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Religion, Women & Hermeneutical Shifts

By

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Abstract

Religious texts are subject to human interpretation which often results in wrong understanding of the meaning of the original text. Human interpretation is influenced by social, economic political and personal circumstances. Qur'anic interpretations have almost always been done by Muslim men and classical Islamic legal compendiums always written by men. This paper delves around a popular conception about Islam especially in the Western world that by virtue of verse 4:34 of Quran 'husbands can beat their wives' in certain circumstances. This portrays Islam as a religion which oppresses women and does not give women their fundamental rights as human beings. By discussing the whole text of verse 4:34 of Quran contextually, conceptually and linguistically it is argued that Qur'anic text must be reinterpreted and re understood here. This discussion also has its roots in Islamic jurisprudence under the notion of 'legal capacity'. Many jurists have categorized women as having 'deficient legal capacity' and men as having 'perfect legal capacity' thereby reinforcing the idea that Islam treats men and women unequally. Considering the overall perspective of Quran on status of women it is very clear that Islam gave numerous rights to women of 7th century Arabia and hence to the women of the world at large and raised their status by granting them numerous financial rights such as right to own property, inheritance rights, maintenance rights, right to get haq e meher and mata at talaq. Also if they are divorced but are nursing the child of the ex husband they enjoy right of maintenance up to two years and if children are under the custody of former wives husbands shall continue to bear complete financial burden of children. Besides these financial rights there are numerous places in Quran where men have been asked to treat women with respect and affection and same is exhibited in Sunnah of Prophet Muhammad (PBUH).

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Introduction

It is a general conception that Islam does not treat men and women equally and deprives women of various fundamental rights. Through this paper it will be explained that it is not Islam which treats women unequally rather it is textual interpretation and cultural & social practices in Muslim countries, treatment of men towards women and inadequacies in law that has resulted in this distorted image of Islam. Furthermore lack of understanding and deliberation on *Quranic* text and recorded *Sunnah* (both being primary sources of Islam) by general public in Muslim countries and spread of religious education by teachers who have been taught and trained in religious institution where there is *taqlid* and influence of patriarchal society has also resulted in biased understanding of the translated text of certain verses of Quran. In these institutions it is considered to be a sin to argue or criticize classical interpretation or even to discuss or bring forward ones point of view on a certain issue. This attitude has put an end to *ijtihad* which was an important and effective practice during the time of Prophet Muhammad (PBUH) and early caliphs. It encouraged pragmatism and did not allow Islam or *sharia* to become stagnant.

Domestic violence has no place in Islam and this is reiterated through various verses of Holy Quran. Matrimonial relationship in Islamic family setup is based on purity, comfort, goodness, affection, mercy, tranquility and honorable living. Even in case of discord or conflict Allah says *"perhaps you dislike a thing and Allah makes therein much good"* (4:19). Husband and wife are like each other's dress, nothing comes in between our dress and our body, it means it is a very intimate relationship and must suit exactly as our dress fits us. Both spouses must take care of each other like we take care of our dresses, keep the relationship spotless and clean and close to ones self. Quran mentions this in following words, *"They are clothing for you and you are clothing for them...."* (2:187). Wishes and consent of a woman before marriage has also been respected in Quran and Allah (SWT) says that men cannot take them in marriage by compulsion, *"you who have believed, it is not lawful for you to inherit women by compulsion"* (4:19). In situation of discord men should not make difficulties for their wives rather live with them in kindness, *"And do not make difficulties for them in order to take [back] part of what you gave them unless they commit a clear immorality. And live with them in kindness"*. (4:19). And men should pray that their offspring springs from their wives should be a source of comfort for their eyes. *"Our Lord, grant us from among our wives and offspring comfort to our eyes and make us an example for the righteous."* (25:74). Allah has created mates for men so that they may find tranquility from their spouses and with His blessings Allah has placed affection and mercy between the wedded couple, this is a special blessing from Allah (SWT), *"And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought?"* (30:21). Such is the basis of marriage institution in Islam. For, besides legal and contractual formalities required for worldly affairs

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this bonding of man and woman into marital tie is blessed with Allah's mercy and He has put tranquility for both of them by virtue of this relationship. Even the Cairo Declaration of Islamic Human Rights supports the concept of equality of men and women and marriage is the basis of formation of society. Abdul Aziz Sachedina clearly explains in an interview by SairaBano that Quran inherited the culture of seventh century Arabia in which it revolutionized the status of women and proposed legal and social reforms. It controlled limitless abuse of women. Quran does not endorse manipulation of weak. It legislated for protection of women within its cultural framework, expecting Muslims to use these directives as templates for further improvement rather than the final ruling with fixed meanings.

