



## The Main Themes of the Study

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*In the Name of Allah, Most Gracious, Most Compassionate!*

## Preface

*The present scholarly study is part of the publications issued by the Center for Study and Research in Ethics, at **The Rabita Mohammedia of Ulema**<sup>1</sup>\*. It aims to show the stand of Islam regarding gender-based violence. Although Islam rejects violence against women, as evidenced by the Quran and the Sunnah (or, the Prophet's Tradition), many have, time and again, attempted to attribute violence (in its multifaceted aspects and forms) to Islam.*

*The book is an endeavor to reject this claim, convinced, as its author is, about the importance of scientific research in shoring up sound judgments. It argues that the attribution of violence to Islam, in whole or in part, is, after all, a hypothesis which warrants serious scholarly study before any confirmation or invalidation can be made. The methodology informing such a study should be based on the collection of data, an analysis of the data, and a deconstruction-based reading of the said data. This is precisely what Pr. Farida Zumrud has done in her study. And the conclusion she has reached shows that violence perpetrated against women finds no basis whatsoever, either in the Quran or in the Sunnah. The results have been achieved on the basis of an inventory of the various concepts and rules in the Noble Quran and the Noble Tradition (of the Prophet), which are sincerely suggestive, both in their wording and in actual deeds, as well as in the clarity of their expression, of the fact that violence against women finds no fundament or support in the main sources of Shari`ah Law—the Noble Quran and the Noble Tradition. Accordingly, any justification of violent behavior directed against any person on the basis of their gender, on the plea that it is legally acceptable, bespeaks either a seriously-deficient understanding of the contents of the Noble Quran and the Noble Tradition or a grossly-deficient analysis of the sources. It may even be driven by a willful tendency to vindicate violence and falsely attribute it to Shar` (Law).*

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\* Referred to from this point on wards as the **Rabita**

*The Center for Study and Research in Ethics, at the RABITA, really hopes that the present study will not merely be an extra book adding to the splendor of library-shelves or perceived as yet another contribution to the ongoing theoretical products falling within the framework of the topic “The Prevention of Violence against Women.” The Center really seeks to see it serve as a means to enhance field workshops as organized by various organizations active in the elimination of violence directed against women, including governmental authorities, civil society organizations, and UN agencies.*

*The outcomes of the study do indeed invalidate the hypothesis that violence against women finds nurture in aspects of the Shar` (or, Revealed Law). The Lord of Dignity does not intend but goodness and welfare for His servants, as evidenced by Almighty Allah’s words: **“And we understand not whether ill is intended to those on earth or whether their Lord (really) intends them to right conduct”** (Sura Al-Jinn, verse 10). In the verse, the Lord of Dignity undertakes to give guidance to His servants, for He **“intends them to right conduct,”** whereas, ill is attributed to an anonymous agent **“it”**, as suggested by the passive construction chosen in the original Arabic version and its English translation: **“ill is intended.”***

In the context of such benefaction which spawns mercy and loving-kindness, it seems that –on the basis of legal and effective evidence– violence has no vindication or warrant whatsoever in the Noble *Quran* and the Noble *Sunnah*.

Ultimately, direction and straight guidance are from Allah, in light of Almighty Allah’s words: **“Say thou: ‘this is my Way; I do invite unto Allah, --with certain knowledge I and whoever follows me. Glory to Allah! And never will I join gods with Allah.”** (*Sūra Yūsuf*, or Joseph, verse 108).

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## PART ONE : THEORETICAL STUDY

### Premise:

Extolling the distinguished standing of women in Islam has become the uncontested endeavour of many, whether the focus is on their position in the (Founding) Text or on their position in history. As far as history is concerned, numerous events recorded by *Sīra* (biographical) books and history underscore such a standing, especially in the early stages of Islamic history. Examples of this abound and we do not want to dwell on them unduly here.

As far as the texts – by which we mean the Noble *Quran* and the immaculate Prophet's *Sunnah* (or, Tradition) – several passages underscore this (high) position in several spheres and at different levels. In the Noble *Quran*, for example, woman has been mentioned in different terms and several contexts which point to all the conditions that genuinely reflect the condition of woman and her function within society. Besides, ample space in several *Suras* (or, Chapters) of the *Quran* has been devoted to topics pertaining to woman, such as woman/man relations, whether in woman's private sphere (the sphere of family life) or in the larger public spheres. Examples of *Suras* which have dealt with women include: *Sura Al-Baqarah* (or, the Heifer); *Sura An-Nissa'* (or, the Women); *Sura Al-Mumtahanah* (the Woman Examined); *Sura Al-Mujadilah* (or, the Woman who Pleads); *Sura At-Talaq* (or, Divorce); *Sura Al-Ahzab* (or, the Confederates), and *Sura An-Nur* (or, Light). One *Sura* was even given the name *Maryam* (or, Mary), mother of Prophet `Issah (Jesus), Peace be upon him.

Another aspect which highlights this special standing at the level of the text also is that the Noble *Quran* has not distinguished between the two sexes, either at the level of the **discursive language and wording** or at the level of **contents**. Through the general principles which define the nature of human existence, the functions of man in this existence and by tracing

*Quranic* concepts which sum up the “Unity of the *Quranic* Discourse” about humankind, we can readily see the equality established between women and men in terms of the nature and aims of the creation, the truth of *Takleef* (legal responsibility) and *Jaza'* (retribution) for any work wrought. Suffice it here to consider the two concepts of *Istikhlaf* (or, lieutenancy) and *Iman* (faith) to find evidence for the foregoing:

The concept of *Istikhlaf* (lieutenancy), in its general sense, defines the function and mission of humankind in this universe. Now if we ponder the story of lieutenancy as recounted by the Noble *Quran*, we will soon realize that woman has, always and from the outset, been side by side with man in this mission. She has participated with man in the main events and has shouldered the same responsibilities and assumed them in **equal proportion** to him. Allah (Glory and Majesty to him) says: **“O Adam! Dwell thou and thy wife in the Garden, and enjoy (its good things) as ye wish: but approach not this tree, lest you become of the unjust.”** Then began Satan to whisper suggestions to them, in order to reveal to them their shame that was hidden from them (before) ...” (*Sura Al-A'raf*, or the Heights, verses 18-19). Then He (Gloried be He) says: **“They said: ‘Our Lord We have wronged our own souls: if thou forgive us not and bestow not upon us thy Mercy, we shall certainly be lost.’”** (Allah) said: **“Get ye down, with enmity between yourselves. On earth will be your dwelling place and your means of livelihood, --for a time.”** He said: **“Therein shall ye live, and therein shall ye die: but from it shall ye be taken not out (at last).”**

By virtue of the lieutenancy “covenant,” woman became (jointly) responsible for the mission and its requirements, including the settlement and reformation of the land, the good management of its resources, the preservation of its potentialities, in conformity with the lofty values that religion had established—most notably **faith, sincerity, piety, and justice**. Woman was also bound by the requirements of lieutenancy, namely through **faith and righteous work**, as evidenced by this verse: **“Allah**

**has promised, to those among you who believe and work righteous deeds, that He will, of a surety, grant them in the land inheritance (of power)."** (*Sura An-Nur*, or Light, verse 53).

In regard to work that is associated with faith, the *Quran* has not distinguished between **man and woman**. Instead, it has **given directives concerning the nature of women's participation in existence** as a whole, and not solely in society, as suggested here: **"If any do deeds of righteousness, be they male or female –and have faith, they will enter heaven, and not the least justice will be done to them."** (*Sura An-Nissa'* or the Women, verse 123).

### **The Problematic Nature of the Topic and Study Methodology:**

All that which has been said about the rather (idealistic) general principles in the above introductory section is fine and can only command our admiration and pride. But are these general principles and preambles sufficient to solve the problems arising from the ways in which the founding legal texts, which regulate relations between the sexes, are implemented? Are they also enough to respond to the charges brought against some texts to the effect that they encourage violence against women and foster discrimination against them? How can we justify the charges brought against the *Quranic* and *Hadith* texts, considering that the latter have not distinguished between men and women at the level of existence, creation, legal responsibilities, faith, and deeds?

The reason behind raising these questions is the existence of two "extreme" methods, so to speak, of studying and coming to an understanding of the (founding) text. These methods are diametrically opposed:

- **The first method:** is a traditional scholastic method which analyzes texts, in light of humanistic, denominational, and historical understandings which are themselves influenced by the dominant culture of the era, the social conditions, and the general policy



prevalent in the epoch which were contemporaneous with the texts. The only snag about this method is that it does not distinguish between texts having a divine origin and the text produced by the human explicator of the text;

- **The second method:** is a “rebellious” modernist method which deals with texts as being part of history, no different from the interpretations given to them. It even considers that it is necessary to transcend them, or at best, to keep some and to dismiss others. The problem with this method—regardless of its premises in understanding the nature of the *Quranic* text—is that it does not make use of a *holistic* approach to the texts, considering them as a system, making out some of them in light of others. It also fails to heed the cognitive accumulations and contributions made by preceding authors, distinguishing between the useful and the useless.

The first method thus disregards the realities which should be taken into account in order to understand the text. Likewise, the second method disregards history, which makes it possible to come to a better understanding of the contexts of the actual revelation of the *Quran*.

This state of affairs calls upon us to review our methods of reading and understanding the (canonical) legal texts and invites us to adopt an intermediate method in between the aforesaid methods. The middle course method takes into account the origin of the legal text (i.e., the *Quran* and the *Sunnah*), the characteristics of their discourse, the nature of the principles and the concepts they comprise—in terms of their relations with one another—the importance of internal and external contexts of the text in the process of understanding *Ahkām* (ordinances and rules), without losing sight of reality and other influential factors, be they negative or positive.

This type of reading and understanding is premised on a number of methodological bases which may be summed up in the following:

- **The *Shari`ah* (or, Revealed Law) Procures Benefits and Banishes Mischief:**

A considerable number of recurrent texts have concurred and agreed that the principles and the rules of Islamic *Shari`ah* aim essentially to promote the **happiness** of humans in this worldly life and in the Hereafter, to further their **interests** and to repel **corruption and mischief** from them. This has been actually suggested by inductive and deductive methods. It follows from this fundament that the overarching aim of the *Quran* precisely –the *Quran* being the prime source of legislation–is the rightness of individual, social, and civilizational conditions and affairs.<sup>2</sup>

Having said this, we should entertain no doubts regarding the existence of any text that is at variance with this overall aim. Indeed, if a partial rule should be at odds with it, then there is good reason to believe that some dysfunction in textual understanding or interpretation has occurred. Accordingly, this partial rule should be understood in relation to a holistic meaning, with reference being made to the overarching aims. And this is precisely what is meant by the second methodological basis.

- **The *Kuliāt* (or Predicates of the Law) is a Source to which all Particulars should be referred:**

The Noble *Quran* itself has stated that it contains several general verses and other detailed ones. It has also considered that the general verses constitute a source for the other more subordinate ones. Accordingly, reference should always be made to the *general* one in the process of understanding and interpreting the *particular* ones. The *Quran* has named these general verses *Muhkamāt* (or, masterly fundamental verses), as evidenced by the following verse: “**This is a Book with verses fundamental (of established meaning), further explained in detail, -from One who is Wise and Well-acquainted (with all things).**” (*Sūra*

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<sup>2</sup> At-Taher Ibn `Ashur, *At-Tahrir wa Tanweer* (Liberation and Enlightenment), Part One, p. 38.

*Hūd*, or the Prophet *Hud*, verse 1). Accordingly, *Muhkamāt* verses are the “mothers” of verses under which detailed and particulars are provided. These fundamental verses—by virtue of the fact that they comprise many meanings—are considered to be fundamental sources. They are thus referred to in the process of interpreting more detailed verses. In this respect the Almighty says: “**He it is Who has sent down to thee the Book: in it are verses basic or fundamental, clear (in meaning); they are the foundation of the Book: others are not entirely clear.**” (*Sūra Al-`Imrān*, The Family of `Imrān, verse 7).

As-Shātiby, a scholar of *Ussūl* (or, theoretical foundations of Islamic Law) who opts for a method based on the aims of the Law, had once observed that *Muhkamāt* verses are masterful fundamentals which **have preceded** the more detailed and particular verses in terms of the chronology of their revelation. In other words, the *Kuliāt* (or, the more general verses) were revealed **first** by the *Qurān* to the Prophet (Peace and blessings be upon him) while he was still in *Makkah*. Then in the *Madinah* other verses were revealed which completed the rules, whose bases were actually laid in *Makkah*. Accordingly, the first verses to have been revealed were essentially about Allah, His Messenger, and the Last Day. Other general fundamentals, such as prayer, money-spending and other matters were revealed. In the meantime, the Almighty commanded people to opt for **the noblest ethics and values such as justice, benefaction, pledge-keeping, and the like.**<sup>3</sup>

One of the main characteristics of these *Kuliāt* (or, predicates) is that they are established, categorical, general, and not open to conjecture or doubt. An example which relates to the topic under study is *Nafy Ad-Dharar* (Negation/repulsion of Harm/Prejudice). This is a major predicate and general rule in the banishment of violence, to which reference may be made in several particular matters and issues, even if some of the latter may ostensibly appear at odds with it.

<sup>3</sup> *Al-Muwāfaqāt* (or, Instances of Congruence), Vol. 3, p. 77.

One of the most important rules which may be derived from this general fundament is that in case of the existence of any opposition or difference between a partial text and a text with an overarching meaning, the partial or the particular should **always** be viewed in relation to the more general text and explained in its light. This actually points to a particular characteristic related to the fundament: the complementary nature of the *Quranic* texts in terms of the topic they address and deal with. This entails a consideration of all the texts that are pertinent to a given topic, taking into account the systemic and structural relations between them. And this is precisely what is meant by the third methodological basis:

- **Using Concepts and Terms as the Starting-point for understanding the Text and taking into consideration the Structural Relations between them:**

Starting from concepts and terms to study the *Quranic* text and analyzing the issues which are of concern to us stem from our conviction of the relevancy and usefulness of this approach and its harmony with the preceding methodological bases. Generally speaking, terms are repositories of meanings and signification. They are also the keys to opening the gates of these repositories and coming to an understanding of the intended meanings of these terms.

Another characteristic of the *Quranic* terms and concepts is that they form clusters in cognitive areas and fields covering all the topics that the *Quran* addresses, notably creedal, legislative, and behavioural topics and issues. They are also bound to one another by overlapping signification relations, within a given cognitive system so that a concept may not be understood fully in the absence of an adequate understanding of another concept within the same cluster.

This is what makes the terminology-centered methodological study the most helpful to the analyst in the process of unravelling and understanding

the *Quranic* cognitive systems and making sense of what these meanings and rules entail. This is because any partial non-holistic reading of the *Quranic* texts may be unduly long, causing the analyst to be lost in details, unable to connect the parts with the whole, and thus unable to understand the topic in its entirety and in full appreciation of its signification system.

For this reason, this approach and similar methods, which are centred on the analysis of the conceptual and signification system of *Quranic* terms, have been particularly useful. On the basis of *Quranic* world-view, as encapsulated in its key terms and secondary terms, analysts deal with the *Quranic* texts in accordance with an innovative method which does not clash with the nature of *Quranic* discourse.

- **Considering that the Prophet's *Sunnah* and the Prophet's *Deeds* as Detailed Explanations and Enactments of the Teachings revealed by the Noble *Quran*:**

The *Sunnah*, whether in the form of actual sayings or doings of the Prophet, constitutes the **realistic enactment** of the principles, meanings, and ordinances of the *Quran*. The reason is that the Noble *Quran*, being limited in terms of its texts, is not exhaustive enough in its handling of the details of the rules and their actual implementation. For this reason, it has focused on the general rules. And Muslim people would not have known how to apprehend and implement them if the Prophet had not been there to convey them and to expound the teachings of the *Quran*. This is particularly the case of actual worship rituals and interpersonal dealings, which rely on detailed explanations, backed up by actual deeds witnessed first-hand by people, rather than mere utterances of verbal commands. Besides, the Prophet's deeds were the benchmark or the standard to be followed in the actual implementation of the rules. Thanks to his sayings and doings, people have found practical guidance in understanding and applying *Quranic* teachings and commands. The Prophet may thus be said to have bridged the gap between theory and practice.

The present study has deemed it worthy and useful to analyse the topic of violence directed against women from the point of view of the Islamic religion, on the basis of the aforementioned methodological premises. And the study focuses on a set of concepts and rules, especially in their harmonious and mutually complementary relations.

As much as the concept of violence is pivotal in the present study, we consider it is necessary to define what is meant by the term prior to delving into a study of the concepts underlying the banishment of violence in the *Quran* and the *Sunnah*.

## 1. The Concept of `Unf (Violence)

### 1.1. The Concept of Violence in Language:3

`Unf (or violence) in the Arab lexicon alludes to the following elements of the language subject-matter: (‘ a/n/f). Most lexicographers have defined the term in opposition to *rifq* (meaning mildness and gentleness). Even though the explanation of a term by way of reference to its opposites does not lead to a genuine knowledge of the meaning of the word to be defined, it is still useful. In some of the explanations given to the verb *`annafa*, there is enough to show the meaning of *`Unf*. One such is what Al-Khalil Ahmed Al-Farahidy (died 175 A.H), the author of the oldest dictionary to have reached us, had said in relation to the term. He says *i`tanaftu ash-shay`* means “I hated it” and *wajadtu `alayka `Unfan wa mashaqqah* (I have found out that he has harbored hatred against you and caused you such hardship). Along the same lines, Ibn Fares, the author of *Maqāyess Al-Lughah* (The Language Standards) explained the word *Ta`neef* as the act of intensifying blame and censure.<sup>4</sup> Others have explained it in terms of **insulting and blaming** people. Other uses of the word and its derivatives include this statement *Al-`aneef allady layssa bihi rifqun bi-rukubi al-*

<sup>4</sup> See *Maqāyess Al-Lughah* (the Language Standards), under the language subject-matter of (‘ a/n/f)

*khayli* (a violent person is one who shows no mildness and ease in riding horses). Similarly, they have used the word in reference to camels: *hadihi Ibilun mut`anifah ida hiya fy baladin la-yuwafiquha* (the camel is harshly treated when it happens to be in a locality that does not suit it).<sup>5</sup>

On the basis of all these expressions, it transpires that the term *`unf* (violence) carries several meanings: **hatred, harshness, blamefulness, and failure to show mildness** whether this is addressed to humans or to animals.

## 1.2. The Concept of *`Unf* (Violence) in Usage:

It may be difficult to give one comprehensive and watertight definition to the word *`Unf*, owing to the multiplicity of contexts and areas in which the concept of *`unf* has been used. These areas range from philosophy and sociology to psychology and pedagogy and from behaviourism to human rights. In each of these areas and others, the term has particular meanings. The most probable reason for this is the ramifications and the multiple dimensions of the concept, as well as its connection to humans in different interactions, circumstances, and manifestations.

The term *`unf* is a philosophical concept, no doubt; it is premised on a particular self-representation of human relations. But it is also a pattern of conduct driven by a particular psychic state. Also because *`unf* is directed by individuals towards others within society, it results in a particular social situation. On account of its consequences and impacts, laws have been made to contain or curb it, *`unf* has come to have some human rights dimensions. Inasmuch as religion tries to direct and control such a pattern of behaviour, the term *`unf* has come to have a special meaning in religion, notably in Islam.

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<sup>5</sup> *As-Sihah: Taj Al-Lughah wa Sehad Al-`Arabiah* (Soundness of the Language is the Crown on the Language: Sound Arabic Terms) Vol. IV, p. 1407.

For this reason, the first challenge met in the process of defining *`unf* has to do with classification. More explicitly, is *`unf* an individual behavioural pattern, a social phenomenon, or a human act? Any that ponders human history will soon realize that all of these categorizations of violence apply to violence. Because our aim is not the investigation of the term *`unf*, but rather a study of the concepts which are suggestive of its banishment, we shall not dwell too much on the problematic issues pertaining to definitions. We shall therefore content ourselves with some common definitions of the term.

In his dictionary, Lalande defines violence as “the illegitimate, or at least, illegal use of power.”<sup>6</sup> Elsewhere, violence has been defined as “a pattern of conduct arising from a state of frustration which is accompanied by signs of stress. It involves a deliberate intent to inflict harm, material or moral, on a living being or any alternative to that being.”<sup>7</sup> And in the World Health Organization’s report<sup>8</sup> on violence and health, violence has been defined as “deliberate use of power by means of threats or actual infliction of violence on the self, another person, or society, resulting in damage, death, psychological harm, or deprivation ... Violence comprises all kinds of violence—physical and mental—as well as harm, ill-treatment and neglect.”

The generality and the wide scope of the concept make it difficult to develop a single definition of violence; however, this should not prevent us from drawing the general contours and getting to know some of its main characteristics, as this would doubtless help us define the concept of violence we are going to study here. One of these characteristics is the multiplicity of violence, depending on the area where it has been used and the guises it has assumed. Accordingly, distinction could be made

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<sup>6</sup> Lalande’s *Philosophical Encyclopedia*, pp. 1554-1555

<sup>7</sup> Mustapha Omar At-Tir, *Al-`Unf Al-`Aily (or, Family Violence)*, (Riyadh: the Publications of Naif’s Arab Academy for Security Sciences), p. 12

<sup>8</sup> The WHO report on “Violence and Health,” (2000)



between psychological violence, physical violence, verbal or speech violence. The intensity and level of violence are likewise multiple: they range from coercion and aggression to sarcasm, scorn, discrimination to material harm. Violence may also begin with beating and injury and culminate in murder.

Another important distinctive characteristic is that the concept may be defined in terms of the persons suffering from the infliction of harm: the self, individuals, categories of people in society. For this reason we find that certain forms of violence are directed to school-goers; other forms of violence are directed against children; family violence is directed against one of the spouses and the children; there is also violence that targets women. The benefit of such divisions is that it helps us define the types of violence directed against each category. In regard to violence against women, for example, we may find types and degrees of violence which we may not find in school violence.

## 2. The Concepts of Violence in the Noble *Quran* and the Prophet's Tradition:

The Noble *Quran* has not used the term *ʿUnf* (violence) or its derivatives, but the *Hadith* (Sayings and Doings of the Prophet) had made use of the term twice in two different *Hadith*-sayings. The first one was reported by Imam Bukhāry, on the authority of ʿAicha (May Allah be pleased with her). According to the narrative, a band of Jews once came to the Prophet and wished death upon him by omitting one letter (“l”) from the customary Islamic greetings, *Salām*, converting it from *As-Salām*, to *As-Sam* (poison). ʿAicha detected the tongue-twist and cursed them saying, “May *As-Sam* be upon you and May Allah unleash His wrath against you and curse you!” Whereupon the Prophet interposed, saying, “*Easy! Aicha. Allah is mild and lenient in all matters. Be mild and beware violence and excessive harshness!*” When Aicha objected, saying: “O have you not heard what they said?” He replied: “*Have you not heard what I said:*

*I responded to them. My prayers are responded to, while theirs remain unanswered!*<sup>9</sup>

It seems that the concept of violence is associated with **harsh words** (or, verbal violence), meaning vituperation and insults. The word has been combined with the word *Fahsh* which refers to vileness and transgression of the proper limits of decency in words and in deeds.<sup>10</sup>

As for the second *Hadith*-saying it has been reported by Muslim in his *Sahih* (or, the Compilation of Authentic *Hadiths*). It reads: “*Allah is mild and loves mildness in things. Much could be achieved by mildness that cannot be achieved by violence.*”<sup>11</sup>

Though the term *ʿUnf* does not appear in the Noble *Quran*, several other terms that can be assimilated to violence are used. Similarly, antonyms have been utilized to the same effect. When similar terms are used in the *Quran* they are mentioned in the context of deeds that are dispraised, denounced or forbidden, altogether. But the opposites of violence come in the context of deeds which are praised and commended. It may thus be said that there is a comprehensive conceptual lexical system related to violence which combine deeds of violence and opposite patterns of conduct. This is also suggestive of the wealth of the conceptual framework of the *Quran*. Each concept or term contributes to the explanation of the opposite term. At times, things may not be known except by reference to their opposites.

