Jawzī 1996), vol 2, pp. 1193-1194). Cited by Zarabozo in The Authority and Importance of the Sunnah, p. 164. The Authority and Importance of the Sunnah, p. 164.

<sup>79</sup> Ibn Abdul Barr, Jāmi’, vol. 2, p.1194. The Authority and Importance of the Sunnah, p. 164.

<sup>80</sup> Qur’ān, 4:35

<sup>81</sup> The conclusions in this article may not appeal to everyone. However, it must be (at the least) acknowledged that this issue is not as clear cut as people think it is; much of it is speculative. Even if people do not accept the conclusion the very least that must be accepted, in my view, is the fact that the literal hitting is not what is intended. What use or benefit will there be (apart from being symbolic) when a man approaches his wife with the handkerchief to reprimand her, especially when she is supposed to be challenging the husbands authority (in one interpretation)!?