SairaBano explores the question of cultural relativism and its impact on human right's discourse, she also invokes hermeneutic- relativist approach in context of women's rights in Islam. She further draws attention towards 'private' and 'public' spheres and its question of empowerment in the society. Similarly AbdullahianNaim terms *Shariah* as 'the historically conditioned human understanding of Islam and explores the Paradox of polar extremes of Universal Human Rights and Cultural Relativism. Azizah al Hibri says, *"The majority of Muslim women who are attached to their religion will not be liberated through the use of a secular approach imposed from the outside by international bodies or from above by undemocratic governments. The only way to resolve the conflict of these women and remove their fear of pursuing rich and fruitful lives is to build a solid Muslim feminist jurisprudential basis which clearly shows that Islam not only does not deprive them of their rights, but in fact demand these rights for them... it is imperative that Muslim women find their own way in the thickets of patriarchal religious reasoning."* According to Sayyed Qutb, men and women have been created from a single *Nafs* (soul). This signifies that they both share same nature and are created in equality but have been assigned different roles due to which their rights and duties are different. It is generally argued that men have been granted superiority over women in Islam. This is due to the interpretation of certain verses in Quran such as;

1. Inheritance right of women as compared with men
2. Testimony of women
3. Unilateral right of men to divorce women
4. Beating of women by husbands

Such is the understanding of the western world regarding women's rights in Islam. It is a sorry state that not much efforts have been made to clarify these understandings and to interpret these verses in a rightful manner. More than interpretation, it is the practices of Muslim societies that must be condemned as they are not following Islam in its true letter and spirit and all interpretations of Quran have been done only by Muslim men. There is a need to

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elaborate that in Islamic family structure the entire financial responsibility of women and children in the family rests upon the shoulders of father, husband and brother. Women may contribute from their income of property but are not obliged to spend from their income. It is for this reason that men have double the right in inheritance. But as per pre-Islamic practices where women did not have any right to own property rather they themselves were being treated like cattle and were owned by men like their properties it was a major reform brought about by Islam to raise the status of women. Similarly the case of testimony, it is wrongly construed that status of women is lowered by conditioning that two women must give '*shahada*' for financial matters. In all other crimes or cases evidence of a single woman stands equal to that of men. It was the culture at that time that women were not involved in financial dealings and thus they had little know how pertaining to these matters where as in all other matters their testimony is equal to men. Rather there are situations pertaining to women's pregnancy, period of purity and impurity and other intimate matters in which only the witness of women is taken and relied upon. Regarding men's unilateral right of divorce it is a sorry state that right of '*khul*', *mubarat*, and 'delegated right of divorce' have never been highlighted as rights given by Islam which speak of equality of women with men. Islam has been a misunderstood religion and this is mainly due to patriarchal practices carried forward from the past in Muslim societies. What suited men was carried forward and what did not suit them was never practiced till women began to know of their rights as enshrined in Quran and Sunnah of prophet Muhammad (PBUH).

The last or the fourth point is being dealt with in detail here in this article and it will be shown that again that the problem is not with Quranic text or Quranic injunctions but the problem lies in hermeneutical understanding of the text.

Jamal Badawi's points of view is that instead of equality, equity is a better term which can explain gender related issues in Islam. Equity means justice and equality in rights and responsibilities. If women are created differently from men their roles and responsibilities are also different. Riffat Hassan points out that women are considered inferior due to following reasons:

- women is created from the rib of man
- woman (Eve) is responsible for man's(Adam) fall from heaven
- woman is created for man and her existence is instrumental and not of fundamental nature.

She elaborated that concept of creation of women from man's rib is Biblical concept and there is no such mention in Quran and neither does Quran mention that Eve was responsible for Adam's fall from heaven.