Amongst the terms closest to violence in meaning, we find the following: aggression, harm, prejudice, injury, beating, and sarcasm. It

<sup>9</sup> *Sahih Al-Bukhary*, (*Al-Bukhary's Compilation of Authentic Hadith-sayings*), The Book of Morals, the Rubric titled: “The Prophet was not Indecent or Excessive or Vile,” *Hadith* number 6030, Vol. 13, p. 577.

<sup>10</sup> In *Maqayess Al-Lughah*, (or, Language Standards), *the letters f/h/sh* form a word which means vileness and monstrosity. Also when something is exorbitant or excessive, it is *Fahish*. *s*

<sup>11</sup> Muslim *Sahih*, the Book on Righteousness, Keeping good Ties, and Etiquette, the section on “the Merits of Mildness” *Hadith-saying* number 2004, Vol. IV

is noticeable that some of these concepts are related to general violence to which a person, male or female, may be exposed. It may also be inflicted on individuals, communities, institutions, and state. The common denominator is that these concepts are cited in the context of blameworthy and prohibited deeds.<sup>12</sup>

We shall consider three general concepts—namely, *I'tida'* (transgression), *Adha'* (damage), *Dharar* (harm)—because of their inter-relations in the contexts of their occurrence.

## 1.2 The Concept of *I'tida'* (transgression):

The origin of *I'tida'* in language is “when something goes beyond the line or limits at which it should stop.”<sup>13</sup> Derived from the root is the word *Adw* which means running fast. This implies that the normal pace of walking is **exceeded**. Another derivative is *Adwa* which means the other bank of the river which requires the crossing of the river to attain.

Any act wherein there is overstepping of the limits of justice as to turn into injustice implies *Udwan* (meaning transgression). The verb *I'tada* has many forms in Arabic usage, including *Al-Udwan*, *Al-I'tida'*, and *Al-Adawah*, all of which refer to the same origin—**that of transgressing bounds**.

The word *I'tida'* (in its conventional sense) has been used forty five times in the Noble *Quran*, mostly in *Medinan Surahs* (Chapters revealed during the *Madinah* phase). The most recurrent use of the word is in *Surah*

<sup>12</sup>. With the exception of beating which has been mentioned in the *Quran* by way of command and permissibility, though it has been restricted by the *Sunnah* owing to its reprehensibility. We will have an occasion to study the concept later. With the exception also of the concept of aggression which is commanded in order to repel previous aggression, but with specific conditions

<sup>13</sup>. *Mu'jam Maqayess Al-Lugha* (The Language Standard Dictionary): the subject-matter of *'a/d/w*, Vol. IV, p. 249

*Al-Baqarah*, (or the Heifer), followed by *Surah Al-Maidah* (or, the Table Spread), both of which are *Medinan Surahs* that give ample details about a number of ordinances and rules. On the basis of a consideration of the location of the word, we can readily say that the concept occurs in two major contexts, providing the particulars of several legal provisions.

- The first context has to do with the relations that Muslims entertain with one another. In this respect some of the ordinances pertaining to divorce have been mentioned: **“When ye divorce women, and they are about to fulfil the term of their *Iddah*, either take them back on equitable terms or set them free on equitable terms: but do not take them back to injure them, (or) to take undue advantages. If any one does that, he wrongs his own soul.”** (*Sura Al-Baqarah*, or the Heifer, verse 229).

Similarly, another rule pertaining to *Yiddah* (or, vacuity period), is stated thus: **“O Prophet! When ye do divorce women, divorce them at their prescribed periods, and count (accurately) their prescribed periods and fear Allah your Lord: and turn them not out of their houses, nor shall they (themselves) leave, except in case they are guilty of some open lewdness. Those are the limits set by Allah: and any who transgresses the limits of Allah does verily wrong his (own) soul: thou knowest not if perchance Allah will bring about thereafter some new situation.”** (*Sura At-Talaq*, or Divorce, verse 1).

It is also found in the provisions underlying *Qassas* (or, the Law of Equality): **“O ye who believe the Law of Equality is prescribed to you in cases of murder: the free for the free; the slave for the slave, the woman for the woman. But if any remission is made by the brother of the slain, then grant any reasonable demand and compensate him with handsome gratitude. This is a concession and a mercy from your Lord. After this whoever exceeds the**

**limits shall be in grave chastisement.”** (*Sura Al-Baqarah*, or the Heifer, verse 177).

It should be noted that aggression and hostility in this context stand out as acts which the *Quran* rejects. It also reserves grievous punishment for the perpetrators of aggression. This is particularly the case of transgressions which cause serious prejudice to the rights of women, in marriage and divorce, alike. Such acts are considered to be clear transgression of Allah’s boundaries.

One of the concepts that are associated with aggression, especially aggression direct against women in case of divorce is the concept of injustice:

*Dhulm* (or, injustice) is thus presented as a consequence of transgression which is formulated in the conditional, which confirms this meaning.

**“A divorce is only permissible twice: after that, the parties should either hold together on equitable terms or separate with kindness. It is not lawful for you (men) to take back any of your gifts (from your wives), except when both parties fear that they would be unable to keep the limits ordained by Allah. If ye (judges) do fear that they would be unable to keep the limits ordained by Allah, there is no blame on either of them if she gives something for her freedom. These are the limits ordained by Allah; so do not transgress them. If any do transgress the limits ordained by Allah, such persons wrong (themselves as well as others).”** (*Sura Al-Baqarah*, or the Heifer, verse 229).

**“O Prophet! When ye do divorce women, divorce them at their prescribed periods, and count (accurately) their prescribed periods and fear Allah your Lord: and turn them not out of their houses, nor shall they (themselves) leave, except in case they are guilty of some open lewdness. Those are the limits set by Allah:**

**and any who transgresses the limits of Allah does verily wrong his (own) soul: thou knowest not if perchance Allah will bring about thereafter some new situation.”** (*Sura At-Talaq*, or Divorce, verse 1).

**“When ye divorce women, and they are about to fulfill the term of their *Iddat*, either take them back on equitable terms or set them free on equitable terms: but do not take them back to injure them, (or) to take undue advantages. If any one does that, he wrongs his own soul. Do not treat Allah’s Signs as a jest but solemnly rehearse Allah’s favors on you and the fact that He sent down to you the Book and Wisdom for your instruction and fear Allah and know that Allah is well-acquainted with all things.”** (*Sura Al-Baqarah*, or the Heifer, verse 231).

In all of these locations, *Udwan* (or, transgression) has been associated with injustice and wrong, which are further emphasized by the phrase **“transgressing the limits set by Allah,”** in two of them. Injustice thus comes to describe any person that transgresses bounds in matters pertaining to divorce. And these are matters where transgressing such limits is easy, given the inclination that the self has towards such unjust conduct. This explains why the vileness of the act is denounced and described in terms of transgression of the bounds set by Allah. Denunciation of acts of transgression is further underscored by the fact that they are equated with injustice. And injustice is undoubtedly the most abhorred quality in the Sight of Allah (Glory and Majesty be to Him).

- The second context where *I`tida`* (transgression) appears has to do with Muslim people in their relations with other people. In this context, some rules pertaining to fighting are set: **“Fight in the cause of Allah those who fight you but do not transgress limits; for Allah loveth not transgressors.”** (*Sura Al-Baqarah*, or the Heifer, verse 189). Elsewhere, we read: **“The prohibited month for the prohibited month, --and so for all things prohibited,--there is**

**the law of equality. If then any one transgresses the prohibition against you, transgress ye likewise against him. But fear Allah and know that Allah is with those who restrain themselves.”**(*Sura Al-Baqarah*, or the Heifer, verse 193).

What really characterizes *I'tida'* (transgression) against non-Muslims in the two verses above is that **the legitimacy of transgression is tributary on two restraining rules: repelling the aggression in equal proportion and being God-fearing.** This characteristic is further emphasized by another text laying out the rules for fighting the polytheists: **“The prohibited month for the prohibited month, --and so for all things prohibited,--there is the law of equality. If then any one transgresses the prohibition against you, transgress ye likewise against him. But fear Allah and know that Allah is with those who restrain themselves.”**(*Sura Al-Baqarah*, or the Heifer, verse 193). The circumstances of the revelation of this verse is as follows: the Companions of the Prophet (Peace and blessings be upon him) came close to *Makkah* in full ritual consecration (ready to perform pilgrimage), but they feared that the polytheists of *Makkah* might break their former promise of letting them perform their pilgrimage and even fighting them. Allah (Glory and Majesty be to Him) revealed the verse authorizing Muslims to fight back even during the Sacred Months (where fighting is prohibited).<sup>14</sup> Now if we ponder the act of negating aggression and reviling it, we find that a great many exegetes have postulated that transgression<sup>15</sup> here is not so, but merely “retribution”<sup>16</sup>

Injustice in the context below is associated with transgression, as the *Quran* describes people who are worthy of being fought. But this occurs in one context in the Book where Allah (Gloried be He) says: **“And fight them on until there is no persecution and the religion becomes Allah’s.**

<sup>14</sup>. The exegesis of fighting, Vol. I, p. 169.

<sup>15</sup>. See *the exegesis by Aby Hayyan, Al-Bahr Al-Muheet* (or the All-encompassing Ocean), Vol. II, p. 78

<sup>16</sup>. *Nadhm Ad-Durar* (Arranging Pearls), Vol. III, p. 117.

**But if they cease, let there be no hostility except to those who practice oppression.”**(*Sura Al-Baqarah*, or the Heifer, verse 192).

The combination of injustice with transgression here is so significant that it deserves consideration. It appears that *‘Udwan* (transgression/aggression) is **a forbidden and heinous act** which is disliked by Allah (Gloried be He). But how come that it is now approved of, even if it is directed against unjust people?

This is perhaps the reason why exegetes have dwelt on this *Quranic* statement: **“let there be no hostility except to those who practice oppression,”** which suggests that hostility may be accepted and even required against the oppressors. The difference between the meaning of *Udwan* here and elsewhere has been explained by At-Tabary thus: “if someone should ask the question: is it permissible to show hostility against an oppressor, in compliance with the verse: **“let there be no hostility except to those who practice oppression,”** then they should say that the hostility is by way of equality or retribution and doing exactly what the oppressor has done. This means that the hostility endured should be repelled, though within the same proportion. And the response to hostility is not oppression *per se* (but merely repellents thereof).<sup>17</sup> The argument put forth by At-Tabary is indeed confirmation of a response given to a scholar, As-Saddy: “in response to As-Saddy: if the opposite party ceases to persecute, your hostility ends with them as a party. **“Let there be no hostility except to those who practice oppression.”** Allah does not love hostility against the unjust or others. He says: **“But if any transgresses against you, transgress ye likewise against him.”**<sup>18</sup>

There is a way out of this problematic, however, if we consider the context of the verse. The *Quran* is actually laying out the rules of fighting which are governed by a general legal rule: fighting is not authorized as

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<sup>17</sup>. *Jami` Al-Bayan*, Vol. III, p. 302

<sup>18</sup>. *Jami` Al-Bayan*, Vol. III, p. 304



act of aggression; it is only authorized as a way to respond to or to repel an aggression. It consists in responding to aggression with aggression, in the same proportion. This is indeed clearly indicated by the present noble verse from *Surah Al-Baqarah*: **“Fight in the cause of Allah those who fight you but do not transgress limits; for Allah loveth not transgressors.”** (*Sura Al-Baqarah*, or the Heifer, verse 189).

The verse commands Muslims to fight back those who fight them or fly to arms against them. It has also made it an **act of transgression** to fight categories of people who do not carry weapons or fight—including children, elderly people, and women. By contrast aggression against the oppressors, who have transgressed bounds, is a just retribution to them for their iniquity and aggression.

Broadly speaking, the concept of aggression, especially aggression perpetrated by the members of the same society against one another, and specifically against women, is blameworthy and prohibited, considering the injustice it involves. In fact, all revealed laws and positive laws have found it reprehensible and have incriminated it.

## 2.2. The Concept of *Adha* (prejudice, injury):

The origin of *Adha* in language is the act of suffering some wrong and not being to be able to settle in any place.<sup>19</sup> We thus say “*Adhia Ar-Rajul Adhan: wassala ilayhi Makruhu*”<sup>20</sup> (the man has suffered some wrong and has been visited by misfortune). In conventional *Quranic* usage, *adha* has been defined as the damage which affects a living being, human or animal, affecting either his psyche, body, or anything belonging to him either in this world or in the Hereafter.<sup>21</sup>

<sup>19</sup>. *Mu`jam Maqayess Al-Lugha* (The Language Standard Dictionary): the subject-matter of *a/dh/a*, Vol. I, p. 78

<sup>20</sup>. *Al-Misbah Al-Munieer* (The Enlightening Lantern), p. 10

<sup>21</sup>. *Mufradat Aldadh Al-Qur`an* (*Individual Terms of the Quran*): the subject-matter of

In the Noble *Quran*, the term *Adha* is mentioned twenty four times, in the following contexts:

- **The offence and harm to which Allah’s prophets and messengers were exposed at the hands of their own peoples.** This is particularly the case of Mohammed (Peace and blessing be upon him) and Moses (Peace be upon him). In this context, *adha* refers to the **psychic pain** suffered by the prophets while they were reaching out to people, inviting them to Islam and the profession of the Unity of Allah. *Adha* could be inflicted by words or by deeds. Examples of verbal **offence** include the verse which reads: **“Among them are men who molest the Prophet and say, ‘he is (all) ear. Say: ‘he listens to what is best for you. He believes in Allah, has faith in the believers, and is a Mercy to those of you who believe.’ But those who molest the Prophet will have a grievous chastisement.”** (*Surah At-Tawbah*, or Repentance, verse 61). *Adha* (**offence, wrong**) refers to the insults heaped by the hypocrites on the Prophet (Peace and blessings be upon him) and the derogatory description given to him—namely, that he is an “ear” that listens to and readily accepts and believes in all that “it” is said to him. The origin, of course, is the “ear”, the main element in the auditory system. But by implication, an “ear” is applied to any credulous person that gives credit to anything they hear.

The offence or wrong is inflicted through giving the lie, hurling unfounded charges, spreading malicious rumours, and disseminating other types of slander which cause a great deal of psychic and moral damage to the victim. The following is a case in point: **“And remember, Moses said to his people: ‘O my people! Why do you vex and insult me, though ye know that I am the messenger of Allah (sent) to you? Then when they went wrong, Allah let their hearts go wrong. For Allah guides not those who are rebellious transgressors.”** (*Surah As-Saff*, or the Ranks, verse 5). In the exegesis of this verse, exegetes have pointed to the great and varied

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(*Adha*), p. 71

offence suffered by Moses: he was scoffed at and given the lie; he was accused of killing his brother, *Harun* (Aaron); he was also said to be afflicted with a contagious disease; and he was slandered in other ways, too.<sup>22</sup> Along the same lines, Az-Zamakhshary has categorized all types of offence and damage in the following statement: “they used to offend him and wrong him in various ways: they belittled him and mocked him; they denied his Signs; they also disobeyed him in all things which would affect their own benefits; they also set up and worshipped the golden calf; they challenged him by asking to see Allah with their own eyes; and, more generally, they gave him the lie and undermined Allah’s rights and his own rights.”<sup>23</sup>

- **The bodily and moral harm suffered by Muslim people at the hands of those who differed with them in creedal matters**, from among the polytheists and even some members of the People of the Book. Examples of the texts which illustrate and corroborate this sense include: **“And their Lord hath accepted of them and answered them: ‘never will I suffer to be lost the work of any of you, be he male or female. Ye are members, one of another: those who have left their homes and were driven out there from, and suffered harm in My Cause, and fought and were slain, --verily, I will blot out from them their iniquities, and admit them into Gardens with rivers flowing beneath,--a reward from Allah and from Allah is the best of rewards.”** (*Surah Al-Imran*, or the Family of *Imran*, p. 195). The verse alludes to one aspect of the damage caused: it is forced removal and murder—which are certainly the most extreme forms of wrong and iniquity. We also find the following verse: **“Ye shall certainly be tried and tested in your possessions and in yourselves; and ye shall certainly hear much that will grieve you, from those who received the Book before you and from those who worship partners besides Allah. But if ye persevere**

<sup>22</sup>. See, for instance, the exegesis of *Al-Matridy*, Vol. V, p. 118.

<sup>23</sup>. Az-Zamakhshary, *Al-Kashāf* (or the Explorer), Vol. II, p. 671

patiently, and guard against evil, --then that indeed is a matter of great resolution.”(*Surah Al-Imran*, or the Family of ‘Imran, p. 186). As the verse states, the offence here is verbal, as evidenced by the phrase “**ye shall certainly hear**” and the psychological pain it causes. In this respect, some exegetes have pointed out to one instance of such offence: Jewish Kaab Ibn Ashraf’s derision of the Prophet (Peace and blessings be upon him); his philandering with Muslim women; his incitation of the polytheists against the Messenger of Allah and his Companions.<sup>24</sup> Other exegetes have argued that the offence or damage intended here is threefold: undermining the faith; finding faults with people who had faith; and dissuading people from nurturing faith.<sup>25</sup>

- **There is also another type of offence or wrong which some members of the Muslim society inflict upon one another**—and this is what concerns us in the present study. In this respect, we find the offence directed against women, which may be considered one kind of violence. In relation to this type of damage, we can distinguish between several types of violence and the multiple levels at which it is inflicted:
  - There is the bodily pain arising from menstruation. And one of the verses actually describes menstruation in terms of *Adha*: “**They ask thee concerning women’s courses. Say: they are a hurt and a pollution: so keep away from women in their courses, and do not approach them until they are clean, but when they have purified themselves, ye may approach them, as ordained for you by Allah, for Allah loves those who turn to Him constantly and He loves those who keep themselves pure and clean.**” (*Surah Al-Baqarah*, or the Heifer, verse 220). Menstruation is described in these terms

<sup>24</sup>. The exegesis of At-Ta’laby, Vol. 2, p. 207; the exegesis of Al-Baghawy: *Maalim At-Tanzeel* (or, *the Landmarks of Revelation*), Vol. II, p. 146.

<sup>25</sup>. Az-Zamakhshary, *Al-Kashaf* (Explorer), Vol. II, p. 671

owing to the pain accompanying it. But the verse has also alluded to the psychological and bodily pain that a woman may endure if she is pressed into intercourse during the menses period. For this reason, an order has been issued to keep away from women during that period. We shall have an occasion to come back and analyze other aspects of the damage sustained by women because of the act.

- The psychological pain endured on account of false accusation of adultery: **“And those who annoy believing men and women undeservedly, bear (on themselves) a calumny and a glaring sin.”** (*Sura Al-Ahzāb*, or the Confederates, verse 58). Though the verse addresses both believing men and women, the historical context of the verse and its linguistic context suggest that it specifically deals with the pain suffered by the Mother of the Believers, `Aicha (May Allah be pleased with her) when some hypocrites dared accuse her of adultery. Of course, the verse is also general, applicable to all those who falsely accuse women of adultery or other similar acts without proof or verification. Further commentary on this will be furnished in the context of our discussion of *Kadhf* (or, slander/calumny).
- The harm that women can endure if they do not observe the dress-code which indicates their social standing. The women in the Prophet’s household, as well as the other women, were asked to cover themselves with outer garments when walking out of the doors: **“O Prophet! Tell thy wives and daughters and the believing women, that they should cast their outer garments over their persons (when out of doors): that is most convenient, that they should be known (as such) and not molested. And Allah is Oft-Forgiving, Most Merciful.”** (*Sura Al-Ahzab*, or the Confederates, verse 58). The order was issued to shield women from the harassment they may be subjected to. On the basis of a number of narratives, exegete have discussed the reasons and circumstances of the revelation of the verses. One of them is that at nightfall, the wives of the Prophet

(Peace and blessings be upon him) would go out to run errands, but some of the men would be in the alleys trying to woo or flirt with the women. Allah then revealed the verse and the command with it: **“O Prophet! Tell thy wives and daughters and the believing women, that they should cast their outer garments over their persons (when out of doors).”** (*Sura Al-Ahzab*, or the Confederates, verse 58). The women were persuaded to put on garments so that free women could be distinguished from bonds women.<sup>26</sup> The measure was taken to deter dissolute men from annoying the women, verbally.<sup>27</sup> Arab tradition had it that free women should wear different dresses from bondwomen. The social condition of bondwomen required them to work in their masters’ home and to walk out, during the day and even at night sometimes, in order to run errands. This meant increased mingling with different kinds of people, good and wicked. This is why they were not required to show modesty in dress. But free women and *Muhassanah* (chaste married) women were shielded. The verses thus commanded free women to put on covers so that they might be identified and spared idle and offensive speech.

More generally, the verse deals with a social problem which causes women, in particular, a great deal of prejudice and anguish. This is precisely what has been confirmed by a *Hadith*-saying which was uttered in the context of shoring up the ethics to be observed when frequenting ways/streets. On the authority of *Aby Saaid Al-Khudry*, *Al-Bukhary* reported that the Messenger of Allah (Peace and blessings be upon him) once said: *“Beware of squatting or standing idly on pathways!”* To which the attendees responded by saying: *“But we have no other venue but our own Majliss (or, sitting spaces) where we convene and talk.”* He then said: *“if you must gather in places other than Majliss, give the pathway its rights! “And what these rights might be, O Messenger of Allah?” “You should lower your gaze (away from the passing women), refrain from annoying*

<sup>26</sup>. At-Tabary, Vol. 19, p. 181

<sup>27</sup>. At-Tabary, Vol. 19, p. 181-182; see also Al-Matridy, Vol. IV, p. 135; and At-Ta`laby, Vol. V, p. 132.

anyone, respond to Salam-greetings, enjoin what is right and forbid what is wrong!”<sup>28</sup>

In summary, the concept of *Adha* refers to bodily and psychic pain suffered by a woman owing to ill-treatment by a spouse and by the larger society. Its perpetrator shoulders a great sin for it. And when the Noble *Quran* talks about a given deed and its consequence in terms of the penalty incurred for its perpetration, this is indicative of the fact that **it denounces the deed and forbids it.**

### 2.3 The Concept of *Dharar* (offence, harm, constriction):

*Dharar* is one of the essential and central concepts in the system of the banishment of violence against women. It is also one of the general concepts used in the prevention of violence caused by individuals, communities, and institutions.

The word *Dharar* in language refers to the idea of berating someone or constricting him. The origin of the subject-matter: dh/r/r refers precisely to **constriction/vexation**. In jurisprudential usage, *dharar* has been defined as the act of causing prejudice or injury or some wrong to someone.<sup>29</sup> Accordingly, any act that causes harm or prejudice to third parties is considered *dharar*. And this prejudice or wrong may cover things as varied as: grief, actual battery, insults, lost material opportunity or benefits (as in the deliberate loss of money or property), and such like, which causes serious prejudice to a claimant).

*Dharar* in this sense can be material and moral, public and private –public if it relates to the society, the community, and the institutions—and private if it affects an individual.

<sup>28</sup>. *Sahih Al-Bukhary* (or, the Compilation of Authentic *Hadith-sayings*) by Al-Bukhary; the “Book On Permission-asking”; the section devoted to being the first to utter *Salam* greeting. *Hadith* number 6229, Vol. 14, p. 136.

<sup>29</sup>. *Al-Qawa'id Al-Fiqhiah Al-Kubra* (Major Jurisprudential Rules), p. 497

The word *Dharar* and other terms derived from it appear in the Noble *Quran* sixty-six (66) times. However, in regard to our topic, it appears four times in three *Medinan Surahs*, namely. *Al-Baqarah*, (or, the Heifer); *An-Nissa'* (or, the Women); and *At-Talaq*, (or, Divorce). These *Surahs* (chapters) from the *Quran* comprise several provisions, concepts, and regulations pertaining to the Family:

**“Let the women live (in `iddat) in the same style as ye live, according to your means: annoy them not, so as to restrict them. And if they are pregnant, then spend (your substance) on them until they deliver their burden: and if they suckle your (offspring), give them their recompense: and take mutual counsel together, according to what is just and reasonable. And if ye find yourselves in difficulties, let another woman suckle (the child) on the father’s behalf.”** (*Sura At-Talaq*, or Divorce, verse 6)

**“When ye divorce women, and they are about to fulfil the term of their *Iddat*, either take them back on equitable terms or set them free on equitable terms: but do not take them back to injure them, (or) to take undue advantages. If any one does that, he wrongs his own soul. Do not treat Allah’s Signs as a jest but solemnly rehearse Allah’s favours on you and the fact that He sent down to you the Book and Wisdom for your instruction and fear Allah and know that Allah is well-acquainted with all things.”** (*Sura Al-Baqarah*, or the Heifer, verse 229).

**“The mothers shall give suck to their offspring for two whole years, for him who desires to complete the term. But he shall bear the cost of the food and the clothing on equitable terms. No soul shall have a burden laid on it greater than it can bear. No mother shall be treated unfairly on account of her child, nor father on account of his child, and heir shall be chargeable in the same way if they both decide on weaning by mutual consent and after due consultation. There is no blame on them, if ye decide on a foster mother for your offspring, provided ye**



pay (the foster mother) what ye offered, on equitable terms. But fear Allah and know that Allah sees well what ye do.” (*Sura Al-Baqarah*, or the Heifer, verse 231).

“In what your wives leave, your share is a half, if they leave no child, but if they leave a child, ye get a fourth, after payment of legacies and debts. In what ye leave, their share is a fourth. If ye leave no child, then get an eight, after payment of legacies and debts. If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts so that no loss is caused (to any one). Thus is it ordained by Allah; and Allah is All-knowing, Most Forbearing.” (*Sura An-Nissa*, or the Women, verse 12)

The concept of *Dharar* has actually appeared in the context of two important topics, namely:

- ❖ **Negating *Dharar* (prejudice, constriction, wrong) in Divorce:** in this respect the prejudice can affect a woman in two matters. The first has to do with her right to lodging and the second has to do with a deliberate prolongation of the duration of divorce. In both cases, a woman may be subject to constriction, harsh treatment, as well as moral and material prejudice.

Concerning the first matter, it is noticeable that one of the most important woman’s rights that is slighted or denied, causing her ill treatment is her right to decent accommodation during *’Iddah* (or, vacancy period observed by a woman). Often time, husbands resort to evicting their wives from the conjugal home after divorce. Women thus become exposed to material loss and emotional damage, especially if divorce is abusive and wrongful. For this reason, the *Quranic* stipulates that the men should provide lodging for their wives if they opt for a revocable divorce: **“Let the women live (in**

**‘iddat) in the same style as ye live, according to your means.’**  
(*Sura At-Talaq*, or Divorce, verse 6).

The lodging should be provided taking into account the material means of the husband. And the latter is **forbidden** to take advantage of this situation **to annoy them in order to constrict them: “annoy them not, so as to restrict them.”** (*Sura At-Talaq*, or Divorce, verse 6).

It is noticeable that the verse has combined two levels of violence: vexation and constriction and considered constriction to be the aim of annoyance or vexation.

In opposition to *dharar* the verse has used the term *ma`ruf* which is the antonym, saying: **“and if they suckle your (offspring), give them their recompense: and take mutual counsel together, according to what is just and reasonable”** (*Sura At-Talaq*, or Divorce, verse 6).

This means that in case of the presence of an infant at the time of divorce, a husband must give some compensation to his divorcee for her breastfeeding services. And the verse has left it up to them to define the compensation, in accordance with just and reasonable practices and conventions, to ensure that neither party is slighted.

We understand from the multiple uses of the concept of *Ma`ruf* in the *Quran* –a word which has mostly appeared in the context of the provisions pertaining to divorce–that it refers to a range of acts and patterns of behaviour that are attuned to the spirit of the Law and approved by the mind. Though we cannot always define them, as they morph depending on conventions and societies, they refer to something quite specific, as well as to a sought-after goal. For this reason, *Ma`ruf* was opted for as a basis to resolve the problems arising from divorce, especially when there are differences about material rights and obligations subject to assessment only.<sup>30</sup> This is because they differ from one society to another due to the prevalence

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<sup>30</sup>. The values relate to proportions. And the proportion of the alimony is an example.

of different conventions and traditions. The compensation for breastfeeding is one such example.

The second matter relates to the prohibition of any manipulation or abuse of the provisions governing divorce with the intention of causing prejudice to a woman or to inflict violence on her—and this is one of the biggest aspects of psychological violence that she may be exposed to. While divorce was made legal to resolve problems likely to arise between spouses, the Lawgiver has put limits and rules to this divorce in order to ensure that these limits are not transgressed and that there is no abuse or injustice in the implementation of the provisions of the law.

To achieve this goal, the Lawgiver has limited the number of times a revocable divorce may be pronounced. In the preceding verse, we can thus read: **“a divorce is only permissible twice; after that, the parties should either hold together on equitable terms or separate with kindness.”** (*Surah Al-Baqarah*, or the Heifer, verse 227). In fact, during the Pre-Islamic era and even during the Islamic one, prior to the revelation of the verse in question, there were no limits to divorce.<sup>31</sup> Islam has put limits to the number of times a divorce (in the minor mode; i.e., a revocable one) could be pronounced, restricting them to two. Thereafter, revocation becomes difficult, if not impossible. If a man divorces his wife three times, he may not re-marry her until she has married another man and divorced him, as stated here: **“So if a husband divorces his wife (irrevocably), he cannot after that remarry her until after she has married another husband.”**(*Surah Al-Baqarah*, or the Heifer, verse 228)

The Lawgiver also made the first divorce in the minor mode (i.e., revocable). This means that any husband is entitled to reconsider his decision and resume relations with his wife, if he really intends reconciliation: **“and their husbands have the better right to take**

<sup>31</sup>. At-Tabary’s *Tafseer* (or, Exegesis), Vol. IV, p. 125.

**them back in that period, if they wish for reconciliation.”**(*Surah Al-Baqarah*, or the Heifer, verse 226). The imposition of the proviso, “the intention to reconcile” is important in that it restricts the husband’s right to take back his wife. As a result, this right is no longer absolute. The aim, of course, is to prevent any abuse of this right and obviate any ill-treatment of women and prejudice to them.

It seems that this revocable divorce, in addition to the rights granted to women in terms of accommodation and alimony, was also intended to be an opportunity for the spouses to think again about conjugal life, prior to severing matrimonial ties for good.

At the same time, the use of this leeway prior the end of the *Iddat* period as a means to inflict harm on a woman, by prolonging her “waiting time,” was prohibited: **“When ye divorce women, and they are about to fulfil the term of their *Iddat*, either take them back on equitable terms or set them free on equitable terms: but do not take them back to injure them, (or) to take undue advantages. If any one does that, he wrongs his own soul. Do not treat Allah’s Signs as a jest.”** (*Surah Al-Baqarah*, or the Heifer, verse 229). This means that when the “vacuity period” comes to an end, a woman may either be taken back as a wife or let go—and other than this is of no consequence. This is an allusion to a reprehensible practice common in the past when men would take back their wives when their waiting time drew to an end (that is, as the deadline to “reconsider” was coming to an end) only to divorce them again. And this was, obviously, the most abject form of **psychological violence** that a woman could be exposed to. This is so because she was kept in a sort of limbo between marriage and divorce. For this reason, Almighty Allah denounced the practice describing it in terms of gross injustice: **“If any one does that, he wrongs his own soul.”** He also considered it as tantamount to scoffing at the ordinances of the Lawgiver: **“Do**

**not treat Allah’s Signs as a jest.”** (*Surah Al-Baqarah*, or the Heifer, verse 229).

Logic, realism, and fairness also require us to recognize that a woman is also capable of inflicting damage and violence. A man may also suffer some harm in case of divorce. That is why the third verse has been revealed in order to solve yet another problem that may arise from divorce due to the existence of children. Having established the right of a breastfeeding mother to compensation, the verse strictly forbids either spouse to cause harm to the other spouse<sup>32</sup>: **“No mother shall be treated unfairly on account of her child, nor father on account of his child,”** (*Surah Al-Baqarah*, or the Heifer, verse 231). Examples of mutual prejudice that can be inflicted by the two parties on each other are multiple: “if a man forbids his wife to give suck to her child—and she is more merciful and caring to him than any one—is certainly damaging; depriving her of her alimony or wage for giving suck while she is doing it is also detrimental to her, on account of her child. Similarly, her refusal to breastfeed the child causes prejudice to the father, for he has to seek and pay *Dha’r*<sup>33</sup> to breastfeed the child. Besides, this may be beyond his means, causing him hardship, on account of his child.”<sup>34</sup>

The prohibition then covers all that either parent may do to harm or cause prejudice the other. Examples: “when a mother shows deficiency in the physical and psychic education she gives the child, just to anger the father; a father may also prevent the child from visiting his/her mother after the breastfeeding and early child nurturing and care period. The expression then forbids any detrimental acts because of the child. It does not specify the time, the situation or condition, or the person or persons involved.”<sup>35</sup>

<sup>32</sup>. *Tafseer At-Tabary*, or At-Tabary’s Exegesis, Vol. IV, p. 215.

<sup>33</sup>. This word in Arabic means a wet-nurse who is compensated for her service.

<sup>34</sup>. Rachid Reda, *Tafseer Al-Manar* (The Enlightening Exegesis), Vol. II, p. 413

<sup>35</sup>. Rachid Reda, *Tafseer Al-Manar* (The Enlightening Exegesis), Vol. II, p. 413

One of the subtleties of the above *Quranic* expression is that it has used terms that are apt and appropriate to the standing of each, in this context. Talking about “breastfeeding,” it has used *Al-Walidah* (meaning, a woman that has just recently given birth to a child or to a woman who has recently become a mother). Similarly, the term *Al-Mawludu Lahu* (the person to whom the child is born) is used to refer to the father. More than the term father, that term establishes the link between the father and the child and is thus likely to make the father aware of the presence of a third party that assumes particular significance in the process of divorce. The purpose behind focus on the elimination of harm and the observance of *Ma`ruf* (equity and reasonability) is the prevention of any words, deeds, actions likely to inflict harm on the mother, the father, and the child.

- ❖ **The Negation of Harm in Inheritance** is the second topic in which context the concept of banishment of harm/damage is mentioned. And this is arguably indicative of the will to banish one kind of violence—psychological and social violence. Though harm in matters of testaments is not limited to woman, alone—in that it affects testators and beneficiaries, alike—the category that is most exposed to prejudice, on account of inadequate implementation of the provisions of inheritance, is the category of women.

Having shown the inheritance shares that a husband, a wife, and siblings are entitled to respectively, the *Quranic* verse insists on the importance of not causing prejudice to any one in testament-making, as indicated here: **“after payment of legacies and debts so that no loss is caused (to any one). Thus is it ordained by Allah; and Allah is All-knowing, Most Forbearing.”** (*Sura An-Nissa’*, or the Women, verse 12) Forbiddance of wrong in testaments suggests, as one of the *Tabi`een* (the Followers—the generation coming after the Companions) once pointed out, that “Allah, Exalted in Might be He,

hated wrongness in life and death ... no wrongness or harm should be provoked either in life or death.”<sup>36</sup> It is also suggestive of the dangers posed by injustice –itself a form of material and moral violence– likely to affect a person who has been cheated out of his/her share in the testament. An example is when a share of the inheritance is provided for, to the exclusion of others. Another example is when a beneficiary receives a share in excess of legal third. In this respect, a scholar has said that: “wrongness in testament-making is one of the *Kaba’ir*, or major sins.”<sup>37</sup>

The purport of the verse is clarified further by a *Hadith*-saying reported by Muslim on the authority of Saa’d Ibn Aby Waqqass who said: “I was stricken by an ailment that brought me so close to death. The Prophet came to pay me a visit. I said to him, “O Allah’s Apostle! I have much property and no heir, except my single daughter. Shall I give two-thirds of my property in charity?” He said, “No.” I said, “Half of it?” He said, “No.” I said, “One-third of it?” He said, “*You may do so, though one-third is also too much, for it is better for you to leave your offspring wealthy than to leave them poor, asking others for help. There is not a thing which you expend for the sake of Allah but you receive a reward for it—even if it be the morsel of food which you give to your wife.*”<sup>38</sup>

This is an aspect of the iniquity which affects woman—a deed prohibited by the Prophet (Peace and blessings be upon him). The Prophet actually feared that the rights of Ibn Al-Waqqass’s daughter

<sup>36</sup>. At-Tabary, Vol. VI, p. 486

<sup>37</sup>. At-Tabary, Vol. VI, p. 486

<sup>38</sup>. *Sahih Muslim* or Muslim’s *Compilation of Authentic Hadith-sayings; Kitab Al-Wassiyah* (or, the Book of Testament); The Section on a “Third of the Testament,” *Hadith* number V/1628, p. 1035. It is also reported by Al-Bukhary in his *Sahih in Kitab Al-Wassayah*; the Section titled “Rich People ought to Leave their Property to their Heirs to spare them the need to Ask other People for Help”

might be jeopardized if her father were to be allowed to give out most of his property to other people, by way of testamentary charity. He, therefore, forbade him to deprive his own daughter of her inheritance rights.

Several *Quranic* texts have established the prohibition of *Edhrar* (harm-infliction), *Dharar* (harm) and *Dherar* (self-inflicted harm). And on the basis of these texts, and other *Hadith*-sayings—including the saying uttered by the Messenger of Allah (Peace and blessings be upon him): “*Let there be no harm, either provoked or self-inflicted*”<sup>39</sup>--scholars have derived a general juristic rule which prohibits the infliction of harm in all of its forms and guises—moral and material. The rule is “the negation of harm” or “harm must be removed,” in juristic parlance. The rule, a major one, has served in the resolution of many cases and problems, so much so that it has come to be a legal and judicial fundament meant to prevent any act or deed likely to cause prejudice to third parties, regardless of whether the latter be individuals or groups, men or women.

Among the rules which have been derived from this fundament is a rule designed to prevent the moral, social, and material prejudice likely to affect a woman:

- Accordingly, a woman is entitled to initiate a judge-declared divorce on account of the prejudice sustained as a result of **verbal violence** (such as when her husband insults her or her father. In this respect, Ad-Duraydir, a *Malekite* jurist, states: “a wife may seek a court-declared divorce due to harm inflicted by a husband. And the harm covers all deeds that are not legally permissible such as **desertion** without any legitimate reason or **insults heaped on her**

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<sup>39</sup>. *Sunnan* (Traditions) as compiled by Ibn Majjah, *Kitab Al-Ahkam* (or, the Book of Ordinances), the Section titled “The Person who erects a Building which infringes the Right of his Neighbor,” *Hadith* number 2341, Vol. III, p. 106.



**or her father** (as when he refers to her as “a bitch” “the daughter of an infidel,” “the daughter of the accursed one,” and other any other degrading insults likely to emanate from uncouth and vulgar people. The offender shall be disciplined for this and ordered to let his wife go.”<sup>40</sup>

### 3. General Concepts pertaining to the Banishment of Social Violence:

As opposed to the **concepts of violence** which are denounced, we can, upon a pondered look at the *Noble Quran* and *the Immaculate Sunnah*, glean concepts and terms which **banish violence** at the level of human and societal relations. These terms include: *Rifq* (gentleness), *Hilm* (mildness), *Sabr* (patience), *`Afw* (forgiveness), *Silm* (peacefulness) and *Isslah* (conciliation), and other concepts which are diametrically opposed to the concept of violence. We consider that these general concepts constitute the basis for sound human relations and a wholesome social environment. We have therefore elected to study some of them.

#### 3.1 The Concept of *`Afw* (or, pardon/forgiveness):

In language, *`Afw* means to free, relieve, and forgive. Al- Khalil says in this respect “a person may be said to have forgiven someone else when he relieves or exempts him from punishment even though they deserve it.” *Afw* is mentioned in the *Quran* as a characteristic of the Creator (Glory and Majesty be to Him)—similar to *Ghufran* (Pardon or reprieve). In this respect, He (Gloried be He) says: **“He is the One that accepts repentance from His Servants and forgives sins: and he knows all that they do.”** (*Sura As-Shura*, or Mutual Consultations, verse 23). The term is also underscored as a quality to be sought and adopted by humans. *Afw* in this sense also

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<sup>40</sup> *Hashiat Ad-Dassuqy* (or, the Marginal Gloss) on the *Sharh Al-Kabeer* (the Major Jurisprudential Commentary), Vol. II, p. 345.

appears in combination with other similar terms which further clarify its meanings and implications. These terms include: *Sufh* (overlooking other people's faults), *Maghfirah* (gracious pardon); *Islah* (inclination towards reconciliation); *I'radh* (turning away from the ignorant).

• *Al-'Afw and Sufh*

*Al-Afw* (forgiveness) appears in tandem with *Sufh* (overlooking people's errors) in several places. Exegete have distinguished between the two terms, pointing out that *Afw* "is the act of renouncing reproach" while *Sufh* "means removing any sense of culpability from the self." Others have opined that *Al-Afw* "is the act of waiving reproach and punishment," while *Sufh* "is the act of renouncing reproof and rebuke." *Afw* thus relates to apparent conduct, as seen is gentleness and good treatment of other people. *Sufh* relates to the inner self, meaning that forgiveness is achieved fully, leaving no trace of the offence on the self. For this reason, scholars have stated that "*Sufh* is more eloquent than *'Afw*" because a person may forgive another but he may not forget about the trace of the offence suffered. However, *Sufh* may never be achieved without *'Afw*, though both are more highly ranked than *Sabr* (patience) in terms of merit. Patience means self-control and endurance while *Afw* and *Sufh* combine patience and grace.

An example of a verse which induces humans to be forgiving and to overlook the errors made by the offenders is this one where the Almighty (Glory and Majesty be to him) says: **"Let not those among you who are endowed with grace and amplitude of means resolve by oath against helping their kinsmen, those in want, and those who have left their homes in Allah's cause: let them forgive and overlook, do you not wish that Allah should forgive you? For Allah is Oft-Forgiving, Most Merciful."** (*Sura An-Nur*; or Light, verse 22). The verse has a story to it, relating to Aby Bakr As-Siddiq (May Allah be pleased with him). This noble Companion of the Prophet had sworn not to expend any money on *Mistah*, a cousin of his who was destitute, on account of a serious rumours

he had spread about Aby-Bakr's daughter, `Aicha, to the effect that she had been unfaithful to her husband, the Prophet. The verse came down in this gracious style which combines forgiveness granted by Almighty Allah with human *Sufh* given to a fellow human being in dire need. Exegetes recount that when Aba Bakr (May Allah be pleased with him) learned about the revelation of the verse, he said: "By Allah, I would love Allah to forgive me (my sins)" and decided to resume expending on *Mistah*. This then is one aspect of the ethics of tolerance and the banishment of harsh punishment.

- ***Al-`Afw and Al-I'rādh* (the act of turning away from the offenders):**

*`Afw* is used in combination with *I'rādh* in the present verse, where Allah (Glory and Majesty be to Him) says: "**Hold to forgiveness; command what is right; but turn away from the ignorant.**" (*Sura Al-A`raf*, or the Heights, verse 199). This verse is certainly significant in that it combines some of the noblest moral values. Some scholars have considered it as one of the most comprehensive verses in that it combines legal provisions, moral values, as well as scholarly rules<sup>41</sup> which sum up the core values of Islam: "when He says "**hold to forgiveness,**" He recommends the adoption of mildness and the avoidance of harshness and embarrassment in the act of taking, giving, and legal obligations. Similarly, when He says: "**Command what is right,**" he deals with all the commandments, the prohibitions, as well as their legal standing and implication, as established in the *Shari`ah*, and as known to the hearts. Finally, the command "**turn away from the ignorant,**" deals with as aspect of *Sufh* (overlooking fault) by means of patience and grace, whereby Allah's servants achieve all that they intend to achieve for their own selves and for other people."<sup>42</sup>

In the sound and authentic *Tradition* of the Prophet, there are examples which clarify and substantiate the lofty meanings of *Afw*. One such is that `Aicha once said: "the Messenger of Allah (Peace and blessings be

<sup>41</sup> Rachid Reda, *Tafseer Al-Manar* (The Enlightening Exegesis), Vol. IX, p. 533

<sup>42</sup> Ibn `Araby, *Ahkam Al-Qur'an* (the Ordinances of the Quran), Vol. II, p. 363.

upon him was neither *Fahish* (immoderate; excessive) nor *Mutafahhish* (impudent). He was not loud in the market place. Besides, he never reacted to an offence by means of another offence. Instead, he would forgive people and overlook their faults.”<sup>43</sup> Also, on the authority of *Anass Ibn Malik* who said: “the Messenger of Allah (Peace and blessings be upon him) was not offensive, cursing, or vituperative.”<sup>44</sup>

A man asked permission to enter upon the Prophet. When the Prophet (Peace and blessings be upon him) saw him, he said, “*What an evil brother of his tribe! And what an evil son of his tribe!*” When that man sat down, the Prophet behaved with him in a nice and polite manner and was completely at ease with him. When that person had left, ‘Aisha said (to the Prophet). “O Allah’s Apostle! When you saw that man, you said so-and-so about him, then you showed him a kind and polite behavior, and you enjoyed his company?” Allah’s Messenger (Peace and blessings be upon him) said, “*O ‘Aisha! Have you ever seen me speaking a bad and dirty language? (Remember that) the worst people in Allah’s sight on the Day of Resurrection will be those whom the people leave (undisturbed) to be away from their evil (deeds).*”<sup>45</sup>

- ***Al-’Afw* (forgiveness ) and *Kadm Al-Ghaydh* (Restrain of Anger):**

Another word which is often associated with *Afw* is *Kadm Al-Ghayd* (meaning, the suppression of anger), as evidenced by the following verse

<sup>43</sup>- At-Thirmidy’s *Sunan* (or, Traditions): the Character of the Prophet (Peace and blessings be upon him); *Hadith* number 2135 (Vol. IV, p. 111).

<sup>44</sup>- Al-Bukhary’s *Sahih* (or, the Compilation of Authentic Sayings), *Kitab Al-Adab* (the Book of Morals and Etiquette); the section titled “the Messenger of Allah (Peace and blessings be upon him was neither *Fahish* (excessive) nor *Mutafahhish* (impudent); *Hadith*-saying number 6031, Vol. 13, p. 577.

<sup>45</sup>- Al-Bukhary’s *Sahih* (or, the Compilation of Authentic Sayings), *Kitab Al-Adab* (the Book of Morals and Etiquette); the section titled “the Messenger of Allah (Peace and blessings be upon him was neither *Fahish* (excessive) nor *Mutafahhish* (impudent); *Hadith*-saying number 6031, Vol. 13, p. 577.

wherein Allah (Glory and Majesty be to Him) says: **“Those who expend (freely) whether in prosperity or in adversity, who restrain anger and pardon (all) men; --for Allah loves those who do good.”** (*Sura Al-`Imran*, or the Family of `Imran, verse 134). *Kadm al-ghayd* means self-restraint in time of anger. *Ghayd* differs from *ghadab* because it is a psychological state, whose impacts are not seen in actual deeds; in such a state a person is ruffled or disturbed because he takes offence at other people’s behaviour. Many people do not have sufficient patience or self-restraint which allows them to keep their composure and avoid reaction in kind. This explains why *kadm al-ghayd* is one of the noblest and strongest ethical values. And this also explains why the Prophet (Peace and blessings be upon him) once said: *“He is not strong and powerful, who throws people down; but he is strong who withholds himself from anger.”*<sup>46</sup>

Due to the dire consequences of anger–inflicting violence on other people, perpetrating acts of aggression against them, and harming them—several *Hadith*-sayings have been reported which prohibit surrender to the sway of anger. In a *Hadith-saying* reported by Al-Bukhary on the authority of Aby Hureyra, “someone once approached the Prophet (Peace and blessings be upon him) and said: “Give me advice!” He replied: *“Be not angry!”* a statement he repeated more than once.”<sup>47</sup>

The concepts of *I`rādh* (*turning away from the ignorant*), *`Afw* (*forgiveness*), *Sufh* (*overlooking faults*), *kayd al-ghayd* (*restraining one’s*

<sup>46</sup> Al-Bukhary’s *Sahih* (or, the Compilation of Authentic Sayings), *Kitab Al-Adab* (the Book of Morals and Etiquette); the section titled “Caution against Anger.” *Hadith-saying* number 6114; Vol. 13, p. 686. Also Muslim’s *Sahih*, the Book of Piety, Morals, and the Importance of Keeping good Kinship Ties”; the section titled “the Merits of Restraining Anger and How it is Released.” *Hadith-saying* number 2609.