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Focus of this article is verse 4:34 of Quran which is translated as ‘the husbands can beat their wives’. Through linguistic and contextual analysis of this verse it will be shown that this verse can be re interpreted in a different manner. In addition to this some other *Qur’anic* verses by virtue of which status and rights of women have been enhanced and reinforced with respect to 7th century Arabia when Quran was revealed it will be argued that Islam does not in any way undermines the position of women.

English translation of ibn e Kathir’s commentary/ Arabic translation of surah Nisa’s verse 34 is *“Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means. Therefore the righteous women are Qanitat, and guard in the husband's absence what Allah orders them to guard. As to those women on whose part you see ill conduct, admonish them, and abandon them in their beds, and beat them, but if they return to obedience, do not seek a means against them. Surely, Allah is Ever Most High, Most Great.)”*

Another translation of this verse given on *Quranaloneislam.com* translates this verse as *“Men shall protect women, because of what God has bestowed on the former in comparison to the latter, as well as with what they spend of their wealth. Therefore, righteous women are devoutly obedient [to God’s commands] when it comes to guard the intimate and private aspects [of a marriage] which God has meant to be guarded. As for those [women] from whom you fear **disloyal behavior***, then **warn them** and **avoid them in bed** and (idribuhinna = imperative form) **shun them (NOT BEAT THEM !)**; and if they obey you, seek no [further retaliatory] measures (lit. “way”) against them. Indeed, God is Ever Exalted, Most Great.”*

There have been various commentaries of this verse by Muslim scholars of Islam and commentators of Quran. The list includes male as well as female commentators. LalehBakhtiar and Azizah al Hibri being among leading females who endeavored to comment on this verse and Jamal Badawi, Syed Qutub and Maududi and many other male commentators of Quran. Liberal commentators hold the view that Quranic verses must be interpreted in the context of 7th century Arabian peninsula and social and legal practices of that time which were dominantly patriarchal. Furthermore meaning of verses of Quran cannot be rendered meaningfully into English language. Arabic verses must be understood in the context of cultural practices of seventh century Arabia.

Ingrid Mattson president of ISNA and an expert of early Islamic history, referring to this verse of Quran says, *"It is like a fear of sexual impropriety, that the husband takes these steps to try to bring their relationship to where it is supposed to be. I think it is a physical gesture of displeasure."*

Referring to this verse Laleh Bakhtiar translates it as ‘go away’ instead of the common ‘beat’ or ‘hit.’ And second is on the website of *Quranaloneislam.com* website it is translated as ‘to

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shun' them. Pickthall has translated '*daraba*' in this verse as 'scourge' them, which is far from the intended meaning of verse and traditions of Prophet Muhammad. This is because the word 'scourge' means 'to punish or criticize severely' or to 'whip severely'. As per Riffat Hassan's interpretation '*daraba*' means 'holding in confinement'. Her view is that Quran has been mistranslated in order to make men masters over women. But in reality where disloyalty on part of the wife Prophet Muhammad has himself said in that do not beat your wives and be kind to them.

1. Linguistic Analysis of verb '*Daraba*' and its usage in Quran (Quranaloneislam.net, lopsided as they say *ahadith* are a cancer of Islam)

Word '*daraba*' is used fifty five times in Quran and in almost eleven different meanings. All these meanings with reference to Quranic verses are given below:

1. It is used in the meaning of 'to set forth' an example or to 'establish' an example in almost twenty two occasions in Quran. In verse 26 of surah al-Baqara Allah says, "*Allah is not ashamed to set forth an example of a mosquito....*" Here word '*yadriba*' is translated as 'set forth'. Similarly in verses 14:24, 14:25, 14:45, 16:74-75-76, 17:48, 18:32, 18:45, 22:73, 24:35, 25:9, 25:39, 29:43, 30:28, 30:58, 36:13, 36:78, 39:27, 39:29, 59:21, 66:10, 66:11 verb '*daraba*' is used in the sense of 'to establish' or 'to set forth' an example.
2. Second meaning in which it is used in Quran is 'to present': *God presents the truth and the falsehood (13:17), and when the son of Mary was "presented" as an example (43:57), they "present" it (43:58), thus does God present to the people their differences (47:3)*
3. Thirdly it also means 'to attribute' or 'assign': *Of what he himself "attributes" to the Merciful (43:17).*
4. 'To establish': *Then will be "established" between them a wall (57:13).*
5. 'To strike' physically: *"strike" the stone with your staff (2:60), "to strike" (the dead body) with part of it (the heifer) (2:73), "strike" the stone with your staff (7:160), "strike" the necks and fingertips (8:12, combating the disbelievers), the angels "strike" the backs and faces of those destined to the hellfire (8:50), "strike" for them a dry path in the sea (20:77), "strike" the sea with your staff (26:63), "striking" their faces and their backs (47:27)*
6. 'To strike' metaphorically: *To be "struck" with humiliation and misery (2:61), to be struck with humiliation and poverty (3:112),*