<sup>47</sup> Al-Bukhary’s *Sahih* (or, the Compilation of Authentic Sayings), *Kitab Al-Adab* (the Book of Morals and Etiquette); the section titled “Caution against Anger.” *Hadith-saying* number 6116; Vol. 13, p. 686.

*wrath*), and avoidance of *ghadab* (*anger*) are all suggestive of ways and means to eliminate violence. They are apt to help individuals and society to curb the phenomenon of violence after they have assimilated them and made them part of their conduct.

### 3.2 The Concept of *Ta`aruf* (or, Mutual Acquaintance):

What is established in *Ussuls* (or, the theoretical foundations of) the Islamic Faith and provided for in the Noble *Quran* and the Immaculate Tradition of the Prophet is that all people –irrespective of their races, ethnicities, nationalities, languages, and geographical locations—are all bound by human ties and descend from the same origin, as evidenced by the present verse: **“O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily, the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all things)”** (*Sūra Al-Hujurāt*, verse 13)

The diversity characterizing humanity today should not prevent mutual acquaintance, for diversity is not necessarily synonymous of mutual severance of relations, estrangement, and mutual rejection. Ancient exegetes explained *Ta`aruf* in terms of learning and knowledge (mutual knowledge that is).<sup>48</sup> Modern exegetes explain it in terms of cross-cultural communication between various nations.<sup>49</sup> The two meanings serve the intent in this context, if only because knowledge of the other and communication with him are pre-requisites for positive co-existence with him.

*Ta`aruf* in this sense is one of the most important human and social values which qualify a human being to build relations with his fellow human beings, on the basis of peace and harmony, without violence, paroxysm, or

<sup>48</sup>. See, for example, *Tafseer At-Tabary* (or, At-Tabary's Exegesis), Vol. 21, p. 38

<sup>49</sup>. At-Tahir Ibn `Ashur, *Tafseer At-Tahrir wa Tanweer* (or, Liberating and Enlightening Exegesis), Vol. 26, p. 261.

embarrassment. Besides, human beings' sense of belonging to a common origin should not induce them to think that this is at odds with the principle of overarching cosmic differences, as established by the Noble *Quran* in many of its verses.<sup>50</sup> Diversity in the various elements and phenomena of the creation is not at variance with the principle of the common origin to which all creatures, their differences notwithstanding, ultimately return.

There is no doubt that the adoption of such values by humans, women and men alike, helps them accept one another and accept the outcomes of shared co-existence and constant interactions with them. This inevitably leads to differences or misunderstandings, but awareness of their diversity should induce them to settle their differences peaceably without resorting to force and violent methods.

### 3.3 The Concept of Social Peace:

We would not be exaggerating if we said that the underlying principle of Islam is *Salam* (peace) and *Silm* (peaceable inclination). Words such as *Silm*, *Salam*, and *Islam* all belong to the same linguistic and conceptual root. Besides, the principle of *Silm* and *Salam* is the core of the teachings which *Jibreel* (Archangel Gabriel) was sent by Allah to convey to Prophet Mohammed (Peace and blessings be upon him).

Examples of *Quranic* texts which underscore the loftiness of this principle may be found in this description of believing servants who forbear the harm coming from the ignorant but do not respond to them in kind: **“And the servants of (Allah) Most Gracious are those who walk on the earth in humility and when the ignorant address them, they say, ‘Peace’”** (*Sura Al-Furqan*, or the Criterion, verse 63). Exegete observe that the word **‘Peace’** here refers to the **gentle** and **flexible** response given

<sup>50</sup> One example is when Almighty Allah says: **“And among His Signs is the creation of the heavens and the earth and the variations in your languages and your colors: verily in that are Signs for those who know.”** (*Sura Ar-Rum*, or the Romans, verse 21).

to an ignorant person to repel his aggression.<sup>51</sup> The verse is clearly an invitation to repel violence by means of gentleness. And this reaction is close in meaning to the idea conveyed by another noble verse which shows the outcome of peaceful repulsion of offences. The verse in question reads: **“Nor can Goodness and Evil be equal. Repel (Evil) with what is better: then will he between whom and thee was hatred become as it were thy friend and intimate! And no one will be granted such goodness except those who exercise patience and self-restraint, --none but persons of the greatest good fortune.”** (*Sura Fussilat*, or Everything made Plain, verses 33-34).

This is one of the most comprehensive verses combining the ethical values which ought to direct social relations, in general. It comprises the statement **“with what is better,”** which refers to “patience and self-restraint in case of anger; gentleness in dealing with the ignorant, and forgiveness in suffering offence”<sup>52</sup> The statement also implies, “professing peace, displaying good moral conduct, suppressing one’s wrath, and showing tolerance whenever necessary, and many other lofty virtues.”<sup>53</sup>

Another *Quranic* narrative that is eloquent and telling in terms of teaching the principle of peacefulness is the story of Abraham with his father, as recounted in *Sura Maryam* (or, Mary): **“And he said: ‘Peace be on thee: I will pray to my Lord for thy forgiveness: for He is to me Most Gracious.”** (*Sura Maryam*, or Mary, verse 48) **“(the father) replied: ‘are thou shrinking from my gods, O Abraham? If thou forbear not, I will indeed stone thee: now get away from me for a good long while!”** The gentle and persuasive tone of Abraham contrasted with the brusque and repellent tone of the father’s reply: Abraham used the term ‘peace’ in response to his father’s menace ‘to stone him’. ‘Peace’ here means: ‘I shall not respond to you in kind and I will not cause you any harm. Clearly, the response is full of grace: there is farewell, parting, a good reaction

<sup>51</sup> See At-Tabary’s *Tafseer* (or, Exegesis), Vol. 17, p. 493.

<sup>52</sup> See At-Tabary’s *Tafseer* (or, Exegesis), Vol. 20, p. 632.

<sup>53</sup> *Al-Muharrar Al-Wajeez* (or, the Concise Composition) by Ibn `Attiah, Vol. 7, p. 483.



which blots out a bad action, and a very gentle speech to a foolish and insolent person.

In the Prophet's *Sunnah* (Tradition) there are statements and deeds which corroborate such lofty meanings. In a *Hadith*-saying narrated by Abdellah Ibn Amru Ibn Al-'Ass, the Prophet (Peace and blessings be upon him) once said: "*A true Muslim is one who spares Muslims the injuries provoked by his tongue and hands.*"<sup>54</sup> The Prophet considers that the essential characteristic of Islam resides in Muslim people's shoring peace among them and sparing their fellows the offence and harm likely to come from them.

More generally, Islam is a religion of *Salam* (peace); it has entrenched the values of peace and set it as a high ideal to be diligently pursued, as well as a component of our daily conduct, notably, in spreading peace via *Salam* greetings. The greeting was in fact made an instrument in fostering loving-kindness and mutual affection between the members of a given society. Let us, for example, contemplate this *Hadith*-saying: On the authority of Aby Hureyra who said: "The Messenger of Allah (Peace and blessings be upon him) said: "*You shall not enter Paradise until you have believed and you shall not achieve faith until you have come to mutually like one another. Shall I show you a thing, which, if you do it, you will love one another? Spread Salam (peace) among yourselves!*"<sup>55</sup> It has thus made *Salam* (peace) and *Salam* greeting an expedient to foster loving-kindness which perfects human faith, making the faithful worthy of Paradise. There is no doubt then that a society imbued with such high values will be more apt to banish violence of all kinds and at different levels.

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<sup>54</sup> *Sahih Al-Bukhary*, (or, the Compilation of Authentic *Hadiths*) by Al-Bukhary, the Book of Refined Conduct; the Section devoted to Refraining from Acts of Disobedience; *Hadith* number 6484, Vol. 14, p. 631.

<sup>55</sup> *Sahih Muslim* (or, the Compilation of Authentic *Hadiths*) by Muslim, Kitab Al-Iman (the Book of Faith); the Section titled "None save the Faithful, shall enter Paradise," Vol. 22, p. 80.

The concepts of forgiveness, mutual acquaintance, and peace are but representative examples from a *Quranic* lexical system, rich in implications and meanings, which serve to foster the use of gentleness, mildness, and wisdom in the resolution of problems and conflicts. The Wise Lawgiver who has created man is well-aware of man's natural inclinations towards evil, his instinctual self-love, and his keen desire to control his environment. For this reason, He has commanded man to deal with the various problems arising from these drives and impulses with wisdom and reasonableness.

#### **4. Concepts Specifically related to the Banishment of Violence against Women**

Besides the overarching principles which underlie the culture purporting to banish violence, there exist several other terms, concepts, and ordinances which relate to the elimination of the violence directed against women, specifically. Two levels may be distinguished in this respect:

There are concepts that expressly reject violence directed against women in all its forms—bodily, sexual, psychological, and verbal. Each of these concepts comprises rules which emphasize the elimination of violence directed against women and its prohibition. There are, on the other hand, concepts that are not so express in the banishment of violence. They may even imply the opposite. But they are in truth opposed to violence.

##### **4.1 Concepts that expressly serve the Banishment of Violence**

###### **4.1.1 On the Banishment of Physical Violence**

- **The Concept of *Wa'd* (Live Burial):**

The burial of baby-girl is cast as rhetorical question in order to draw attention to this act of violence which girls underwent prior to the advent of Islam. This is described in *Sura At-Takweer* (or, the Folding-up), one

of the first *Makkan Suras* to have been revealed: **“When the sun (with its spacious light) is folded up; when the stars fall, losing their luster; when the mountains vanish (like a mirage); when the she-camels, ten months with young are left unattended; when the wild beasts are herded together (in human habitations); when the oceans boil over with a swell; when the souls are sorted out (being joined like with like); when the female (infant) buried alive, is questioned—for what crime she was killed; when the scrolls are laid open; when the sky is unveiled; when the Blazing Fire is kindled to fierce heat; and when the Garden is brought near;--(then) shall each soul know what it has brought forward.”** (*Sura At-Takwir*, or the Folding Up, verses 1-14).

The theme of the *Sura*, it seems, is the horrors of the Day of Resurrection and the insistence on the veracity of the Prophecy of Mohammed (Peace and blessings be upon him). In the context of these creedal issues, there is a reference to one of the horrors that humanity witnessed then: the burial of baby-girls alive, to avoid the shame likely to affect the family as a whole. Such an extreme act was resorted to in a bid to avoid the likely occurrence of offence (sexual assault, in particular). This, of course, indicates the highly vulnerable status of womanhood in that era. To mend this situation, a command was issued to **put an end to such practice** in a strikingly rhetorical form.

The burial of baby-girls was mentioned in other creed-centred contexts where the *Quran* described some of the beliefs and practices of the polytheists. The latter had set up female idols and used to worship them thinking that they were the daughters of Allah. By contrast, they would not hesitate to bury baby-girls alive. The heinous nature of these contradictory acts was pointed out and denounced in two *Makkan Suras*:

**In *Sura An-Nahl* (or, Bees) where we read: “And they (even) assign to things they do not know, a portion out of that which We have bestowed for their sustenance! By Allah, ye shall certainly be called to**

account for your false inventions. And they assign daughters for Allah! –Glory be to Him!–And for themselves what they desire! When news is brought to one of them, of (the birth of) a female (child), his face darkens, and he is filled with inward grief! With shame does he hide himself from his people, because of the bad news he has had! Shall he retain it on (sufferance and) contempt, or bury it in the dust? Ah! What an evil (choice) they decide on?” (*Sura An-Nahl*, or Bees, verses 57-59).

Elsewhere, in *Sura Az-Zukhruf* (or, Gold Adornments) we read: “Yet they attribute to some of His servants a share with Him. Truly is man clearly unthankful. What! Has He taken daughter out of what He himself creates, and granted to you sons for choice? When news is brought to one of them of (the birth of) what he sets up as a likeness to (Allah), Most Gracious, his face darkens, and he is filled with inward grief!” (*Sura Az-Zukhruf*, or Gold Adornments, verses 14-16)

The treatment of this topic did not stop here; it was resumed in other contexts and addressed in plainer style using the tone of prohibition. The practice is thus formally prohibited in two *Suras* revealed after *Sura At-Takwir* (or, the Folding Up), namely *Al-Isra*’ (or, the Night Journey) and *Al-An`am* (or, Cattle).

In *Sura Al-Isra*’ infanticide is prohibited formally, though exegete agree that what is meant here is the killing of girls. The verse also mentions the reasons behind such infanticide: destitution. This means that fathers considered females to be “more vulnerable” and “less considerable” than males. Thus females were more exposed to killing: “Kill not your children for fear of want: We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin.” (*Sura Al-Israa*, or Night Journey, 31). The verse here simply forbids the deed, describing it in terms of a great sin. There is another text, however, which expressly bans it. The text in question is in *Sura Al-An`am* where we read: “Say: ‘come, I will rehearse what Allah hath (really) prohibited you from’: join not

**anything with Him: Be good to your parents; kill not your children on a plea of want; --We shall provide sustenance for them as well as for you;--come not nigh to indecent deeds, whether open or secret; take not life, which Allah hath made sacred, except by way of justice and law: thus doth He command you that ye may learn wisdom.”** (*Sura Al-An`am*, or Cattle, verse 152).

This constitutes a marked evolution in the stand of Islam on this particularly harsh and unjust act of violence.

#### **4.1.2 Of the Banishment of Sexual Violence:**

- **Keeping away from Menstruating Women**

The provisions suggestive of the elimination of sexual violence inflicted on women are at the heart of the conceptual and legal system evolved in order to banish violence. The Noble *Quran* has dealt with a number of provisions plainly and transparently. It has not solely presented the provisions which address the issue of violence or compulsion in sexual relation, but it has also spoken about the deprivation of women of their sexual rights—a negative form of violence which obviously leads to considerable psychological damage. Let us consider what Allah (Gloried be He) says in this respect: **“They ask thee concerning women’s courses. Say: they are a hurt and a pollution: so keep away from women in their courses, and do not approach them until they are clean, but when they have purified themselves, ye may approach them, as ordained for you by Allah, for Allah loves those who turn to Him constantly and He loves those who keep themselves pure and clean.”** (*Surah Al-Baqarah*, or the Heifer, verse 220).

The truth is that the verse put forth two provisions serving the elimination of violence:

The first has to do with the prohibition of sexual intercourse with women during their menstruation period. In this there is prevention of one

aspect of sexual violence a woman is exposed to. Specialists all concur on the bodily and psychic damage arising from sexual intercourse during menstruation.

The second has to do with the estrangement and neglect of women during their periods. This practice was prevalent among the Jews. The latter would not sit with menstruating women, eat from the same tables, or sleep by their sides on the same bed.<sup>56</sup>

The verse then adopts a **middle-ground provision** in between an extreme position which considers that a menstruating woman as “an impure being” who should not be touched and an overly lax position which considers that it is licit to have intercourse with a woman in menses. And in these two extremes some kind of violence is exercised against a woman.

#### 4.1.3 Of the banishment of Psychological Violence:

- **The Concept of *Al-`Adhal* (Preventing Women from Marriage):**

The origin of *`Adhal* in language is detention and constriction involving suffering. It has been used in this context with the meaning: **unjust prevention**.<sup>57</sup> The concept of *`Adhal* means **preventing woman from marriage**. For this reason it is a form of psychological and social violence directed against women on the part of one of her guardians: namely her father or her legal guardian. The prohibition of *`Adhal* was declared because it is avowedly a hostile deed which bespeaks a rather

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<sup>56</sup>. On the authority of Anas Ibn Malik, the Jews would not sit with menstruating women in the same dwelling, or eat and drink with them. When this was reported to the Prophet (Peace and blessings be upon him), Allah revealed the verse beginning with “**they ask thee concerning women’s courses. Say: they are a hurt and a pollution: so keep away from women in their courses.**” The Messenger of Allah told his followers: “*Do everything with them as usual, except intercourse.*” The *Hadith-saying* was narrated by Ibn Majjah in his *Sunans* (Traditions), the Section devoted to the act of “Eating with a Menstruating Woman”; *Hadith* number 644, Vol. I, p. 410.

<sup>57</sup>. *Zahrat At-Tafasser* (the Blooming Exegesis) by Abu Zahra, p. 800.

reductive perception of woman as a being incapable of making a choice. The prohibition of such a practice occurs in two places:

**“When ye divorce women, and they fulfil the term of their *Iddat*, do not prevent them from marrying their (former) husbands, if they mutually agree on equitable terms. This instruction is for all amongst you, who believe in Allah and the Last Day that is (the course making for) most virtue and purity amongst you. And Allah knows, and ye know not.”** (*Surah Al-Baqarah*, or the Heifer, verse 232). The prohibition then may be paraphrased thus: “do not prevent them coercively or keep them against their will and their desire to be re-united with their husbands.”<sup>58</sup>

The verse calls upon the men (fathers or brothers) not to prevent divorced women from returning to their husband if the (estranged) spouses mutually agree to be reunited. The phrase **“if they mutually agree”** reaffirms the **right of woman and her actual participation with the man in decision-taking**. Just as Allah has granted woman the right to freely choose her (future) husband, so does He give her the right to return to him after divorce if she herself assents to this.

Moreover, just as the *Quran* has forbidden the men on the woman’s side (her own extended family, that is) to dominate her and to prevent her from taking the decision to return to her husband, so does it prohibit husbands to exercise *’Adhl* against her, harassing and ill-treating her in order to impel her to ask for divorce and agree to give some material compensation in return for obtaining divorce. This compensation is indeed part of the dowry, as stipulated by the provisions of divorce in other *Quranic* texts.<sup>59</sup> This type of *’Adhl* is actually referred to in

<sup>58</sup>. *At-Tafseer Al-Hadeeth* (Modern Exegesis) by Darouzah, Vol. VI, p. 430.

<sup>59</sup>. This is what is referred to as *Khul’* (divorce at the instance of the wife, who must pay some compensation to get it). Islam has made it permissible for a woman to seek and obtain divorce from her husband, if she becomes averse to living with him. In return for this, she must renounce the material rights she is entitled to in ordinary situations.

the second verse which reads: “**O ye who believe! Ye are forbidden to inherit women against their will nor should ye treat them with harshness, that ye may take part of the dower ye have given them, —except where they have been guilty of open lewdness; on the contrary live with them on a footing of kindness and equity if ye take a dislike to them it may be that ye dislike a thing, and Allah brings about through it a great deal of good.**” (*Sura An-Nissa*’, or the Women, verse 19).

The verse is full of significant implications: it has linked *’Adhl* —as one of the aspects of social violence directed against women—with another form of violence that is no less loathsome: **inheriting women**. Islam has prohibited the repugnant practice which consisted in viewing women as property, the actual ownership of which is transferred to another male with the death of their husbands. The property was transferred to his son, as was the tradition among the Arabs prior to the advent of Islam.<sup>60</sup> Residual elements of such a practice can still be found today, especially in remote villages and in the countryside, where a widow is compelled to marry one of her deceased husband’s close relatives. The practice is maintained either to preserve the honour of the family or to secure some material interests related to the inheritance itself.

Another noteworthy implication is that it has made fair and kind conjugal life an **obligation** binding on the men so as to avert **harm and violence**.

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This material compensation is actually a portion of the dowry that her husband has previously given to her.

<sup>60</sup>. Al-Bukhary reports, on the authority of Ibn `Abbass, who says: “If one of the men should die, his male relatives considered themselves more entitled to her than anyone else. If any wished to marry her, he could. But if they so wished, they could marry her off to someone else. They could also prevent her from marrying, altogether. They thought that they were more entitled to the widow than her own family. That is why the verse was revealed.” *Kitab Al-Ikrāh*, or the Book on Coercion, *Hadith*-saying number 6948, Vol. 16, p. 227.



- **The Concept of ‘Zihaar’ (or Repudiation)**

By ‘Zihaar’ is meant the banning of intimate relationship with one’s wife. It refers to a pre-Islamic form of divorce which men would resort to in order to cause harm to their wives, or to put them away because of their old age. The custom was that, if a man wished to repudiate his wife, he would utter the conventional formula: “*anti ‘alayya kaZahri ummii*”, meaning “You are as forbidden for me as my own mother”. Hence the term ‘Zihar’ that denotes the act of declaring one’s wife to be as forbidden to one as one’s own mother. However, as a form of divorce, *Zihaar* has been explicitly banned in Chapter 58 of the Holy Quran, as follows:

**“Allah has heard the prayer of her who pleaded with thee concerning her husband and beseeched Allah. Allah heard the dialogue between you. Allah is All-Hearing, All-Seeing. Those among you who put away their wives by calling them mothers are surely guilty of uttering words that are manifestly evil and untrue. Their wives do not thereby become their mothers. Their mothers are only those who gave them birth. But Allah is surely Forebearing, Most Forgiving. Those who call their wives mothers and would then repair that which they have said must procure the freedom of one held in bondage before they touch each other. This is what you are admonished with, and Allah is Well-Aware of that which you do. And whoso is not able to procure a slave to set free, must fast for two successive months before the two touch each other; and whoso is not able to do that, must feed sixty poor people. This penalty is prescribed to enforce obedience on your part to Allah and His Messenger. These are the limits set by Allah, and for disbelievers is a painful doom.”** *Al-Mujaadilah* (Verses: 1-4).

In fact, the banning of this practice (i.e. *Zihar* or repudiation) provides the foundations for a very advanced culture in the way of regulating the relationship between the husband and his wife, in the sense

that mutual treatment in fairness and friendly manner constitutes the focal point in this relationship. The fact that an entire Surah has been revealed because of this weird practice is clear evidence that the Holy Quran is really concerned with this issue. The Surah in question is entitled *Al-Mujaadilah* (*She that Disputeth*). It is in this Surah that the notion of *Zihar* occurs in connection with the story of the woman who went to see the Messenger of Allah (PBUH) in order to complain to him about her husband's unfair treatment of her. Here is the woman's story as related by Aisha, the Prophet's wife, may Allah be pleased with her. According to 'Urwa, Aisha said: "Praise Him Whose hearing encompasses everything. I can still hear Khawlah Bint Tha'laba's speech, though not every word of it, as she was complaining of her husband to the Messenger of Allah (PBUH), saying: 'O Messenger of Allah! He wore out my youth; I spread out my belly for him; and when I grew in age and couldn't bear children, he repudiated me. I complain to you, O God!' Soon after this, the Archangel Gabriel (PBUH) came down with these verses: **Allah has heard the prayer of her who pleaded with thee concerning her husband and beseeched Allah. Allah heard the dialogue between you.**"<sup>61</sup> (Al-Mujaadilah: Verse 1)

It is clear enough that the story refers to the neglect which the woman might be subjected to because to her old age. This is what is alluded to in the text by the expression "I couldn't bear children". The neglect in question may be in terms of providing for the wife, taking care of her and caring about her, or in terms of sexual intercourse, by regarding her as one's mother.

The ensuing verses draw a comparison between the wife and the mother and urge that a distinction be made between the two; or, more accurately, they instruct the man to interact with his wife, despite her old age, by considering her as a wife, not as a mother. This implies that it

<sup>61</sup>. Cf. Al-Wahidi's *Asbaab al-Nuzuul* (*Causes of the Revelation*), p. 408.

is necessary for the married couple to continue enjoying their marriage life and their intimate relationship no matter how long they have been married. This highly advanced conception of the notion of matrimonial life and of the nature of marital relationship has nothing to do with the practices observed in Muslims' reality today, and which are indicative of the rigidity and dullness of their marital relationship. Obviously, this has negative psychological effects on the couple, especially the woman, whose conventional education, which is guided by traditions rather than by appropriate understanding of religion, prevents her from expressing her genuine feelings and demanding her right to continue enjoying her marital life in a normal way; whereas the man, by contrast, is permitted by society to satisfy his sexual needs outside the marriage institution. We therefore perfectly understand why Allah responded favourably to this complaining woman, establishing her right and eternalizing her story in this noble Surah of the Holy Quran.

#### 4.1.4. On Banning Verbal Violence

- **The Concept of '*Qadhf*' (or *Calumny*)**

In its strictly lexical sense, the term 'qadhf' means to throw stones at someone or something. In its figurative sense, the term is used to refer to the act of causing harm to somebody by saying or writing bad or false things about them. In its most specific sense, 'qadhf' denotes the act of accusing someone of adultery and calling them adulterer by saying it to them directly, as in "You, adulterer!" Or "You, whore, harlot, etc.), or indirectly. In the Holy Quran, the term '*ramy*' ('calumny') is used in this sense as a near synonym of '*qadhf*', as the following verse illustrates: **"Those who calumniate chaste, unwary, believing women are cursed in this world and in the Hereafter; and for them is a grievous chastisement."** (Al-Nur: v. 23) The Quran talks specifically about calumniating women; that is, accusing chaste women of adultery. Prophetic tradition called this act **calumny** for its repugnance, and considered it a grave offence. The

Prophet (PBUH) is reported to have said: **“Keep away from the seven mortal sins.”** He was asked: **“O Messenger of Allah, what are they?”** The Prophet answered: **“Assigning partners unto Allah, the practice of witchcraft, unlawful killing of a human being, taking usurious interest, unlawful spending of orphan’s money, retreating on the day of the march (against the enemy), and calumniating chaste, believing, unwary women.”**<sup>62</sup>

### The Concept of ‘sukhriyyah’ (or Derision)

Prohibition of making of other people an object of derision and mockery occurs in the Surah titled *Al-Hujuraat (Private Apartments)*. This Surah has established a number of rules concerning decorum and good manners which Muslims in general should adopt: **“O ye who believe, let no people deride another people, haply they may be better than themselves; nor let one group of women deride another, haply the last may be better than the first. Defame not your people, nor call them names. Ill indeed it is to earn an evil reputation after having believed. Those who do not repent are the wrong doers.”** (*Al-Hujuraat: Verse 11*). This Surah prohibits the bad practice of deriding other people and giving them derisive, insulting names. Such evil acts, which constitute aspects of verbal abuse or violence, may be perpetrated against, as well as by, both women and men.

These are some examples of concepts in which the act of violence against women, in all its forms, is explicitly prohibited. The rulings involved in these examples are clear evidence that this act is definitely banned: It is a proscribed act which, if committed, deserves the most painful punishment in this world and in the hereafter. Yet, we cannot deny the existence of other concepts in which the banning of violence is not explicit enough; a

<sup>62</sup>. Narrated by Al-Bukhari in his *Sahih*; the book of *al-Hudud* (legal punishments), chapter: Calumniating the Chaste Women; Hadith No. 6857; Vol. 15, p. 705. See also Muslim’s *Kitaab al-Imam*; chapter: *bayaan al-kabaa’ir wa akbariha (Explanation of grave offences and the gravest ones among them)*; Hadith No. 145 (89), p. 150.

fact which made some people consider them to be, contrary to their intent, violence-institutionalizing concepts. However, a careful analysis of such concepts, in accordance with the general principles of the method we have explained at the beginning of this study, will reveal to us that these concepts are intrinsically violence-banning and that the violence which might result from them is, in actual fact, due to misunderstanding or misapplication.

## 4.2 Violence-Suggesting Concepts/Not Explicitly Banning Violence

### 4.2.1 The Concept of ‘*Darb*’ (‘Beating’)

‘*Darb*’ is one of those concepts that clearly denote the notions of violence and brutal force. In the present context, it constitutes a troublesome concept because, when we read in the Holy Quran the following verse: **“Admonish those of (women) on whose part you apprehend disobedience, and leave them alone in their beds and chastise them. Then if they obey you, seek no pretext against them. Surely, Allah is High, Great.”** (*Al-Nisaa*: Verse 34), we are faced with the question: How would the Almighty God order that the woman should be beaten up while both the Quran and the Sunna (Prophetic Tradition) contain plenty of evidence to the effect that violence, harm, aggression, and injustice are banned? And how can this order be consistent with the principles of peace, forgiveness and tolerance which the Quran recommends, or with the honour and solicitude which the Quran and the Sunna reserve for the woman??

To provide an answer to this complex question requires a careful and patient study of the term ‘*Darb*’ (beating) and its meanings in the light of all the aforementioned principles and the established universal conceptions. Such a study should take into consideration the semantic and contextual relations holding between all the concepts that signify prohibition of violence, using as a guide the methodological foundations on which we have based this study, adopting a median, moderate approach, far from extremist interpretations and rigid traditional explanations.

The best thing to do first is to analyze the lexical meanings of the term ‘*Darb*’ and then the senses in which it is used in the *Quran* so that we can, afterwards, determine the sense in which the word ‘*Darb*’ is used in a given verse and why.

### **First: Meanings of ‘*Darb*’ in the Lexicon**

Etymologically, the lexical entry (D r b) means “to project something on something).<sup>63</sup> This is a general abstract sense that will acquire its concrete form in the Arabs’ use of this lexeme in different senses, concrete as well as abstract, including:

- **Pain, ache:** e.g.: ‘Darabahu 3irqun’ (He suffered a stroke); ‘Darabahu-l-jurHu’ (His wound is aching).
- **Travel in search for means of subsistence:** e.g.: ‘Daraba fi-l-arDi’ (To hit the road).
- **Description and illustration:** e.g. ‘Darab Allah mathalan’ (God coined a similitude/gave an example).
- **Fate, divine decree:** e.g.: ‘Darabaat al dahr’ (Blows of fate).
- **Copulation:** e.g. ‘Daraba al-faHlu al-naaqata’ (The dromedary mounted the she-camel).
- **Curbing, checking, stopping:** e.g. ‘Daraba 3ala yadi fulaan’ (He curbed... stopped someone from doing something).
- **To run away:** e.g. ‘Daraba al-ba3iru fi jihaazihi’ (The camel run away).
- **Settling, living somewhere:** e.g. ‘aDraba al rajulu fi baytihi’ (The man settled in his home).
- **Silence and calm:** e.g. ‘aDraba al-rajulu’ (the man fell silent); ‘aDrabati-l- Hayyatu’ (The snake didn’t move).
- **Shunning, avoidance:** e.g. ‘aDraba 3anhu’ (He shunned/avoided him/it).
- **Sewing, stitching:** e.g. ‘Daraba al-khiyyaTu al-kiswata’ (The tailor sewed the dress).

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<sup>63</sup>. Cf. Al-Raghib’s *Vocabulary of the Noble Qur’an*, p. 505.

- **Agitation:** e.g. ‘iDtaraba al-mawju’ (The waves collided/clashed).
- **Lightness:** e.g. ‘al-Darb’ = light rain/drizzle).
- **Molding, casting, goldsmithing:** e.g. ‘Daraba daraahima jadidah’ (He minted new coins).
- **Acceleration, speeding-up:** e.g. ‘Daraba-l-Tariiqa’ (He hit the road/ He walked hurriedly).

The meanings of the lexeme ‘*Darb*’ (hit, beat, strike, etc.) vary according to the morpho-phonological form of the word and the grammatical construction in which it occurs, and following the known linguistic and stylistic rule that stipulates that “Any addition in the construction entails an addition in its meaning”. Thus, the meaning of the construction “Daraba al-shay’a” (He hit something) is different from the meaning of “Daraba fi al-shay’i” (He moved in/through something). Likewise, the form ‘*Daraba*’ (Hit, beat, strike) does not have the same meaning as the form ‘*aDraba*’ (leave, abandon, forsake, etc.). Besides, the construction ‘Daraba al-shay’a’ (He hit... something) may be used not only in its tangible, perceptible sense, but also in an abstract sense, or even in a metaphorical sense, as in “Daraba al-faHlu al-naaqata” (The dromedary hit/mounted the she-camel), for example. Therefore, what determines the intended meaning of ‘*Darb*’ in each case is the context of its use.

### **Second: Meanings of ‘*Darb*’ (Beating) in the Holy Qur’an**

The word ‘*Darb*’ occurs fifty eight (58) times in the Holy Qur’an, where it is used in the following senses:

#### **a. Physical act of beating, in the perceptible sense of the term.**

This use expresses the act of beating something with a hand, a stick, a sword, etc. Among the texts in which the word ‘*Darb*’ is used in this sense, we can quote the following:

- (1) “**Then smite the necks and smite of them each finger.**” (Al-Anfaal: Verse 12)
- (2) “**And We said: Smite him with some of it.**” (Al-Baqarah: verse 73)

- (3) “When his people asked for water, We directed Moses: **Strike that rock with thy rod!**” (Al-A’raaf: verse 160)
- (4) “Then he attacked them, **striking with his right hand.**” (Al-Saaffaat: Verse 93)
- (5) “Admonish those of them on whose part you apprehend disobedience, and leave them alone in their beds and **chastise them.**” (Al-Nisaa’: Verse 34)

b. **Traveling, going forth in the land** (i.e. hitting the ground with one’s feet in the walking process). The term ‘*Darb*’ is used in this sense in the following texts:

- (6) “Whoso **emigrates in the cause of Allah will find many places of refuge in the earth.**” (Al-Nisaa’: Verse 100)
- (7) “Alms are for the deserving poor who are detained in the cause of Allah and are unable to **move about in the land.**” (Al-Baqarah: Verse 272)

c. **Humiliation, ignominy**, as in example (8):

- (8) “They will be **humiliated** wherever they are found.” (Al-Imraan: Verse 112)

d. **Prevention, deletion, separation**, as in (9) and (10) below:

- (9) “Then We **sealed up** their hearing in the Cave for a number of years.” (Al-Kahf: Verse 11)
- (10) “Then a **wall will be set up between them with a door in it.**” (Al-Hadid: Verse 13)

e. **Explanation and description**, as in (11)- (13):

- (11) “We have **expounded** for mankind everything in this Qur’an that they may take heed.” (Al-Zumar: Verse 27)
- (12) “Allah **coineth a similitude.**” (Al-Zumar: Verse 29)
- (13) “Coin for them a **similitude.**” (Al-Kahf: Verse 32)

f. **Shunning, avoidance, evasion**, as in (14):



(14) **“Shall We *utterly ignore* you because you are a wanton folk?”**  
(Al-Zukhruf: Verse 5)

When we consider the contexts in which ‘*Darb*’ is used in the *Quran*, we notice that this term is used 30 times in the sense of description and explanation (i.e. giving examples), 14 times in the literal sense of beating, 6 times in the sense of traveling in the earth, etc.

Concerning the concept of ‘*Darb*’ (beating), which we are studying in this work, it belongs to the semantic field of real beating. To grasp the meaning of ‘*Darb*’ in its literal use, we need to consider the general context of its use in the entire Surah, and then its use in the context of the specific verse in which it occurs, taking into consideration the relevant concepts as well as the general conceptions and the fundamental principles in the light of which the concept of ‘*Darb*’ should be interpreted, without overlooking the Prophetic Tradition that offers detailed explanations of the concept. In this way we can get at the real meaning of the concept of ‘*Darb*’ and thus determine the extent in which it refers to the use of violence or to its prohibition and banning.

### **The General Context of the Concept**

The polysymous word ‘*Darb*’ (beating) occurs in Surah IV (Al-Nisaa’/Women), verse 34, which is known as ‘The Verse of Guardianship’:

**“Men are appointed guardians over women, because of that in respect of which Allah has made some of them excel others, and because men spend of their wealth. So virtuous women are obedient and safeguard, with Allah’s help, matters the knowledge of which is shared by them with their husbands. Admonish those of them on whose part you apprehend disobedience, and leave them alone in their beds and chastise them. Then if they obey you, seek no pretext against them. Lo! Allah is ever High, Exalted, Great.” (IV: 34)**

Considering the context of the entire Surah, we find that the quoted verse occurs in the first passage of the Surah which stipulates the unity

of the creation that comprehends both women and men: **“O mankind, be mindful of your duty to your Lord, Who created you from a single soul and from it created its mate and from the two created and spread many men and women; and be mindful of your duty to Allah in Whose name you appeal to one another, and of your obligations in respect of ties of kinship. Lo! Allah watches over you.”** (Al-Nisaa’: Verse 1)

This passage is subdivided into sections, or groups of verses, starting with orphan women and the duties of men towards them; then they move on to the topic of inheritance and confirmation of women’s right to inherit: **“For men, as well as for women, there is a share in that which parents and near relations leave, whether it be little or much, a share which has been determined by Allah”** (Al-Nisaa’: Verse 7). Following this verse is a set of verses prescribing the shares for women and men in different possible situations. Then come a number of other verses with various rulings that rectify certain unfair conditions which the woman lived in the pre-Islam times: **“O ye who believe, it is not lawful for you to inherit from women against their will, nor should you hold them back wrongfully that you may take away from them part of that which you may have given them”** (Al-Nisaa’: Verse 19). Also, **“Marry not women whom your fathers had married. What has passed has passed. It was a foul and hateful practice and an evil way”** (Al-Nisaa’: Verse 22). The ensuing verses comprise instructions and general rules concerning marriage in particular. These are immediately followed by the verse that prohibits the wish for preference, and which constitutes the key verse concerning the concepts of guardianship, disobedience or rebellion, and beating. Thus, this verse occurs and fits within the context of a set of principles that constitute the basis for the relationship between women and men, in general, and between married couples, in particular.

It is worth noting that, although there are some verses that treat of the problems of mutual aversion and disagreement between the wife and her husband, all the verses relative to the issue of women and their relationship with men in the indicated Surah focus on entente, concord,

reconciliation, and on the banning of disagreement and conflict. To explain this, it is necessary to consider the Surah as a whole and its general aims, or intended goals, focusing, in particular, on those passages which are devoted to the issue of women. This exercise leads to the finding that one of the major aims of the Surah is to establish the right and justice in favor of some social groups, such as orphans<sup>64</sup> and women, which were deemed weak in people's view according to their prevalent pre-Islamic customs. Throughout the Surah, the relevant verses put stress on concord instead of difference, and on reconciliation instead of discord. Among the evidence which confirm this, we can cite:

- After having stipulated the unity of the creation as a true fact, the Surah recommends communication and the establishment of friendly relations based on mutual love and respect.
- Use of such terms as 'SalaaH' (properness, goodness), 'SulH' (peace, (re) conciliation, compromise), 'taSaaluH' (re/conciliation), and 'iSlaaH' (redressing, reparation)<sup>65</sup> which convey meanings opposite to 'furqah' (separation, disunion), '3adaawah' (enmity, animosity, hostility), and 'khiSaam' (argument, dispute).
- Use of the word 'ma'ruuf' (equity, kindness, amicability, courtesy) more than once<sup>66</sup>, as in the verse, "**Consort with them in kindness**" (Al Nisaa': v.19), which constitutes a universal rule and a sublime purpose in the domain of legislation concerning marriage-regulating laws.

<sup>64.</sup> The word 'yataamaa' ('orphans') occurs 8 times in the Surah, more than half the number of its occurrences in the entire Holy Qur'an.

<sup>65.</sup> Words derived from 'SulH' occur 10 times in the Surah. Among such occurrences there are instances which are considered, as a general rule, to have the force of ordering reconciliation between people, as this verse illustrates: "Most of their conferrings together are devoid of good, except such as enjoin charity, or the promotion of public welfare or of public peace; and on him who strives for these, seeking the pleasure of Allah, shall We soon bestow a great reward." (Al-Nisaa': v. 114)

<sup>66.</sup> The word 'ma'ruuf' is mentioned in Surah V (AL-Nisaa') five times, all in verses related to women. This makes Surah V rank second after Surah II (Al-Baqarah) in terms of the number of occurrences of this particular term.

### **The Specific Context of the Concept**

The verse comprises many concepts that help understand the Quranic use of the verb ‘*Daraba*’ in the imperative mood. One of the most significant of these is the concept of’

‘*nushuuz*’, for the treatment of which the order to use beating was issued. Therefore, it is necessary to investigate the lexical meaning of this term and then the senses in which it used in the Holy Quran, especially in the verse under study.

In its literal sense, the word ‘*nushuuz*’ denotes the notions of height, elevation, altitude, etc. According to *Maqaayis al-Lugha*, “The entry ‘*n sh z*’ is a sound root that signifies height and altitude.”<sup>67</sup>(66) Among its derivatives are the nouns ‘*nashaz*’ and ‘*nashz*’, meaning “elevated place of the earth”, and the verb ‘*nashaza*’, which means “to move (something) up”<sup>68</sup>. This concrete sense of the term has been extended metaphorically to refer to the arrogant and haughty attitude of a woman or a man.

In the Holy Quran the word ‘*nushuuz*’ occurs five times, twice in the context of the relation between husband and wife. In one instance, the term is used as a description of the woman, as in the verse under study: “... those of them on whose part you apprehend disobedience (*nushuuz*)” (Al-Nisaa’: v. 34); in the second instance, the term is used in association with the man: “Should a woman apprehend ill-treatment or indifference (*nushuuz*) on the part of her husband, it shall be no sin on them that they be suitably reconciled to each other, for reconciliation is best. People are prone to covetousness. If you are benevolent towards each other and are mindful of your duty to Allah, surely Allah is Most Forgiving, Ever Merciful.” (Al-Nisaa’: verse 127).

On the basis of the lexical meaning of the term ‘*nushuuz*’, on the one hand, and on the basis of the general context in which the term is

<sup>67</sup>. *Maqaayis al-Lugha*, entry ‘*n sh z*’, Vol. 5, p. 430.

<sup>68</sup>. *Lisaan Al- ‘Arab*, entry ‘*n sh z*’, Vol. 14, p. 143.

used in the Holy Quran (the same context in which the concept ‘*Darb*’ is used, as we explained earlier), it is clear that the woman’s rebellion or disobedience (i.e. her *nushuuz*) is her **arrogance, haughtiness and superiority with regard to the rules and limits established by the Almighty God so as to regulate her relationship with her husband.** Falling under this characterization of ‘*nushuuz*’ are all the possible forms of this arrogance or superiority, including non-observance of the husband’s rights, disobeying him in fair matters, ill-treating him, etc. The fact that no one specific type of *nushuuz* has been defined means that this concept is intended in its general sense so that it can comprise all the different aspects of *nushuuz*. Consequently, it was wrong to interpret the concept of *nushuuz* as having one sole meaning, namely, the woman’s refusal to have sexual intercourse with her husband, or her refusal to obey him, as some exegetes have indicated.

Analysis of the concept of ‘*Darb*’ (beating) in its connection with ‘*nushuuz*’ leads to the following:

- Beating occurs in the studied verse within a set involving three types or levels of treatment of the problem of *nushuuz* that affects the matrimonial relationship. These levels are gradual, starting with religious treatment (by means of admonition), then psychological treatment (leaving the matrimonial bed), and, ultimately, corporeal treatment (beating).
- One of the meanings of gradation in this context is the necessity to stop at the limit at which the cure is achieved. Thus, we may stop at the level of admonition without going any further; or we may stop at the limit of abandonment, and so on. This means absence of the obligation to apply all the treatment methods.
- The imperative mood in “*wa-Dribuuhunna*” (and beat them; chastise them; scourge them) is not used with the illocutionary force of an order, meaning obligation, but with that of permission<sup>69</sup>. As

<sup>69</sup>. Cf. Ahkaam al-Qur’an, by Ibn Al-Arabi, 1/536; and see also AttaHrir wa-ttanwir, Vol.5,

is well-known and established in the rules of exegesis and in the foundations of Islamic jurisprudence, the imperative mood may signify obligation, which constitutes its original and most common function; but it may be used to convey some other meaning than obligation. For example, the order to beat is permissible if it is necessary; and permission of beating implies that beating is originally/fundamentally prohibited, but it is permitted in order to ward off evil or immorality<sup>70</sup>.

- The term ‘*Darb*’ (beating) is used in its general, unqualified sense, which necessitates a search in the Prophetic Tradition (*Sunna*) for more explanation and further clarification of the contextual meaning of this term. In the Sunna, we find the authentic Hadith which is produced by Imam Muslim on the authority of Jabir Ibn Abdullah (May Allah be pleased with him), in which the Prophet (PBUH) said: “... Fear Allah in the way you treat women; you have taken them with the protection of Allah; you have made their vulva permissible to you by the word of Allah; they owe it to you not to make your beddings comfortable for someone you hate; if they do, beat them non-violently; and you owe it to them to provide for them food and clothing in all fairness...”<sup>71</sup> Non-violent (or light) beating means ineffectual beating that leaves no visible marks on the body. Scholars have suggested beating with *siwak* (a small stick used for cleaning and polishing the teeth)<sup>72</sup>.

It seems that the fact of constraining the act of beating by describing it as “non-violent” is evidence enough that it is not intended to cause bodily harm, but rather as a form of educational treatment. When we consider the degree of *nushuuz* that requires beating, namely the fact that the woman prepares her husband’s bedding for someone he hates (i.e. to welcome in

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p.43.

<sup>70</sup> Cf. AttaHrir wa-ttanwir, by Attaher Bin Achour; Vol. 5, p. 43.

<sup>71</sup> Sahih Muslim, Kitaab a-Hajj, Baab Hajjat al-Nabi Salla Llahu 3alaih wa sallam, Hadith No.134, p.1218.

<sup>72</sup> This Hadith is related by Ibn Abbas; cf. Al-Tabari, Vol. 6, p. 712.

her house a man whom her husband hates), we understand that **permission of beating in this case is an attempt to mitigate the husband's violent reaction**, which, in this kind of situation, may reach the degree of committing **murder**.

Therefore, taking all these considerations into account, we understand that permission of beating was granted for one specific and definite reason, and that it should not be generalized. As concerns reasons other than the one mentioned in the Hadith, **beating is prohibited and detested**. This conclusion is sustained by other Prophetic traditions. For instance, Al Bukhari reports on the authority of Abdullah Ibn Zam'ah that the Prophet (PBUH) said: "Let none of you whip his wife as he would whip a camel, and then, at the end of the day, have intercourse with her."<sup>73</sup> In his *Sunan*, Abu Dawood reports on the authority of Iyyas Ben Abdullah Ben Abu Dhubab that the Messenger of Allah (PBUH) said: "Do not beat the bondmaids of Allah!"<sup>74</sup> Based on this evidence, scholars have drawn the conclusion that **beating is abhorred and should therefore be avoided**. Ibn Al-Arabi, an expert of Islamic jurisprudence (*Fiqh*) and a Maliki exegete, quoted 'Attaa's saying: "He shall not beat her, even if she disobeys his positive and negative orders, but he will express his anger at her."<sup>75</sup> Ibn Al-Arabi commented on the quoted utterance in these terms: "This is from the Fiqh of Attaa, who, given his expert knowledge of Sharia and of independent judgment in legal questions, knows that beating in this case is permissible; however, his reading of it as detestable is based on another saying by the Prophet, peace be upon him."<sup>76</sup> Al-Shaafii is reported to have said: "Beating is permissible, but its ban is better."<sup>77</sup>

<sup>73</sup> *Sahih Al-Bukhari*, Kitaab al-Nikaah, Chapter: What is detested in beating women; Hadith No. 5204, Vol. 11, p. 639.

<sup>74</sup> *Sunan Abi Dawood*, Kitaab al-Nikaah, Chapter: Beating women; Hadith No.2146, Vol. 2, p. 420.