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7. 'To stamp': *let them not "stamp" their feet* (24:31),
8. 'To cast': *We "cast" [torpor] over their ears for a number of years* (18:11),
9. 'To travel': *when they "travelled" through the land* (3:156), *"to go forth" in the way of God*(context of jihad) (4:94), *when you "travel" through the land* (4:101, Also 5:106, 73:20),
10. 'To heal': *Take a bunch of herbs in your hand and "heal" with it...*(38:44).
11. 'To draw over' : *And "let them draw" their scarves (head covers in the context) over their chests* (24:31),
12. 'To keep away from': *Should we then "keep" the reminder "away" from you because you are a transgressing people?* (43:5).

From the above data we see that word '*daraba*' is used in multiple senses in Quran and is used only a few times in the sense of 'to strike'. In classical and contemporary commentaries of verse 4:34 '*daraba*' is translated as 'to beat'.

2. Quranic Worldview and Interpretation of Chastisement passage by Azizah Y al Hibri

Azizah al Hibri addresses verse 4:34 in the Qur'an which has been erroneously understood by some as a permission to engage in domestic abuse against women. She noted that the opening verse and several other verses in *Surat al-Nisa* impose limitation, as opposed to grant permissions to men, in their relationship with women. She then proceeded to analyze verse 4:34 word by word to show the error of the common interpretation. She also pointed out that in some Muslim countries, such as Jordan and Kuwait, even verbal abuse is sufficient grounds for divorce. She further states that in majority of the complaints received by American Muslim Women regarding domestic violence there was an unspoken belief that the man has the right to 'chastise' his wife by virtue of verse 4:34 of Quran. Domestic violence or any kind of violence must not be given religious cover as it would empower the perpetrator giving him "divine" permission to harm others. In doing so it is observed that the wife becomes a willing participant in her oppression considering it a commandment of Allah. Such a sado-masochistic relationship that cannot provide a health flourishing environment which is necessary for the welfare and happiness of its members. Hibri further adds that even after the revelation of verse 4:34, the Prophet continued to prohibit men from hitting women. These *ahadith* will be discussed in detail the next passage.

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Hibri, after explaining the Quranic worldview through the concept of 'tawheed' and 'Satanic Logic' and Qur'anic principle of diversity and harmony quoting Qur'anic references and Prophetic traditions. She finally explains verse 4:34 of Quran- the chastisement passage-translated as follows: *"As to those women on whose part you fear nushuz, admonish them (first), (then) wahjuruhunna fi'l-madhajii (abandon them in beds), (and last) wadrubuhunna (hit them (lightly)); and if they obey you, seek not against them means (of annoyance or harm), for God is most high, and Great (above you all)."* (Al-Quran 4:34)

She explains the phrase "*wahjuruhunna fi'l-madhajii*." as meaning to "abandon them in bed," this phrase can have multiple meanings such as "abandoning them in bed", "turning one's back to them in bed," "engaging in sexual activity, but without verbal communication," or "engaging in sexual activity and communicating, but in a tough manner." In the light of these varied meanings Hibri concludes that this is indicative of jurists own cultural and personal views on marital relations.