<sup>75</sup> *AhKaam al-Qur'an*, Vol. 1, p. 536.

<sup>76</sup> *Ibid*.

<sup>77</sup> *Mafaatiih al-Ghayb* by Al-Raazi; Vol. 10, p. 93.

Eager to establish justice and equity in the use of beating as a necessity, and for the reason mentioned above, some contemporary exegete have permitted the intervention of justice in case the conditions constraining the use of beating are not respected. Among those who embrace this view is Sheikh Attaher Ben Achour, who states that “It is permissible for legal guardians, if it comes to their knowledge that the husbands do not apply forms of legal punishment appropriately or exceed their limits, to stop them from using this form of punishment and to announce to them that whoever beats his wife shall be punished. This is for the purpose of preventing the married from causing harm to each other, especially when the obstructing factor is weak.”<sup>78</sup> Indeed, this scholar goes even further in his opinion and suggests that the triple imperative in the verse (admonish them, forsake them, and beat them) may be considered to be addressed at all those who are apt to carry out this task, including legal guardians and husbands, so that each group will do that which they ought to do<sup>79</sup>; in which case, beating would fall within the competence of the judiciary.

In general, the woman’s *nushuuz*, or disobedience, and the permitted use of beating as a way of treating one form of *nushuuz* allude to the absence of equilibrium which the marriage institution may suffer from, and thus suggest the appropriate remedy for this unbalanced state. Consequently, beating constitutes **an exception to the rule** upon which the marriage institution is founded. For, in the Quranic conception, this institution is founded on mutual love and respect, and on peace and friendliness. Therefore, this exception should not be dwelt on too much or exaggerated; nor should this little detail be inflated beyond proportion at the expense of the general principles that have established the ban of violence in all its forms and at all levels, psychological, physical and verbal, and thus use it (the detail) as an expedient for contesting certain family laws.

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<sup>78</sup>. *AttaHrir wa -ttanwir*, Vol. 5, p. 44.

<sup>79</sup>. *AttaHrir wa-ttanwir*, Vol.5, p. 43.



#### 4.2.2 The Concept of ‘*Qiwaamah*’ (Guardianship/Custody)

The concept of ‘*Qiwaamah*’ has been and is still considered by some people as one of the several aspects of the male hegemony over the woman and as a justification for exercising authority and control over her. Based on this, these people argue that the notion of *qiwaamah* constitutes an aspect of psychological violence against the woman. In our view, this is a matter that requires correction and rectification through a study of the meaning(s) of the term ‘*qiwaamah*’ in the lexicon as well as in the context of its use in the Quranic discourse.

The Arabic term ‘*qiwaamah*’ (guardianship), which is derived from the trilateral root (*q w m*), denotes an attribute or property. The plural word ‘*quwwaamuun*’ (lit. “Upright”) is the plural form of ‘*quwwaam*’, an emphatic, or exaggerated, form of ‘*qaa’im*’ (lit. “Standing erect”). Grammatically, ‘*qaa’im*’ functions as an active participle (*ism faa’il/nomen agentis*), derived from the verb ‘*qaama*’ (lit. “To stand erect”), which also means ‘*HafiZa*’ (“preserve, keep, protect”), ‘*ra3aa*’ (guard, care), ‘*aSlaHa*’ (restore, improve), ‘*laazama*’ (attend, accompany), and ‘*thabata*’ (to stand firm)<sup>80</sup>.

In the Holy Quran, there are many derivative forms of the verb ‘*qaama*’, each of which being used in a specific sense, as the following illustrates:

- The word ‘*qawaam*’ is used in the sense of “justice”, as in the following verse: “And those who are neither extravagant nor niggardly in their spending, but keep a balance between the two” (Al-Furqaan: V. 67)
- The expression ‘*Al-Qayyuum*’ is used as an attribute of the Almighty God, as in this verse: “Allah is He save Whom none is worthy of worship, the Ever-Living, the Self-Subsisting and All Sustaining.” (Al-Baqarah: V.253)

<sup>80</sup>. *Maqaayis al-Lugha, Lisan Al-‘Arab*, entry: *qa-wa-ma*

- The words ‘*qaa’imuun*’ and ‘*qaa’miin*’ are used in the following verses: “... and those who are steadfast in their testimonies” (*Al-Ma’aarij*: V. 33); “Call to mind when We assigned to Abraham the site of the House and commanded him: Associate not anything with Me, and purify My House for those who perform the circuits, and those who stand and bow down and fall down prostrate in Prayer” (*Al-Hajj*: V. 2’).
- The expression ‘*Quwwaamuun*’, which occurs in the quoted verse, occurs also in two other verses:
  - (a) “O ye who believe, be strict in observing justice and bear witness only for the sake of Allah, even if it be against your own selves or against parents or kindred” (*Al-Nisaa*: V.134).
  - (b) “O ye who believe, be steadfast in the cause of Allah, bearing witness in equity. Let not a people’s enmity towards you incite you to act contrary to justice; be always just, that is closest to righteousness. Be mindful of your duty to Allah; surely, Allah is aware of all that you do.” (*Al-Maa’idah*: V.9)

It is worth noting that the Holy Qur’an uses three formulas to express the notion of ‘*qiwaamah*’ (guardianship) or ‘*qiyyam*’ (standing, providing, dispensing): (a) ‘*al-qiyam li...*’ (Rising in honor/for the sake of ...), as in ‘*quwwaamina li-Llah*’ (be steadfast in the cause of Allah); (b) ‘*al-qiyam bi ...*’ (doing, performing s.th.), as in ‘*quwwaamiina bi-l-qisT*’ ( doing justice), and (c) ‘*al-qiyaaam 3ala*’ (to take care of, to attend to), as in ‘*quwwaamuna 3ala l-Nisaa*’ (keepers, custodians, guardians of women). Thus, ‘*al-qiyam li ...*’ conveys the meaning of “for the sake of...” So, ‘*al-qiyaaam li-Llah*’ means “to stand for the sake of earning God’s reward”, whereas ‘*al-qiyam bi+object*’ means “to protect that object and to preserve it”. As for ‘*al-qiyaaam 3alaa + object*’, it signifies “power, capacity and aptitude to do something in addition to consistency and perseverance in guarding and attending to something.”

As was mentioned earlier, the verse dealing with the concept of ‘*qiwaamah*’ occurs in the Surah titled *Al-Nisaa*, in a passage that treats of issues related to the relationship between men and women in situations of agreement or disagreement. The verse begins with an assertive statement that affirms the guardianship of men over women, and then provides two reasons for that:

- ✓ **Some of them excel others**
- ✓ **The men spend of their wealth**

The first justification is the apparent favouring of men over women, which has intensified the wrong belief that the concept of guardianship (*qiwaamah*) inculcates the notions of control over, and segregation against, women, as some people think. However, when we contemplate the text, we find that the notion of excellence applies to both men and women; that is, it goes both ways and is reciprocal. This reciprocity is expressed through the use of the quantifier ‘some’ (“**some** of them excel others”). In fact, the Quran does not say “He has made men excel women”. Note that the ambiguity inherent in the expression ‘*ba3Duhum*’ (some of them) is ambiguous and does not necessarily entail generalized reference of the masculine pronoun ‘*hum*’ (them), for many females excel males<sup>81</sup>.

Considering the meaning of the concept of ‘*tafDiil*’ (favoring) in the Quran, we find that certain aspects of it concern natural, innate matters which the human being has no hand in<sup>82</sup> (81), some aspects pertain to matters that are earned by man as a result of hard work and effort (10); while some other aspects have to do with matters depending on both natural endowment and personal effort. This is made explicit in the ‘*Qiwaamah*’ verse as well as in the verse preceding it: “Covet not that whereby Allah has made some of you excel others. Men shall have a share of that which

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<sup>81</sup>. Al-Bahr al-muhit, Abu Hayyàn, 3/293.

<sup>82</sup>. One such aspect is exemplified by the verse “Allah has favored some of you above others in the matter of worldly provision.” (*Al-Nahl*: V.71)

they earn, and women shall have a share of that which they earn. Ask Allah alone of His bounty. Surely Allah has perfect knowledge of all things” (Al-Nisaa’: V. 32). In this verse, the verbal form, or the process of, ‘earning’ (*iktisaaab*) refers to what the human being acquires either through his work and effort or through his natural abilities which he has been endowed with. Also, the command not to covet that whereby Allah has favoured some above others means that the intended favouring is constant and natural, flowing in accordance with God’s ways with His creation, and that it comprises both parties, men as well as women.

As it appears, the verse establishes an opposition between lack of equal treatment, on the one hand, and equality in the share of that which has been earned, on the other: “Men shall have a share of that which they earn, and women shall have a share of that which they earn” (Al-Nisaa’: V.32). Therefore, if inequity is a fact in some partial regulations concerning certain domains like ‘*Jihad*’ (holy war) and ‘*ghazw*’ (conquest), or certain benefits, due to the application of the rules concerning inheritance, there is no doubt that equality exists between men and women in the nature of the reward they get for their deeds<sup>83</sup>.

The distinction which justifies the principle of guardianship in this context has only to do with the function of managing the matrimonial institution and providing the necessary care and protection the institution requires. Therefore, guardianship is not an honorific title conferred on men on the basis of their male sex, as some exegete believed. Consequently, the man’s guardianship does not prevent the woman from assuming her family responsibilities, in partnership with the man, as this authentic Hadith indicates: “...and the woman is a guardian in her husband’s home and is responsible for what she guards<sup>84</sup>.”

<sup>83</sup> This is stated explicitly in this verse: “Those of the believers who remain at home, except those who are disabled, and those who strive in the cause of Allah with their wealth and lives, are not equal. Allah has exalted in rank those who strive with their wealth and lives above those who remain at home.” Al-Nisaa’: V. 95)

<sup>84</sup> *Sahih Al-Bukhari, Kitaab al-Jumu3ah, Chapter: al-Jumu3ah fi-l-quraa wa-l-mudun, Hadith No.853.*

In sum, in order to understand the essence of guardianship, it is necessary to take into consideration the following facts:

- Guardianship is a form of private family management that regulates the relationship between the husband and the wife. Consequently, it is not an absolute system that fixes the relationship between men and women. In the latter type of relationship at the economic, social and political levels, men have no guardianship over women.
- Within the framework of the marriage institution, it is impossible to understand and **apply** the concept of guardianship independently of other concepts, such as love and friendliness, sympathy and kindness, and peaceful cohabitation, which constitute the basis of matrimonial relationship in general.
- The purpose behind assigning guardianship to the man is to avoid the risks of dual management, which experience has proven to be ineffective and useless, and which nature and reason have shown its imperfection. However, the fact that the man sometimes abuses this function and diverts from its intended purposes has led people to put the blame on the concept, not on its application. This is an error which needs to be corrected.

### 4.2.3 The Concept of Tutorship (*'Wilaaya'*)

Many of those who are concerned with women's issues consider the concept of '*Wilaaya*' as a notion that expresses hegemony and tutelage over the woman, and the exercise of control and compulsion against her, especially in marriage. Therefore, the concept of tutorship is considered, in these people's view, as an aspect of psychological violence that is practiced on women. In our view, this is a matter that requires clarification and rectification.

To start with, in its literal sense, the word '*wilaaya*' means "nearness" and "proximity"; and the word '*waliy*' (friend, ally) means the opposite of the word '*3aduw*' (enemy, foe). Thus, whoever has been assigned one mission is considered as a *wali* of (or responsible for)

That mission. Also, the terms ‘*wilaaya*’ and ‘*walaaya*’ denote ‘*nuSrah*’<sup>85</sup> (i.e. assistance, support, or backing). Among the near synonyms of ‘*wilaaya*’, we have ‘*qurb*’ (nearness, proximity), ‘*Hub*’ (love), ‘*naSr*’ (assistance), and ‘*mutaaba3a*’ (following), as the verse illustrates: “Allah is the Friend of those who believe: He brings them out of every kind of darkness. Those who disbelieve, their friends are those who hinder people from following the right path” (Al-Baqarah: Verse 256).

The nature of ‘*wilaaya*’ (friendliness) which is attributed to Allah in this verse is not remote in its meaning from the meaning of ‘*wilaaya*’ (tutorship) in the context of the relationship between people in general, and between the husband and his wife, in particular. This is because the meaning of this tutorship is included in the meaning of “management of the affairs of the other person and attending to the satisfaction of his/her vital needs in the course of his/her life”<sup>86</sup>. Thus, the tie between the tutorship of the Creator and the tutorship of his creation (Man) is: **Management of, and attendance to, affairs**; a matter which, obviously, has nothing to do with tutelage, control and compulsion.

As concerns the Holy Quran, there is **not one single occurrence of the concept of tutorship (*wilaaya*) in the context of marriage**, but it has been found in the Prophet’s Hadith: “*laa nikaah illaa bi-waliy*” (There is no marriage in the absence of a tutor)<sup>87</sup>.

Despite the existence of this Hadith which explicitly makes the validity of marriage conditional on the presence of a tutor, Muslim legists hold different opinions on this issue. In fact, their disagreement is due to the fact that there are other texts (both in the Quran and Hadith), some of which indicating that the presence of a tutor is not a precondition, while others insist that it is. Among the texts which signify that the presence of a tutor is not a necessary condition, we cite the following:

<sup>85</sup>. Cf. *Maqaayis al-Lugha*, item ‘*w l y*’, vol. 6, p. 141; and *Al-MiSbaah al-Muniir*, item ‘*w l y*’, p. 672.

<sup>86</sup>. *Attahqiq fi Kalimaati-l-Qur’an*, item ‘*w l y*’, vol. 13, p. 225.

<sup>87</sup>. *Sunan Abi Dawood*, Book of Marriage; Chapter 20: Al-Wali; Hadith 2085, Vol. 2, p. 392.

- **“Do not hinder them from marrying their chosen husbands if they agree between themselves in an approved manner”** (*Al-Baqarah*: Verse 230). The point behind using this verse as evidence is to show that the term ‘hinder(ing)’ (*3uDi*) is used in this context to refer to the act of harassing women, or hampering them, when marrying them off. This practice is prohibited in case the two parties, the wife and the husband, agree to marriage; and this means that the tutor has nothing to do with this agreement. The expression “marrying their chosen husbands” (*yankihna azwaajahunna*) implies that the marriage contract pertains to the woman, and that the presence of the tutor is not a necessary condition<sup>88</sup>.
- **“Should the husband divorce the wife a third time, then she would not be lawful for him thereafter, except in case she should marry another husband and he too should divorce her. Should this happen, it would be no sin for them to return to each other.”** (*Al-Baqarah*: Verse 228). This verse attributes the marriage contract to the woman, and makes the decision to resume marriage life one that effectively belongs to the couple, without mentioning the tutor.
- **“Women who survive their husbands shall wait, keeping themselves apart, four months and ten days. And when they reach the term (prescribed for them), then there is no sin for you in anything they may do with themselves in decency.”** (*Al-Baqarah*: Verse 334)
- In the Prophetic Tradition, we find this Hadith: **“The widow has more right upon herself than her tutor.”**

Among the texts that stipulate the presence of the tutor, we have the following:

- **“So wed them by permission of their folk”** (*Al-Nisaa*: Verse 25). This Verse makes it clear that the permission of the woman’s folk, that is the tutor or his substitute, is a prerequisite.

<sup>88</sup>. *Sahih Muslim, Book of Marriage*, Chapter 10: The Case of Under-Age Virgin Given in Marriage by Her Father. Hadith 1421, p. 882.

- **“Arrange the marriages of widows from among you”** (*Al-Nuur*: Verse 33). Here the command is not addressed to the women, but to their folk, or their tutors.
- **“Their father said to Moses: I am willing to give in marriage to thee one of these two daughters of mine on condition that thou serve me on hire for eight years”** (*Al- QaSaS*: Verse 27).
- In the Sunna, we have this Hadith: **“There is no marriage in the absence of a tutor”**<sup>89</sup>. The Hadith is clear and explicit in its ruling.

However, in spite of the apparent disagreement between the texts, and despite the dispute among the experts of Fiqh as to whether the tutor’s blessing of marriage is a necessary condition (according to the Malikite and Shafiitic doctrines), or not necessary (according to the followers of the Hanafi doctrine), there is general agreement on a universal and fundamental principle in marriage, namely, consideration of the woman’s consent in marriage, because contracts in general cannot be established unless they are willingly and freely accepted and agreed to by the contracting parties. As for stipulating the presence of the tutor, what is meant by that is to honour the woman, to uphold her and to preserve her rights. For this reason, we find that the legists who stipulate tutorship in marriage state that, in case the marriage is contracted without a tutor, it should be undone if it turns out that the husband is not suitable for the woman (i.e. does not fit her social, economic and religious position); however, if the husband is suitable, then the marriage contract is considered valid and may not be dissolved. Al-Qortobi has mentioned a story about Ali Ibn Abi Talib (May Allah be pleased with him) in this sense: “On the authority of Sumaak Bin Harb, he said: “A man came to Ali (May Allah be pleased with him) and said: ‘A woman got married without my permission though I am her tutor’. Then Ali said: ‘We look at what she did: if she has married a suitable man, we allow her that; and if

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<sup>89</sup>. *Sunan Abi Dawood*, Kitaab al-Nikaah, Chapter 20: Fi-l-Wali, Hadith 2025; vol. 2, p. 392.



she has married someone who is not her equal, we shall leave the matter to you’.”<sup>90</sup>

This makes it clear to us that the purpose of those who stipulate the tutor’s presence is to preserve the dignity and rights of the woman, especially if she is young, or virgin, with no experience in marriage.

However, the fact remains that the fundamental rule in marriage is that it should not be subject to compulsion or coercion. This rule has been clearly substantiated by a number of texts. For example, it is reported in *Sahih Al-Bukhari* that “Khansaa Bint Khudham Al-Ansariyya related that her father gave her in marriage as a non-virgin and she did not like it; so she went and complained to the Prophet (PBUH), who nullified the marriage.”<sup>91</sup>

The semantics of the term ‘tutorship’, as well as the aims behind its stipulation by those who did stipulate it, do not make of this concept an aspect of compulsion and coercion, which would convey the meaning of violence, except if this right is used abusively, in an arbitrary way, without taking into consideration the woman’s acceptance. Therefore, we need to distinguish between the meanings of this term as established in legal texts, on the one hand, and what people take it to mean in reality, on the other. For, an error in the application does not necessarily mean an error in the conception.

#### 4.2.4 The Concept of *Ta’addud* ‘Polygamy’

Multiplicity of wives, or polygamy, is a very thorny issue that requires a careful study, for several reasons. On the one hand, we find in the Holy Quran some texts that clearly permit polygamy. On the other hand, there are some other Quranic texts which constrain this rule by posing conditions

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<sup>90</sup> *Al-Jaami3 fi Ahkaam Al-Qur’an*, by *Al-Qortobi*: *Exegesis of Verse 221 of Surat Al-Baqarah*, vol. 3, p.466.

<sup>91</sup> *Sahih Al-Bukhari*, *Baab al-Nikaah*: If He Gives His Daughter in Marriage against Her Will, Her Marriage Shall Be Nullified. Hadith 5138, vol.11, p.460.

that make its implementation almost impossible. Moreover, to make a sound decision regarding this issue necessitates an in-depth and accurate study of these texts; and this in turn requires adequate knowledge of the rules pertaining to the interpretation of the Quranic discourse, which are no different from the rules relevant to the understanding of the Arabic style and rhetoric. Therefore, we need to discuss the concept of polygamy in a more detailed manner, to explain its true meaning, and to address the question of whether or not it is correct to consider it as a kind of violence directed at the woman.

Among the errors committed by many scholars who have dealt with the issue of polygamy, and which lead to hasty decisions in terms of either categorical rejection or absolute acceptance of polygamy, we can list the following: First, non-consideration of all the texts that treat of the issue of polygamy; and second, overlooking of the reasons behind the revelation which constitute the historical context that helps understand not only the meanings of these texts, but also the aims of the rulings contained in them. Therefore, it is necessary at the outset to identify the texts and compile them in a systemic-structural manner that establishes cohesion between all of them as one text.

1. **“O mankind, be mindful of your duty to your Lord, Who created you from a single soul and from it created its mate and from the two created and spread many men and women; and be mindful of your duty to Allah in Whose name you appeal to one another, and of your obligations in respect of ties of kinship. Verily, Allah watches over you. Hand over their property to the orphans and do not exchange the bad for the good, and do not devour their property mixing it with your own. Surely, that is a great sin. Should you fear that you will not be able to deal fairly with orphans, then marry of other women as may be agreeable to you, two or three, or four; but if you feel you will not deal justly between them,**

**then marry only one, or, out of those over whom you have authority. That is the best way for you to obviate injustice.”**  
(Al-Nisaa’: Verse 1-3)

2. **“Should a woman fear ill-treatment or indifference on the part of her husband, it shall be no sin on them that they be suitably reconciled to each other, for reconciliation is best. People are prone to covetousness. If you are benevolent to each other and are mindful of your duty to Allah, surely Allah is Well Aware of what you do. You cannot keep perfect balance emotionally between your wives, however much you may desire it, but incline not wholly towards one, leaving the other as in suspense. If you will maintain accord and are mindful of your duty to Allah, surely Allah is Most Forgiving, Ever Merciful.”** (Al-Nisaa’ : Verse 127-128)
3. **“They seek directions from thee in the matter of marrying more women than one. Say to them: Allah has given you directions concerning them. The commandment given to you elsewhere in the Book has reference to orphan girls whom you give not what is prescribed for them and yet whom you desire to marry, and to unprotected female children. You have also been commanded to deal equitably with orphans. Whatever good you do, Allah knows it well.”** (Al-Nisaa’: Verse 126)

Prior to analyzing these texts and explaining the principle of polygamy, it is worth referring to the general context of this principle, namely, the context of Surah IV, *Al-Nisaa’ (Women)*, which is so called in view of the fact that it comprises a set of statutes specific to women. It has already been pointed out, in our analysis of the concept of ‘beating’ (*Darb*) that among the most important aims of this Surah is to establish the right and justice in favour of some oppressed social groups that were deemed weak in the pre-Islamic culture, such as women and orphans<sup>92</sup>.

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<sup>92</sup>. The term ‘orphans’ occurs in the Surah eight times, more than half the number of its

When we look closely at the onset of the Surah, we find that it starts by asserting a universal and absolute principle, defining the nature of the relationship between the two sexes as founded on equality in their unity in creation: **“O mankind, be mindful of your duty to your Lord, Who created you from a single soul and from it created its mate and from the two created and spread many men and women”** (Al-Nisaa’: Verse 1). After this verse comes prohibition of the act of devouring the orphans’ property unjustly through mixing it with other property: **“Hand over their property to the orphans and do not exchange the bad for the good and do not devour their property mixing it with your own. Surely, that is a great sin”** (Al-Nisaa’: Verse 2).

What confirms the connection between the statute of polygamy and the issue of unlawful devouring of orphans’ property is the verse that comes after this prohibition in the form of a conditional sentence: **“If you fear that you will not be able to deal fairly with orphans, then marry of other women...”** (Al-Nisaa’: Verse 3). This means that the provision for polygamy is not the primary goal of the verse, but rather, it is the context of **the prohibition of doing harm to young orphan women** who are under the guardianship of the man who wants to marry them so as not to give them their full portion of the dowry. Therefore, men have been commanded not to do this deed and have been granted, as an alternative to this marriage, the permission to marry more than one, on the condition of being just.

This account is confirmed by the relevant socio-cultural context in which the verse was revealed. As reported by Hisham (Ibn ‘Urwa Ibn Al-Zubeir), on the authority of his father (‘Urwa Ibn Al-Zubeir), Aisha (May Allah be pleased with her) characterized the context in which the verse “If you feel that you will not be able to deal fairly with orphans...” was revealed as follows: “It was revealed about such men as used to have orphan girls of whom they were guardians and heirs; and because the girls had no one to defend their rights, their guardians would beat them and abuse their company, so the Almighty said: **“Should you fear that**

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occurrences in the Holy Qur’an.