Explaining the phrase "*Wadrubuhunna*" and giving its plain Arabic meaning, "hit them." She poses a question that: Does the Qur'an advocate hitting women? And, how does that square with the Harmony Principle? To explain this term she takes into account the reason of revelation of this verse and prevailing social practices when this verse was revealed. Quran has adopted the principle of 'gradual change' in society instead of strict and immediate reforms. The time when this verse was revealed men of Makkah were tough with their women as compared with men of Madina and Makkah men used to hit their wives. They carried this practice in Islam, when Prophet heard about this practice he chastised Muslim men who dared to hit their wives. Prophet prohibited the practice by allowing the wife right to *qisas* and at this the men started complaining they argued that this ruling had given their wives upper hand. At this point he received divine revelation of verse 4:34. This verse severely limited the act and concept of 'hitting'. Mistakenly many understood this verse as sanctioning 'wife beating' completely ignoring the practice of Prophet Muhammad himself. Quran radically changed the concept of 'hitting' into non-violent symbolic act. This verse also limited the offence for which a man could hit his wife and introduced series of peaceful steps such as anger management and conflict resolution. If these steps do not work only then he can resort to symbolic hitting (with a bunch of basil or handkerchief) which should not hurt the wife. Later in his last sermon also Prophet prohibited men from hitting women.

In the light of other verses of same surah Hibri concludes that Word '*fahisha*' here means only 'adultery' and same is conveyed in some classical dictionaries and interpretations. This limits the instances for which man can be allowed to hit his wife as well as Hibri's explanation puts forth a series of peaceful measures to be taken by the husband before he finally resorts to hitting and changes the concept of hitting into non-violent symbolic act of hitting with handkerchief or basil without hurting women.

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3. Understanding 4:34 in the light of Prophetic *Ahadith*

In the light of four *ahadith* stated below it is clear that Prophet Muhammad (PBUH) has always encouraged men to treat their wives with kindness. It was the habit of *Makkan* men to treat their wives harshly and they used to beat them severely. It is evident from following Prophetic traditions that Prophet of Islam forbade men to beat their wives harshly like animals and was amazed at the act of men that they would beat their wives severely and then sleep with her at night. Same is conveyed by Prophet Muhammad (PBUH) in his last sermon to treat the wives with kindness and only in case of '*fahisha*' (clear indecency) they can hit them symbolically without causing injury or leaving a mark. Thus limiting the act of hitting only to '*بِفَاحِشَةٍ مُّبَيَّنَةٍ*' and making this act of hitting symbolic so as not to hurt them.

Following hadith has been graded as *Sahih*:

Narrated `Abdullah bin Zam`a: "*The Prophet (ﷺ) forbade laughing at a person who passes wind, and said, "How does anyone of you beat his wife as he beats the stallion camel and then he may embrace (sleep with) her?" And Hisham said, "As he beats his slave"*

Second hadith on this subject is on the occasion of Prophet's last sermon:

Sulaiman bin Amr bin Ahwas said: "*My father told me that he was present at the Farewell Pilgrimage with the Messenger of Allah. He praised and glorified Allah, and reminded and exhorted (the people). Then he said: 'I enjoin good treatment of women, for they are prisoners with you, and you have no right to treat them otherwise, unless they commit clear indecency. If they do that, then forsake them in their beds and hit them, but without causing injury or leaving a mark. If they obey you, then do not seek means of annoyance against them. You have rights over your women and your women have rights over you. Your rights over your women are that they are not to allow anyone whom you dislike to tread on your bedding (furniture), nor allow anyone whom you dislike to enter your houses. And their right over you are that you should treat them kindly with regard to their clothing and food.'*"

Following two traditions of Prophet Muhammad (PBUH) clearly forbade men from beating or hitting their wives and the narration of 'Aisha that Prophet (PBUH) never beat any of his servants or wives and his hand never hit anything.

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This hadith is graded as Hassan Sahih:

Bahz bin Hakim reported on the authority of his father from his grandfather (Mu'awiyahibnHaydah) as saying: *"I said: Messenger of Allah, how should we approach our wives and how should we leave them? He replied: Approach your tilth when or how you will, give her (your wife) food when you take food, clothe when you clothe yourself, do not revile her face, and do not beat her."*

Abu Dawud said: The version of Shu'bah has: *"That you give her food when you have food yourself, and that you clothe her when you clothe yourself."*

Another hadith on the matter of beating wife is narrated by 'Aisha and it is graded as sahih hadith, she said;

"The Messenger of Allah never beat any of his servants, or wives, and his hand never hit anything."

The last two narrations clearly prohibit beating or hitting wife and shows the conduct of Prophet Muhammad (PBUH) by whose hand no one was hurt.

Invocation of 'Principle of Lian' as an alternative to domestic violence in case of wife's suspected disloyalty

Lian or imprecation in the language of law means testimonies confirmed by oath on part of husband and wife, where testimony is strengthened by an imprecation of curse on part of husband and the wrath of God on part of the wife in case of husband accusing wife of adultery. *Lian* proceedings are explained in Quran in verse 6-9 of Surah Noor.

It is most relevant to include the legal concept of *lian* proceedings while discussing the meaning of 'Chastisement passage' of Quran. In the light of Azizah al Hibri's explanation of chastisement passage it is understood that injunction of 'hitting' the wife has first been limited to the act of 'adultery' or 'suspected adultery' by the wife and not for any other act of disobedience. Having made this clear that 7th century Arabian society in which men used to beat their wives on any or every minor act distasteful to them, it is Quran which brought social reforms by limiting the act to only one for which this act of hitting was justified. Furthermore the meaning of 'hitting' was changed from severe hitting to inflict harm with symbolic hitting with basil or handkerchief without harming the wife.

This social reform to change the mind set of men is further reflected in '*Lian* Proceedings' which take a step forward in putting an end to this practice of maltreating wives on suspected adultery or lingering the relationship for a period of three months during *iddat* in case the

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husband resorts to divorce or wife to khula. Another reason for resorting to *lian* for separation instead of divorce is accusation of adultery which calls for 'law of qazaf' or 'stoning to death'. Both being severe punishments are waived off by way of 'Lian proceedings'. The husband who is accusing his wife of adultery but is unable to bring four witnesses would otherwise be subjected to punishment of '*qazaf*' but by resorting to '*lian*' he is saved from it. Similarly the wife suspected of committing adultery by husband would be subjected to severe punishment by way of *tazir* or if the husband brings four witnesses she would be stoned to death. This harsh punishment is taken away from the wife by resorting to '*lian*'.

One of the outcomes of *lian* proceedings is that it follows immediate separation of husband and wife and wife if pregnant the child is attributed to wife and not to the man. Also it is strictly forbidden that nobody after separation by way of *lian* would blame the woman or her child, if any one does so he would incur the punishment of *qazaf*.

Conclusion

It is concluded in the light of above discussion that many efforts have been made to translate the verse 34 of *surah al-Nisa* due to its classical controversial translation. Word '*daraba*' has been understood by its literal English translation as 'to beat' which is not a meaningful translation. Also to understand the meaning of this verse literal translation is not enough. One has to go beyond the literal text into hermeneutics of this verse taking careful consideration of the reasons of revelation, prevailing social and cultural practices of 7th century Arabia at the time of its revelation and moral & ethical conduct of Islam concerning family life.

Efforts have been made by male as well as female commentators to bring out the true intent of this verse and in doing so some have resorted to variations in the usage of verb '*daraba*' as used in Quran and others have tried to explain conceptually. Aziza al Hibri's explanation being most comprehensive in terms of its research standards and with reference to linguistic understanding and remaining close to reliable classical references. She explores the overall status of women in Quran and delves around the philosophical understanding of the message of this verse instead of trying to give new translation for word '*daraba*'.

Furthermore Prophetic traditions on the matter under consideration have also been analyzed in the light of their grades and contents. Majority of traditions support the idea that wives should not be beaten by the husbands and Prophet Muhammad (PBUH) himself never resorted to this cruel practice.

Extending upon the idea presented by Aziza al Hibri that Quran encourages taking peaceful measures or steps before final dissolution of marriage relationship rather than resorting to cruelty and severity of words and actions, this article includes the concept of '*lian*' proceedings. The '*lian*' procedure is mentioned in verse 6-9 of *surah Al-Noor*.

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Commandment in these verses is meant exclusively for dispute between husband and wife upon allegation of adultery on the wife by husband. Qur'an not only puts an end to this dispute in an amicable manner totally dismissing the conduct of man to scourge his wife and offering an alternative dispute resolution by bringing the matter to court of law and taking five oaths invoking curse and wrath of Allah in the end and departing irrevocably with immediate effect and child born to be inherited by woman alone.¹