**you will not be able to deal fairly with orphans, then marry of other women as may be agreeable to you ...”** (Al-Nisaa’: Verse 3), meaning, ‘Marry of other women that I have made lawful to you, and skip the one(s) you are beating.’”<sup>93</sup>

In another report, Aisha expounded the verse in these terms: “An orphan girl would be under the guardianship of her tutor; and because the latter coveted her property and her beauty, he would want to marry her for less than the traditional dowry. For this reason, men have been prohibited from marrying their orphan girls unless they deal with them fairly by complementing their dowry; otherwise, they have been commanded to marry other women instead.”<sup>94</sup>

Considering the text in the light of both its internal and external contexts, it appears that the regulation here is not used initially to prescribe polygamy, but is used for that only subordinately. This is what fundamentalists call ‘*Zahir*’, i.e. the literal meaning of the text. It is a rank on the scale of lexical reference that **is below the level of definite reference**. For this reason, it has constituted a bone of contention among scholars, who have expressed differing individual opinions concerning the determination of the nature of this regulation; that is, whether it is a fundamental rule having the force of obligation, or a subordinate rule signifying permission on condition of fairness.

What is clear is that the stipulation here has the force of **permission**, not obligation. Therefore, it can be counted as a **license**, with the provision that there is absence of fear that one will not be able to deal fairly with one’s wives. This is in addition to the fact that the pagan marriage system in the pre-Islamic society was such that the man was allowed to marry an unlimited number of women, without any consideration for the principle of

<sup>93</sup> *Sahih Muslim, Kitaab al-Tafsir*; Chapter: Wa’in kkiftum allaa tuqsiTuu fi-l-yataamaa (If you fear that you will not be able to deal fairly with orphans), Hadith No: 3018.

<sup>94</sup> *Tafsir Al-Tabari: Jami3 al-Bayan*, Vol. 6, p. 358. See also *Fath al-Bari fi Sharh Sahih Al-Bukhari*, Hadith 4574, Vol. 10, p. 30.

justice. In such a socio-cultural context, to limit the number of wives to a maximum of four, with the stipulation of justice, was tantamount to a real revolution in this regard.

In the same context, that is, the context of dealing with family problems which result from abusive use of the system of polygamy, there are other texts that reiterate the necessity of observing fairness in polygamy, despite the concession that perfect fairness in this case is next to impossible, especially in what concerns emotions and feelings which are beyond the individual's control, given the fact that it is impossible to make justice rule over the human heart's inclinations; for that is an undeniable fact of human nature: **“You will not be able to keep perfect balance emotionally between your wives, however much you wish to do so.”** (Al-Nisaa': Verse 128) The purpose of this verse is to stress the necessity for the man to observe the principle of justice, within the limits of his ability, in fulfilling his material duties such as lodging and maintenance, and also in treating his wife/wives with due kindness and consideration: **“But incline not wholly towards one (wife), leaving the other as in suspense.”** (Al-Nisaa': Verse 128) (The wife in suspense is that who is neglected psychologically and morally, in terms of love and amicable treatment, so that she feels that she neither has a husband who satisfies all or some of her needs, nor is husbandless).<sup>95</sup> This means that Islam insists on making the best use of this license, which in turn means that *non-fulfillment of these requirements entails the denial of the license.*

These rules and meanings, which are understood from the texts, reflect realism and balance of the Quran in its analysis of the phenomenon of polygamy that was common practice in the Arab society at the time of its revelation. It is an approach that indicates to us how to deal with this phenomenon today as well.

As for its realism, it consists in its dealing with a tangible fact, namely, the need that arises sometimes to marry more than one woman. This is a fact which we cannot deny. If multiplicity of wives were to be considered

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<sup>95</sup> Abu Zahra: *Zahrat al-Tafasir*, 1885.

as a crime, this would lead to the permission of other forms of relationship between the two sexes, less disciplined and less obvious than the marriage relationship.

Concerning its balance, it is manifest in the manner in which the phenomenon of polygamy has been controlled and how its conditions have been determined in such a way as to preempt the use of polygamy as a pretext for violating the woman's dignity or hurting her psychologically. This is because the Quran considers marrying more than one wife a license, not an obligation. Besides, it stipulates the condition of fairness according to the man's capacity and ability. Therefore, based on all of the above, we may count the concept of fairness among the concepts that are meant to ban any form of violence the woman may be subjected to because of polygamy.

We can conclude from all this that **polygamy is not a form of psychological violence against the woman, but rather, that violence results from the misuse of this license.** For this reason, we find that the family codes that are founded on Islamic jurisprudence, as in Morocco, for instance, stipulate that the applications for a polygamy license should meet the fairness conditions.

#### 4.2.5 The Concept of 'Kayd' (Guile)

The concept of 'Kayd' (or 'guile'), which is generally employed to refer to the "use of clever but dishonest behaviour in order to deceive people", is one of the concepts that have been wrongly associated with the woman, and, because of this, the woman's true nature has been misunderstood and the woman herself has become the object of abuse and blame, being accused of '*makr*' (slyness, deception and trickery) and '*Ihtiyal*' (i.e. employing artful means, resorting to tricks, and using stratagems). Thus, as a result of this rash interpretation of the term '*Kayd*' in the Holy Quran, the Quranic text itself has been accused of preparing the ground for this kind of psychological violence against the woman. In our view, there are two main reasons behind this wrong belief: failure to understand the true sense in which the term '*Kayd*' is used in the Quran,

and focus on some Quranic texts in which ‘*Kayd*’ is attributed to women without considering all the texts in which this term has been used.

Etymologically, the root of the word ‘*k y d*’ means “to treat something roughly or severely”<sup>96</sup>, and the expression ‘to treat an object or a matter’ means to “deal with it”. However, due to language evolution and metaphorical extension, the term ‘*Kayd*’ has been used in various senses according to the matters being treated. Thus, ‘treatment’ is called “covert, or secret, management” by some. Consequently, the term ‘*Kayd*’ may be used in the sense of “secret management either for good or for evil purposes”, though it is used more in the sense of evil intentions. This explains why the term ‘*Kayd*’ has been defined by certain lexicographers as “malevolence” and “viciousness”<sup>97</sup>, and by others as “treachery” and “deception”<sup>98</sup>.

One of the texts that have caused women to be accused of ‘*Kayd*’, in the reprehensible sense of the term, is the following verse: “When her husband saw that Joseph’s shirt was rent at the back, he said to his wife: **“Surely, this is of the guile of you women. Surely, the guile of you women is very great.”** (Yusuf: Verse 28) Based on this verse, some scholars have considered ‘*Kayd*’ (i.e. guile) as part of the woman’s nature<sup>99</sup> owing to the characteristic evil and deceit that are concentrated in her. Other scholars, on the other hand, have gone so far as to consider the guile of the woman greater than the guile of Satan himself. These scholars’ judgment is based on their comparison between the statements: “Surely, the **guile of you women is very great**” (Yusuf: Verse 28) and “**Surely, Satan’s strategy is weak.**” (Al-Nisaa’: Verse 75). This opinion has been reported by Al-Zamakhshari, who also quoted the following statement by a certain

<sup>96</sup>. Mu3jam Maqaayis al-Lugha, Vol.5, p.149.

<sup>97</sup>. Lisan al-Arab, Vol. 12, p. 199.

<sup>98</sup>. *Mufradaat AlfaaZ al-Qur’an*: by Al-Raghib Al- Asfahani, p. 728.

<sup>99</sup>. *Tafsir Al-Alusi*, in which the author wrote: “*Kayd* is an innate peculiarity of women’s character”. Vol. 12, p. 224.



scholar: “I fear women more than I fear Satan.”<sup>100</sup> Some other scholars have related that: “In this respect, women surpass all human beings in guile and trickery.”<sup>101</sup>

However, the true meaning of ‘*Kayd*’ in the Qur’anic usage transcends all of the above. In fact, the term ‘*Kayd*’ is used in the Holy Quran thirty five times. It is used only five times in connection with women, whereas in other contexts ‘*Kayd*’ is used either in a negative/reprehensive sense, when it is attributed to Satan or to the infidels and the idolaters; or in a positive/laudable sense, when it is attributed to Allah, as in “**I grant them respite; verily, My design is mighty**” (Al-A’raaf: Verse 183), or to His believing servants, as in the case of Abraham’s scheming against his folks’ idols: “**By Allah, after you have gone away and turned your backs, I will certainly devise a plan against your idols.**” (Al-Anbiyaa: V. 57)

What is obvious from the above is that, unless it is guided by values of righteousness, the human being’s *Kayd* is considered to be blameworthy, described as error, loss, failure and weakness; and this characterization applies to the guile of women as well, because, being a human *Kayd*, it can be either laudable or reprehensible, depending on the context.

Concerning the comparison between the *Kayd* (*guile*) of women and the *Kayd* (*strategy*) of Satan, it is not a valid comparison, because the contexts are different. For example, the *Kayd* of Satan, which is mentioned in the verse “**Those who believe fight in the cause of Allah, and those who disbelieve fight in the cause of the Evil One. Fight ye then against the friends of Satan; surely Satan’s strategy is weak**” (Al-Nisaa’: V. 75), occurs in an account by Allah, in a context involving an implicit comparison between Satan’s strategy and Allah’s strategy, meaning “Satan’s strategy is weak compared to Allah’s strategy”. As regards the *Kayd* of women, which is mentioned in the story of Joseph, it occurs in an account by the woman’s husband: Aziz of Egypt. This difference is important for distinguishing

<sup>100</sup>. *Tafsir Al-Zamakhshari: Al-Kashshaf. Vol. 3, P. 274.*

<sup>101</sup>. *Tafsir Al-Khazin Ruh-al-Maʿani, vol. 2, p. 524.*

between the two types of *Kayd*. Thus, when the judgment is issued by Allah, there is no room for disputing about its validity or about the truth of what Allah has stated; therefore, the statement that Satan's strategy is weak is absolutely true. However, when the judgment is attributed to a speaker other than Allah, then it is open to dispute.

What is certain is that *Kayd* is a human act that can originate from women as well as from men; it is not a characteristic inherent in the woman, as many people imagine. As for quoting the verse from the story of Joseph (Peace be upon him) in order to accuse women in general of *Kayd* (i.e. dishonest behavior) or to provide evidence for this allegation, all this is not credible, for the first *Kayd* (plot) against Joseph (PBUH) was devised by the men among his brothers, as the following verse illustrates: **“His father said to him: Dear son, do not relate your dream to your brothers, lest they should contrive some *stratagem* against you. Satan is, indeed, man's declared enemy”** (Yusuf: Verse 5). That was the first severe trial recorded in Joseph's story. It occurred when his brothers worked out a plan to get rid of him because they were deeply jealous of him.

As for the story of Aziz' wife and her laying snares for Joseph, it is merely a prototypical example that can be repeated in this very form if similar conditions are provided. The same story may be repeated in other forms; and the woman may be the victim if appropriate conditions obtain.

The type of *Kayd* which is considered reprehensible in the Holy Quran is that which is whispered into the minds of people by Satan, or commanded by the baser self of man that incites to evil, or is the result of imbalance that affects a person's behaviour, be they male or female. Therefore, to stigmatize the woman by sticking to her this epithet is considered as a form of psychological violence that should be condemned and banned.

## Summaries and Conclusions

To close this study, we shall summarize its conclusions and findings in the following:

- In its lexical sense, the term '*unf*' (or violence) means “aversion”, “pressure”, “insult” and “cruelty”, either towards a human being or towards an animal. In its ordinary usage, however, this term has been given various definitions, depending on the context of its use. In the present study, we have defined '*unf*' (violence) as “the deliberate/intentional use of force that causes harm or death, or psychological damage or deprivation, including forms of physical and mental violence, in addition to harm, ill-treatment, and neglect.”
- The term '*unf*' has not been used in the Holy Quran, but it has been used in the Prophetic Tradition to a limited extent, especially in the sense of verbal violence, such as abusing, cursing, and insulting. In the Prophetic Tradition, the use of verbal violence is prohibited, and its opposite, kindness, is prescribed.
- In both the Holy Quran and the Prophetic Tradition, the term '*unf*' is used to refer to different levels of violence: One such level involves public violence that occurs in society in general, and which is aimed at the members of the society regardless of their sex. Another level of '*unf*' involves violence that is directed against women in particular.
- Although the Holy Quran has not used the term '*unf*' (violence), it has, nevertheless, used a number of terms either as near synonyms or as antonyms of violence. For example, the terms '*I3tidaa*' (aggression) and '*adhaa*' (harm, injury, offence) are among the near synonyms that we have discussed in this study. Thus, we have found out that these forms of violence are censured and prohibited

in the Holy Quran. This means that both the Holy Quran and the Prophetic Tradition ban violence in the general sense of the term. Among the antonyms of *'unf*, we have discussed the term *'afw* (pardon, forgiveness), which is semantically related to the notions of *'Safh* (pardon, forgiveness), *'I3raad* (avoidance, shunning), and the expression *'kaZm al-ghayZ* (i.e. to conceal or suppress one's anger), in addition to the concepts of *'salm/silm* (peace) and *'ta3aaruf* (mutual acquaintance). Ultimately, it has become clear that the analyzed concepts represent a system of behavioural values intended to establish a culture that bans violence from society as a whole.

- The study distinguishes between two types of violence-banning concepts, namely: concepts that ban public violence, and concepts that ban specific forms of violence, such as corporeal, psychological, sexual and verbal violence.
- Concerning the category of concepts that ban public violence, we have focused on the concepts of aggression, harm and damage, which belong to the set of general legal principles and rules that imply prohibition of violence in its general sense, as well as violence in its specific sense, when used against women.
- In dealing with violence-banning concepts, especially those concerning specific types of violence, we have distinguished two categories of such concepts. The first category consists of concepts which explicitly ban all forms of violence, corporeal, sexual, psychological and verbal. Among these, we have discussed the concepts of *'wa'd al-nisaa'* (burying women alive), *'I3tizaal al-nisaa'* (women's seclusion) **3uDI** (preventing a woman from marrying), *'Zihaar'* (repudiation), *'qadhf* (calumny, slander, false accusation), and *'sukhriyyah* (derision, mockery). The second category consists of concepts that are suggestive of violence or are not explicit in banning it. Among the members of this category

we have studied the concepts of ‘*Darb*’ (beating), ‘*wilaaya*’ (guardianship), ‘*ta3addud*’ (polygamy), and ‘*kayd*’ (guile, trickery).

- These concepts can be classified into two groups: (a) Concepts related to **social violence** (e.g. calumny, derision, guile; (b) concepts having to do with **domestic violence** (e.g. guardianship, seclusion, burying), and (c) concepts pertaining to **matrimonial violence** (e.g. beating, repudiation, polygamy). This classification shows that violence has not just one source, but many.

### **The most significant findings of this study include the following:**

- The largest number of concepts that ban violence against women in the Quran and the Prophetic Tradition are concepts expressing **psychological** violence, followed by concepts denoting **verbal** and **corporeal** violence, and then by concepts referring to **sexual** violence. This means that the Holy Quran focuses more on **invisible violence** which women are subject to; i.e. the kind of violence which cannot be measured in terms of concrete evidence, or verified if the woman resorts to justice. For this reason, the Holy Quran has highlighted this type of violence, banned it, and proscribed it by employing religious obstruction and moral conscience that are capable of minimizing it.
- These principles and concepts, which are found in the Quran and the Sunna, are not there just in order to be read, studied and taught; rather, they are there in order to be made use of, for they are capable of being applied and also adapted to different socio-cultural contexts, constitutions and legal systems. Therefore, it is the duty of scholars and jurists today to innovate in drafting laws that grant women the right to parry the harm, aggression, and wrong that are done unto them unjustly by men, exactly as our jurisprudence of yore did when, from the principle ‘wrong can be lifted/ made to cease to exist’ (*al-Dararu yuzaahu*) they derived many laws in this domain as well as in others. Indeed, we have

in the course of our study learned that Muslim jurists ruled that a husband that abuses his wife linguistically, by insulting her or her father or mother, should be punished. They also ruled that his wife should be divorced from him.

- Religion, therefore, has never been, and will not be, a cause behind the spread of the phenomenon of violence against women; and whoever justifies violence against women by a religious pretext or argument is definitely ignorant of the teachings of true religion, and ignorant of its stipulations, its rules, its universal principles, and of its notions and concepts; or, at best, he does not distinguish between religion and social customs, conventions and norms, which are deeply rooted in people's minds, and which, unfortunately, have established distorted representations of the relationship between men and women and of men's attitude towards women. Therefore, we assert that many forms of tutelage and control over the woman, together with the resulting stereotyped social roles that have been assigned to the woman, stem from the conceptions of people and their social conventions and customs, which have nothing to do with religion and its texts.
- This study has not dealt with the issue of marrying little girls, or what nowadays is called "marriage of minors". The reason is that most of the cases we witness in this regard, and in which we perceive psychological and sexual violence as well as violation of children's rights, **follow from social phenomena**; therefore, we consider that **this problem has nothing to do with religious texts**.

If we conduct a socio-cultural investigation of this phenomenon, we will certainly find that the social groups that engage in this practice are among the most ignorant about religion.

- Eradication of all forms of violence directed against women on the basis of legal texts requires perfect comprehension and proper

application of such texts. For this reason, we find ourselves facing two types of people: One type consists of those who were unable to understand the nature of legal principles and concepts regulating the relationship between men and women; consequently, they considered religion to be the cause of this phenomenon (i.e. violence against women). The other type consists of those who did not know how to apply these legal principles and concepts; so they ended up confusing religion with social customs and representations.

## Recommendations

At the end of this study, we put emphasis on **the following recommendations**:

1. Bring home these Quranic and Prophetic concepts to women, regardless of their social class, educational level or social status, so as to reshape women's awareness of their worth, their position, their importance, and their rights and duties, through intensive training periods, academic and educational meetings in different spaces, such as educational institutions, universities and mosques. Pedagogical flip charts will be provided with this study to help users benefit from these concepts in this domain.
2. Complete the study of the many remaining concepts concerning this issue, especially those not directly related to violence and which, due to space and time constraints, this study could not deal with.
3. Move with these concepts and principles from the theoretical level to the level of **practice**, by having all concerned authorities and sectors devote their effort to working out a formula whereby these principles and concepts can be adapted to the laws and legislations regulating the relationship between individuals (within and the family and outside) in order to consolidate rights and duties on the ground. For example, we need to enact laws that provide for the indictment and punishment of the following offences:
  - i. Beating a woman (wife or other) in an entirely unlawful manner;
  - ii. Depriving the woman, by any means, of her right to inheritance (including her exclusion from a will, not enabling her to take possession of her share of the divided heritage, keeping her under tutelage in an unlawful manner);
  - iii. Forcing the woman to marry someone who is not suitable for her, or someone she does not like;



- iv. Forcing the minor girl into marriage;
- v. Aggressing the wife sexually (e.g. by having sexual intercourse with her during her monthly period, etc.);
- vi. Dealing unfairly with one's wives, in case of polygamy, in terms of adequate support and other matrimonial duties;
- vii. Insulting the woman, or abusing her verbally, and defaming her because of her sex.

## Part Two : Pedagogical sheets

### Sheet 1

Topic	The concept of violence.
Objectives	Getting acquainted with the concept of violence. Getting acquainted with types of violence.
Technique used	Brain storming; step by step analysis.
Tools	Mural papers and Felt-tipped pens
Time given	25 minutes
Steps involved	<ul style="list-style-type: none"> <li>• We write the word ‘violence’ (<i>‘3unf</i>) on a white mural paper;</li> <li>• We ask the participants the question: What does the word ‘violence’ evoke to you?</li> <li>• We write down the participants’ answers;</li> <li>• We ask the participants to provide a definition of the term ‘violence’ on the basis of the answers collected by means of brain storming;</li> <li>• We present a summary comprising the definition of the concept of ‘violence’ based on lexical meaning as well as on its meanings in everyday language use.</li> </ul>
Conclusions and Basic Messages	<ul style="list-style-type: none"> <li>• In its lexical sense, the term ‘violence’ (<i>3unf</i>) means dislike, pressure,</li> </ul> <p>Insult and unkindness, whether directed against a human being or an animal. In everyday language use, the term denotes “deliberate use of force that causes physical or psychological damage or harm, or death.”</p>
Remarks	

## Sheet 2

Topic	Concepts of violence in the Quran and the Sunna
Objectives	To get acquainted with concepts of violence in the Quran and the Sunna
Technique used	Group work
Tools	Mural papers and felt-tipped pens
Time given	30 minutes
	<ul style="list-style-type: none"> <li>• We divide the participants into three groups.</li> <li>• We give each group a list of Quranic verses and Prophetic traditions involving the use of concepts signifying violence (Document 1) (Cf. Flip Charts Appendix).</li> <li>• We ask the participants to derive a definition of violence based on the texts shown in the document.</li> <li>• The reporter of each group presents the definition arrived at.</li> <li>• We divide ‘violence’ into three basic notions: he notion of ‘<i>i3tidaa</i>’ (aggression, assault, attack), the notion of ‘<i>adhaa</i>’ (harm, hurt, wrong), and the notion of ‘<i>Darar</i>’ (harm, damage, detriment).</li> <li>• We provide a definition of each one of the three notions in the Quran and the Sunna.</li> </ul>
Conclusions and Basic Messages	<p><b>‘i3tidaa’ (Aggression):</b> Any act whereby the doer exceeds the limits of justice to injustice; it is a reprehensible and forbidden act owing to the fact that it involves injustice, which incriminated and condemned by all laws and legislations.</p> <p><b>‘Adhaa’ (Harm):</b> Whatever affects an individual human being in terms of hurt or pain either in his psyche or body; it is an act the doer of which bears a</p>

	<p>great sin; and when the Holy Quran designs for any act this punishment, it means that the act is banned and prohibited.</p> <p><b>‘Darar’ (Damage):</b> Any act that has a bad effect on others be it material or moral. Any act that causes damage or harm to other people is considered in the Quran and the Sunna as a prohibited, criminal act, regardless of whether the damage is material or moral, caused to individuals or to communities, to the man or to the woman.</p>
Remarks	<p>Comparison of named of ‘<i>3unf</i>’ (violence) used in the Sharia texts with the concepts used in legal texts and human sciences.</p>

### Sheet 3

Topic	General concepts on the banning of social violence
Objectives	To get acquainted with values pertaining to the banning of violence in society based on Quranic concepts.
Technique used	Role play.
Tools	Mural papers and felt-tipped pens.
Time given	45 minutes
Steps involved	<ul style="list-style-type: none"> <li>• We divide the participants into three groups.</li> <li>• We give each group a sheet of paper containing three violence-banning values (Document 2) (Cf. Flip Charts Appendix).</li> <li>• We ask each group to act a situation representing the value mentioned in the document.</li> <li>• We ask the participants to identify the represented value.</li> </ul>
	<ul style="list-style-type: none"> <li>• We derive the definition of each value based on a general discussion in which all the participants take part.</li> <li>• We close the session by drilling the concepts that ban violence on the basis of the Quran and the Sunna.</li> </ul>
Conclusions and Basic Messages	<p>The concept of ‘<b>3afw</b>’ (<b>Forgiveness</b>) means the fact of giving up blaming or punishing somebody for a committed offence. This is one of the concepts that oppose/resist violence in general; therefore, if assimilated in individuals’ behavior in real life, it is capable of reducing the degree of violence in society.</p> <p>The concept of ‘<b>ta3aaruf</b>’ (<b>Mutual acquaintance</b>) means to be mutually acquainted with other people and to co-exist with them on the basis of membership</p>

	<p>of the same community or of common descent. This is one of the most important human and social values that make the human being capable of establishing a relation with his fellow men based on peace, friendship and harmony, without violence.</p> <p>The concept of ‘<b>al-silm al-ijtima3i</b>’ (<b>Social peace</b>) means “being kind to other people and bearing the harm caused by the ignorant among them.” This is one of the most important violence-banning concepts, for it denotes tenderness, flexibility, and wisdom, which makes of it a helper in resolving differences and dealing with problems.</p>
<p>Remarks</p>	<ul style="list-style-type: none"> <li>• Each group must keep the value secret.</li> <li>• Acting the situation does not exceed 3 minutes.</li> </ul>

## Sheet 4

Topic	Concepts for the ban of violence against women.
Objectives	To identify expressions of banning violence against women.
Technique used	Tree of concepts.
Tools	Mural paper, white sheets of paper, and felt-tipped pens.
Time given	30 minutes
Steps involved	<ul style="list-style-type: none"> <li>• We give each participant a white sheet of paper and a felt-tipped pen.</li> <li>• On a large white sheet of paper we draw a tree consisting of a trunk and four branches.</li> <li>• At the end of each concept we put a violence-banning concept.</li> <li>• We ask the participants to draw something that signifies the mentioned concepts.</li> <li>• We ask the participants to stick the drawing to the corresponding concept.</li> <li>• We ask the participants to formulate the definition of the concept based on the drawing.</li> <li>• We deduce from the tree a classification of the concepts that ban violence against women.</li> </ul>
Conclusions and Basic Messages	Linking violence against women in the street to what is nowadays called social genre-based violence.
Remarks	<ul style="list-style-type: none"> <li>• Violence-prohibiting concepts (Tree branches):</li> <li>• Bodily violence: ‘<i>wa’d</i>’ (Burying girls alive)</li> <li>• Sexual violence: Secluding wives during menstruation (Prohibition of sexual intercourse with the woman during her monthly period)</li> </ul>

	<ul style="list-style-type: none"><li>• Psychological <i>violence</i>: ‘<i>3aDI</i>’ (Preventing the woman from marriage, ‘<i>Zihar</i>’ (Prohibition of sexual intercourse with the woman with the intention to cause her harm). This kind of violence may become material, such as depriving the woman of her share of heritage, and from the right to own property or the right to work.</li></ul>
	<ul style="list-style-type: none"><li>• After presenting the definitions, we establish the origins of the concepts from the Quran and the Sunna; then we classify the concepts according to the source of violence: society, family, husband.</li></ul>



### Sheet 5

Topic	Concepts prohibiting psychological violence against women.
Objectives	Discern aspects of banning psychological violence against women.
Technique used	A case study.
Tools	<b>Text of Case 1:</b> (The case of a woman divorced by her husband because of disagreement concerning lodging conditions (They live with the husband’s family).After the divorce, the husband resolved the accommodation problem by renting an independent house. Because he wants so much the marriage relationship to
	continue, he called for the return of his wife, and the wife accepted since there was no longer any cause for difference. But the wife’s brother and her father prevented her from returning to her husband, arguing that they had gotten used to her presence and to her doing the housework for them. This obstruction and pressure have caused psychological pain to the wife...).
	<b>Text of Case 2:</b> A husband does not care about his wife. He does not talk to her and does not enquire about her state. He ignores her and does not pay attention to her when she is beside him. He loves watching TV more than he loves her. Worse, he uses improper ways of communicating with her; and when she makes herself beautiful in order to attract his attention, he simply does not notice her.
Time given	minutes 45

<p>Steps involved</p>	<ul style="list-style-type: none"> <li>• We split the participants into two groups.</li> <li>• We give each group the text of a case.</li> <li>• We ask each group to study the case exposed by the text and to discuss it.</li> <li>• We ask the representative of each group to present the succession of events in the case, aspects of violence and their effect on the woman.</li> <li>• We present the concepts suggested by the cases together with their derivational origin from the Quran and the Sunna.</li> </ul>
<p>Conclusions and Basic Messages</p>	<p>Among the concepts that prohibit violence against women is the concept of ‘<i>3aDI</i>’, which means “to prevent a woman from marrying”, or, after divorce, from returning to her husband if she so wishes. It also means exerting pressure on the wife and harming her so that she would demand divorce and pay an amount of money in exchange for getting it. Obviously, ‘<i>3aDI</i>’ has bad psychological effects on the woman because it puts her in a situation where she finds herself oppressed, deprived of her will and of her right of free choice.</p>
<p>Remarks</p>	<p>The representative of each group must present the chain of events in a concise manner.</p>

## Sheet 6

Topic	Concepts relevant to the banning of verbal violence against women.
Objectives	Discerning aspects of banning verbal violence against women.
Technique used	Role play.
Tools	None.
Time given	45 minutes
Steps involved	<ul style="list-style-type: none"> <li>• We split the participants into two groups.</li> <li>• We give each group a sheet of paper comprising one of the two concepts (Group 1: ‘<i>Qadhf</i>’ (defamation, calumny); Group 2: ‘<i>sukhriyyah</i>’ (derision, mockery).</li> <li>• We ask each group to act a situation representing the concept mentioned in the paper.</li> <li>• We ask the participants to discern the represented concept.</li> <li>• We extrapolate the definition of each concept from the general discussion in which all participants participate.</li> <li>• We end the session by presenting the origin of the concepts that ban verbal violence against women based on the Quran and the Sunna.</li> </ul>
Conclusions and Basic Messages	<ul style="list-style-type: none"> <li>• In Islamic law, ‘<i>qadhf</i>’ means “false accusation” (especially of fornication). It is a type of verbal violence which women risk being exposed to. It has extremely bad effects on the woman’s psyche, to the extent that it may generate an acute sense of inferiority, or even the urge to commit suicide.</li> </ul>

	<ul style="list-style-type: none"><li>• Making fun of people and calling them names constitute an aspect of verbal violence that has a negative effect on man, in general, and on the woman, in particular, because it causes psychological pain, making the victim feel humiliated and despised.</li></ul>
Remarks	None.

### Sheet 7

Topic	Concepts suggestive of violence / not explicit in banning violence.
Objectives	Discern the concepts that are suggestive of violence.
Technique used	Caravan of concepts.
Tools	None.
Time given	45 minutes.
Steps involved	<ul style="list-style-type: none"> <li>• We split the participants into five groups.</li> <li>• We give each group a sheet of paper presenting a notion of violence in a detailed manner (including its lexical and technical definitions, as well as its origin in the Quran and the Prophetic Tradition).</li> <li>• We ask each group to choose a place in the room and discuss the paper.</li> <li>• The participants pass by each group and ask them to define the concept for us without reading the paper and to answer the participants' questions.</li> <li>• We present a general summary of the caravan based on a general discussion in which all the participants take part.</li> </ul>
Conclusions and Basic Messages	<ul style="list-style-type: none"> <li>• '<i>Darb</i>' (beating) comes at the top of the list of concepts suggestive of violence; however, when we collate from the Quran and the Prophetic Tradition all the texts that treat of violence, we notice that beating is not recommendable, but reprehensible.</li> <li>• The same for the concepts of '<i>wilaayah</i>' (guardianship), '<i>qiwaamah</i>' (ensuring sustenance) and '<i>ta3addud</i>' (multiplicity of wives: polygamy): It is necessary to collect</li> </ul>

	<p>together all the texts comprising these concepts, link them one to the other, and distinguish between the concepts as such and their application, so that we reach the conclusion that, in essence, they are not concepts of violence.</p>
Remarks	<ul style="list-style-type: none"><li>• Each group constitutes a caravan station, and the members of the group are required to present the concept and to answer the questions.</li><li>• It is possible to motivate the participants by way of choosing the best station through evaluation of the group's performance, the tools used, and innovation in presenting the concept.</li></ul>

## 2. Documents Appended to educational Sheet

### Document No. 1: Appended to Flip Chart No. 2:

- On the authority of Aisha (May Allah be pleased with her): “The Jews came to the Prophet (Peace Be Upon Him) and said: ‘as-saam 3alaykum’ (Lit. ‘The venomous upon you’); and Aisha said: ‘Upon you, and may Allah curse you and direct his anger against you!’ Then the Prophet said: ‘Take it easy, Aisha; try to be kind and friendly, and beware of **violence and obscenity**’. She said: ‘Didn’t you hear what they said?’ He said: ‘Didn’t you hear what I said? I returned the greeting, wishing them peace, and my wish for them shall be granted, but their wish for me shall not’.”
- “Allah is kind and He likes kindness; and He gives for **kindness** what he does not give for **harshness**”.
- “When you have divorced women, and they have reached their term, then retain them in kindness or release them in kindness. Retain them not to their hurt so that you transgress (the limits). Whoso does that, surely wrongs his own soul.” (Al-Baqarah/The Cow:: Verse 229)
- “O Prophet, when you (men) divorce your wives, observe the legal period prescribed and reckon the period, and be mindful of your duty to Allah your Lord. Turn them not out of their houses, nor should they leave their houses, during that period, unless they are guilty of manifest indecency. These are the limits set by Allah. Whoso transgresses the limits set by Allah wrongs himself. The period is prescribed as you do not know that Allah may bring about something new.” (Al-Talaaq/Divorce: Verse 1)
- “When you have divorced women, and they have reached their term, then retain them in kindness or release them in kindness. Retain them not to their hurt so that you transgress (the limits). Whoso does that, surely wrongs his own soul. Make not the revelations of Allah an object of derision, but remember Allah’s grace upon you and that

which He has revealed unto you of the Book and Wisdom, whereby He exhorts you. Observe your duty to Allah and know that Allah is Aware of all things.” (Al-Baqarah/The Cow: Verse 229)

- Saad Ibn Abi WaqqaaS is reported to have said: “During the Farewell Pilgrimage, the Prophet (May peace be upon him) visited me in my sickroom, where I was suffering from a terrible ailment that nearly killed me, and I said to him: ‘O Messenger of Allah, I am so ill as you can see. I am a rich man, but I have no heirs except my only daughter. May I donate as an act of charity two thirds of my wealth?’ The Prophet sad: ‘No’. I said: ‘Can I donate one half?’ He said: ‘No, one third, and one third is more than enough. Look! It is better to leave your heirs rich than poor, begging other people. Indeed, whatever amount you spend for the sake of Allah, you shall be rewarded for it, even the bite you put in your wife’s mouth’.”
- “They ask you (O Muhammad) concerning menstruation. Tell them: It is harmful, so keep away from women during their monthly periods and do not consort with them until they are clean. But when they have washed themselves clean, consort with them as Allah has commanded you. Indeed Allah loves those who turn to Him often, and Allah loves those who are clean and pure.” (Al-Baqarah/The Cow: Verse 220)
- “Those who malign believing men and believing women for that which they have not done shall bear the guilt of slander and manifest sin.” (Al-Ahzaab/The Clans: Verse 58)

### **Document No. 2: Appended to Flip Chart No. 3**

- “He it is who accepts repentance from His servants and forgives sins and knows all that you do.” (Al-Shuuraa/Counsel: Verse 23)
- Let not those who are possessed of means and plenty among you resolve to withhold their bounty from the kindred and the needy and those who have migrated from their homes in the cause of Allah,



because of some default on the part of the recipient. Let them forgive and forebear. Do you not desire that Allah should forgive you? Allah is Most Forgiving, Most Merciful.” (Al-Nuur/Light: Verse 22)

- “Make forbearance thy rule, O Prophet, and enjoin equity and turn away from the ignorant.” (Al-A’raaf/The Heights: Verse 199)
- “... those who spend in prosperity and adversity, who control their tempers when they are aroused and who overlook people’s faults; Allah loves the benevolent.” (Aal-‘Imraan/The Family of ‘Imraan: Verse 134)
- “O mankind, We have created you from male and female, and have made you nations and tribes so that you may know one another. Verily, the most honored among you in the sight of Allah is he who is the most righteous among you. Allah is All-Knowing, All-Aware. (Al-Hujuraat/The Private Apartments: Verse 13)
- “The true servants of the Gracious One are those who work upon the earth with humility and when they are accosted by the ignorant ones, their response is: Peace.” (Al-Furqaan/The Criterion: Verse 63)
- “The good deed and the evil deed are not alike. Repel the evil deed with one which is better, then lo! he between whom and thee there was enmity (will become) as though he was a bosom friend. But none is granted it save those who are steadfast, and none is granted it save the owner of great happiness.” FuSSilat: Verse 34)
- On the authority of Abdullah Ibn ‘Amr Ibn Al-‘AaS, the Prophet (PBUH) said: “The true Muslim he by whose tongue and hand Muslims are not harmed.”
- On the authority of Abu Hurayrah, the Messenger of Allah said: “You shall not enter the Paradise until you believe; and you will not believe until you love one another. Would I rather show you something which you can do in order to love one another? Spread peace among you”.

- Aisha is reported to have said: “The Messenger of Allah (PBUH) was not indecent in his behavior, did not use obscene language, and was not boisterous in public markets. He would not return evil for evil, but he would pardon and forgive.”
- Ibn Maalik said: “The Messenger of Allah did not use obscene language, did not curse, and did not insult.”
- Aisha (May Allah be pleased with her) related that: “A man asked permission to see the Prophet (PBUH), and when the Prophet saw him, he said: ‘What an evil man!’ And when the man sat down, the Prophet became cheerful and he treated the visitor nicely. When the man left, Aisha said to the Prophet: ‘O Messenger of Allah, when you saw the man, you said so and so, then you gave him a cheerful smile and treated him nicely. So the Messenger of Allah said: ‘O Aisha, when did you know me to be indecent? Indeed, the worst position in the sight of Allah on the Day of Judgment is that of an individual whom people avoided so as to ward off his evil’.”
- Abu Hurayrah related that “A man said to the Prophet (PBUH): ‘Advise me.’ He said: ‘Do not get angry.’ The man reiterated his request several times, and each time he got the same response: ‘Do not get angry’.”

General Appendix (1) Terms and Concepts Mentioned in the Study	General Appendix (2) Studied Terms and Concepts
<p>‘<i>Istikhlaaf</i>’ (Appoint as successor/deputy)  ‘<i>Iimaan</i>’ (Belief/faith)  ‘<i>Ikhlaas</i>’ (Loyalty/faithfulness)  ‘<i>taqwaa</i>’ (Righteousness)  ‘<i>3adl</i>’ (Justice/fairness/)  ‘<i>3amal SaaliH</i>’ (Good deeds)  ‘<i>3unf</i>’ (Violence)  ‘<i>karaahiya</i>’ (Dislike/hatred)  ‘<i>tashdiid</i>’ (Pressure)  ‘<i>rifq</i>’ (Kindness)  ‘<i>quwwah</i>’ (Force)  ‘<i>I3tidaa</i>’ (Aggression)  ‘<i>Adhaa</i>’ (Harm/ hurt, etc.)  ‘<i>Darar</i>’ (Harm/damage)  ‘<i>sukhriyyah</i>’ (Derision/mockery)  ‘<i>Darb</i>’ (Beating/striking)  ‘<i>alam</i>’ (Pain/suffering/ache/agony)  ‘<i>Qadhf</i>’ (Defamation/calumny/slander...)  ‘<i>3afw</i>’ (Forgiveness/pardon/amenity)  ‘<i>Safh</i>’ (Pardon/forgiveness)  ‘<i>I3raad</i>’ (Avoidance)  ‘<i>KaZm al-ghayZ</i>’ (Conceal/suppress anger)  ‘<i>GhaDab</i>’ (Anger)  ‘<i>Ta3aaruf</i>’ (Mutual acquaintance)  ‘<i>Silm</i>’ (Peace)  ‘<i>Hikmah</i>’ (Wisdom)  ‘<i>Liin</i>’ (Flexibility/tenderness)  ‘<i>IDrar</i>’ (Compulsion/coercion)  ‘<i>Ma3ruuf</i>’ (Kindness)  ‘<i>taDyiq</i>’ (Restriction/oppression)  ‘<i>3udwaan</i>’ (Aggression/enmity)  ‘<i>tasaamuH</i>’ (Tolerance)  ‘<i>Nushuuz</i>’ (Animosity/antipathy/discord)  ‘<i>Wilaayah</i>’ (Guardianship/protection)  ‘<i>Qiwaamah</i>’ (Guardianship/sustenance)  ‘<i>tafDiil</i>’ (Preference/favoring)  ‘<i>ta3addud</i>’ (Polygamy/multiplicity)  ‘<i>Kayd</i>’ (Guile/deceit/stratagem, etc.)  ‘<i>Zihaar</i>’ (Repudiation)</p>	<p><i>3unf</i> : Violence  <i>I3tidaa</i>’ : Aggression  <i>Adhaa</i> : Harm  <i>3afw</i> : Forgiveness  <i>Ta3aaruf</i> : Mutual acquaintance  <i>Silm</i> : Peace  <i>Darar</i> : Harm  <i>Wa’d</i> : Burying alive  <i>Darb</i> : Beating/striking....  <i>Zihaar</i> : Repudiation  <i>Qiwaamah</i> :Guardianship/sustenance  <i>Wilaayah</i> : Guardianship/tutelage  <i>Ta3addud</i> : Polygamy  <i>Kayd</i> : Guile/ trickery  <i>Qadhf</i> : Defamation/slander/  calumny  <i>sukhriyyah</i> : Derision/mockery</p>

## General Appendix (3)

### Sources and References Used in the Study

- *Al-Qur'aan al-Kariim*
- *Ahkaam al-Qur'aan*, by Abu Bakr Muhammad Ben Abdullah, alias Ibn Al-Arabi: Dar al kutub al-'Ilmiyyah, 2nd Edition, 1424/2003.
- *Asbaab al-Nuzuul*, by Abu-l-Hasan Ali Bin Ahmad Al-Wahidi Al-Nisaburi, edited by 'Isam Ben Abdelmuhsin Al-Hmidan: Al-Dammam: Dar al-Islah, 2ne Edition, 1412/1995.
- *Ta'wilaat Ahl as-Sunnanh*, by Abu Muhammad Bin Mahmud Al-Matridi, annotated by Fatima Yusuf Al-Khummi: Muassasat al-Risalah, 1st Edition, 1425/2004.
- *Al-Attahqiq fi Kalimaati Al-Qur'aan*, by Al-Mustafawi: Markaz Nashr Aathaar al-'Allamah Al-Mustafawi, 1st Edition, H 1385.
- *Tafsiir Ibn 'Atiyyah Al Muharrar al-Wajiz fi Tafsiir al-Kitaab al-'Aziz*, by Ibn 'Atiyyah: Wizaarat al-Awqaaf al-Qatariyyah, 2nd Edition, 1428/2007.
- *Tafsiir al-Bahr al-MuhiiT*, Muhammad Bin Yusuf, alias Abu Hayyan: Dar al-Kutub al-'Ilmiyyah, 1st Edition, 1413/1993.
- *Tafsiir AttaHrir wa-Ttanwir*, by Sheikh Attaher Bin Achour: Al-Dar al-Tunusiya li-l-Nashr, 1984.
- *Al-Tafsiir al-Hadith*, by Muhammad 'Izzah Daruzah: Dar al-Gharb al-Islami, 2nd Edition, 1421/2000.
- *Tafsir al-Khazin al-Musammaa Lubaab al-Ta'wil fi Ma'ani al-Tanzil*, by Ala' Din Ali Bin Muhammad Al-Baghdadi, alias Al-Khazin, Edited by Abdul-Salam Muhammad Ali Shahin: Dar al-Kutub al-'Ilmiyyah, 1st Edition, 1425/2004.
- *Tafsir al-Tabari: Jami3 al-Bayan 3an Tafsir Al-Qur'aan*, by Abu Ja3far Muhammad Bin Jarir Al-Tabari, Annotated by Abdullah Bin Abdelmuhsin Al-Turki: Dar Hajr, 1st Edition.

- *Tafsir Al-Qur'aan Al-Hakim, alias Tafsir Al-Manar*, by Sayid Muhammad Rashid Rida: Cairo: Dar Al-Manar, 2nd Edition, 1366/1947.
- *Tafsir Ma(u)qatil*, Annotated by Abdullah Mahmud Shahatah. Lebanon: Muassasat al-Tarikh al-Arabi, 1st Edition, 1423/2002.
- *Al-Jami3 li-Ahkaam Al-Qur'aan*, by Al-Qortobi, Edited by Abdullah Bin Abdelmuhsin Al-Turki: Muassasat al-Risalah, 1st Edition, 1427/2006.
- *Zahrat al-Tafasir*, by Muhammad Abu Zahra: Dar al-Fikr al-Arabi, H 1394.
- *Sunan Ibn Majah bi-Sharh Abi Al-Hasan Lisaan-Din*, Annotated by Khalil Ma'mun Shiha: Dar al-Ma3rifa, 1st Edition, 1416/1996.
- *Sunan Abi Dawood*, by Abu Dawood Suleiman Bin Al-Ash3ath, Edited and commented by Adel al-Sayid et al. 1st Edition, 1418/1997.
- *Al-Sunan*, by Ibn Majah Al-Qazwini, Annotated by Shu3eib Al-Arna'uT et al.: Dar al-Risalah al-'Ilmiyyah, 1st Edition, 1430L2009.
- *Sihah Taj al-Lugha wa Sihah al-'Arabiya*, by Ismail Bin Hammad Al-Jawhari, Edited by Ahmad Abdelghafur 'Attar. Dar al-3ilm Li-l-Malayin, 4th Edition, 1990.
- *Al-3unfal-3aa'iliy*, by Mustapha Omar Attair. Riyadh: Manshuraat Akaadiimiya Naif Al-Arabiya li-l-3ulum al-Amniyah, 1st Edition 1997.
- *Fath Al-Bari bi-Sharh Sahih Al-Bukhari*, by Ahmad Bin Ali Bin Hajr Al-'Asqalani. Dar
- *Al-Qawa3id al-Fiqhiya al-Kubra WA Maa Tafarra3a 3anhaa*, by Salih Bin Ghanim Al-Sadlan. Riyadh: Dar Balansiyah, H 1417.
- *Al-Kashshaf 3an Haqa'iq al-Tanzil wa 3uyun al- Aqaawiil fi Wujuuh al-Tanzil*, by Abu Al-Qasim Mahmud Bin Omar Al-Zamakhshari. Maktabat Al 'abikan, 1st Edition, 1418/1998.

- *Al-Kashf wa-l-Bayan fi Tafsir Al-Qur'aan: Tafsir Al-Tha3labi*. Dar al-Kutub al-'Ilmiyyah, 1st Edition, 1425/2004.
- *Lisaan Al-'Arab li-Ibn ManZur*. Dar Ihyaa al-Turath al- 'Arabi: Muassasat al-Tarikh al- 'Arabi, 3rd Edition, 1419/1999.
- *Al-MiSbaaH al-Muniir fi Ghariib al-Sharh al-Kabir by Al-Rafi'i*, by Ahmad Bin Ali Al-Muqri Al-Fitumi; Annotated by Abdul-AZim al-Shannawi. Dar al-Ma3arif, 2nd Edition.
- *Mu3jam Maqaayis al-Lugha*, by Abu-l-Hussein Ahmad Bin Faris Bin Zakaria; Edited by Abdul-Salam Muhammad Harun. Dar al-Fikr, 1399/1979.
- *Mufradaat AlfaaZ Al-Qur'aan*, by Al-Raghib Al-Asfahani; Annotated by Safwan Adnan Dawoody. Damascus: Dar al-Qalam, 4th Edition, 1430/2009.
- *Al-Minhaaj fi Sharh Sahih Muslim Bin Al-Hajjaaj: Sharh Al-Nawawi 'Alaa Muslim*, by Muhyi Din Abu Zakaria Yahiya Bin Sharaf Bin Marri Al-Nawawi. Bait al-Afkaar.
- *Al-Muwaafaqaat fi 'Usul al-Sharia*, by Isaac Al-Shatibi. KSA: Ministry of Islamic Affairs.
- *Mawsuu'at Lalande al-Falsafiya*. Beirut / Paris : 'Uwaydat Publications, 2nd Edition, 2001.
- *NaZm al-Durar fi Tanaasub al 'Aayaat wa-l-Suwar*, by Abu Al-Hassan Ibrahim. Cairo: Dar al-Kitaab al-Islami, H 1480.



