



Women Voice and Domestic Violence among Muslim Women of the Modern age

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Abstract

Indeed, women's issues in Muslim societies have become one of the major issues of our time because they constitute a matter of pressing concern to the society; they are also intimately related to other societal issues having political, economic and cultural aspects. Therefore, women's issues ought to be approached in a fresh fashion in order to clarify the mission of Islam and the teachings of its magnanimous *Shariah*, and to highlight the rights granted by Almighty Allah to women and the honorable status conferred on them by the *Shariah*, in a complete rupture with the prevailing situation before the advent of Islam. The paper discusses the domestic violence its problems and the stand of *Shari'ah* in domestic violence. The paper also highlights on the scholars who are supporting beating the women and those who are not supporting directly. Also the paper explores the position of modern Muslim women in our contemporary time. The analytical method is used when conducting the research.

Keywords: Women Voice, Domestic Violence, Muslim Women, problem of domestic violence and modern time.

INTRODUCTION

The paper begins by defining voice: a metaphor for powerful speech, most often associated with acts or arguments that influence public decisions. After placing this definition within the context of feminist debates, Islam highly respects the dimension of humanity. The presence of Islam as a moral source can be observed in its achievement in transforming pre-Islamic Arabic nomads into civilized communities with values and morality. With the presence of Islam, these communities, being used to living in open deserts and highly susceptible to inter-tribal wars and conflicts, achieved success becoming sensitized to elevated values and morality. Inter-tribal wars and conflict occurred because of their lack of values and morality, which terminated after Islam spread its teachings.

What is voice?

'Voice' is a metaphor for powerful speech, and this is most often associated with acts or arguments that influence public decisions – usually in public decision-making arenas like legislatures. While that type of voice (influencing public debate) has great intrinsic value as a sign of an individual and groups' enjoyment of democratic freedoms, it has been of most interest to feminists because of its instrumental value¹. Voice is thought to help determine whether women can attain a range of empowerment-linked outcomes, such as policy and services to support women's economic activity, to guarantee their physical integrity and reproductive rights², to improve their and their children's access to education, health care, and social protection, among other benefits.

Women Voice

'Women's voice' as an abstraction risks masking the socio-political and economic cleavages that separate women and underplaying their diverse interests, identities, and ideological or no

¹ M. A. Ghaith., *Qamus ilmal-Ijtima*. Cairo: Dar al-Ma'arif al-Jami'iyyah. 1990, P. 22.

² Ibid, P. 22.

ormative preferences. These cleavages include class, religion, ethnicity, caste, age and sexuality. Women's choices and preferences are bounded by concrete individual and collective experiences and consciousness about gender roles and injustice³. Women's voice is itself a site of contestation shaped by the dynamics of power, and some groups of women—as individuals or collectively—are better equipped to wield influence than others.

Concept of Violence Literally and Technically, and Its Reasons and Types

Literal definition of violence: violence in Arabic refers to something that is not praised and not encouraged by the *Shari'ah*, because the *Shari'ah* incites kindness, simplicity and softness, and violence is on the contrary. Violence refers to distress and lack of compassion (Razi, 1999). It is understood from this definition if one orders another to do something beyond his capacity, this is considered a kind of violence prohibited by Islam. And why not, if a camel which is an animal refuses to be in another country, then preferably a human being that has been honored from the seven heavens not to agree with what is not in line with his temperament or his nature. And one of the meanings of violence is to exercise physical force with the intention to harm others; and this may be material damage through the exercise of physical force by beating or mental through intentional insult.

Technical Definition of Violence

"Violence is an expression of power exerted to compel an individual or group to do act or acts that is needed by an individual or another group; violence is a reflection of violence in the methods of beatings, imprisonment or death, or a form of social pressure" (Muhammad, 1990). It is worth noting in this definition that there is a strong link between the literal and technical definition, and it is also understood from this definition that violence is a severe dealing and forcing a person or persons to do what they are not capable; it is also understood that violence might be by beating, imprisonment or death, and all these are types of violence. It is deduced from this that any man that forced his family to do what they are not capable is considered as violence, and the same goes to a woman that forced her husband to do what he is not capable or couple that treat their children severely and with what they are not capable.

Domestic Violence

Merriam-

Webster dictionary definition, domestic violence is: "the inflicting of physical injury by one family or household member on another; also: a repeated or habitual pattern of such behavior"⁴.

Domestic violence among the Muslim community is considered a complicated human rights issue due to varying legal remedies for women by the nations where they live, the extent to which they have support or opportunities to divorce their husbands, cultural stigma to hide evidence of abuse, and inability to have abuse recognized by police or the judicial system in some Muslim nations⁵.

Domestic violence has defined as "violence that occurs within the private sphere, generally between individuals who are related through intimacy, blood or law...[It is] nearly always a gender-specific crime, perpetrated by men against women." It used is as a strong form of control and oppression⁶.

Nature and Causes of Domestic Violence

Domestic violence is a global phenomenon, and the seriousness of this problem cannot be overstated. According to feminist geographer Joni Seager, it is reported as common in almost all countries⁷. It affects millions of women annually. According to Human Rights Watch, it has been one of the principal causes of female injury in almost every country in the world.⁸

But domestic violence is also a hidden problem. For many countries, there is little or no statistical information, indicating that it is a crime that is under-recorded and under-reported. For countries where data is available, the rates vary⁹. For example, in the United States, an estimated percent of women have been victims of domestic violence at least once in their lives. In South Africa, the estimate is 48 percent. In Pakistan, estimates range from 80 to 90 percent¹⁰.

³ M. A. Ghaith, *Qamus ilmal-Ijtima*. Cairo: Dar al-Ma'arif al-Jami'iyyah. 1990, P. 26.

⁴ Merriam Webster. Retrieved 5, Oct, 2019.

⁵ L. Hajjar, "Religion, State Power, and Domestic Violence in Muslim Societies: A Framework for Comparative Analysis". *Law and Social Inquiry*. 2004, 1–38.

⁶ Coomaraswamy, Radhika. Further Promotion and Encouragement of Human Rights and Fundamental Freedoms. United Nations. Economic and Social Council. 5 Feb. 1996. Retrieved 5, Oct., 2019.

⁷ Joni Seager, *The State of Women in the World Atlas* (London: Penguin Books, 1997), pp. 26-27.

⁸ *Human Rights Watch World Report 1998* (New York), p. 392.

⁹ UNICEF, *Domestic Violence against Women and Girls* (Florence, Italy: Innocent Research Center, 2000), p. 4.

¹⁰ Seager, *The State of Women in the World Atlas*, pp. 26-27.

The prevalence of domestic violence is a powerful indication of the inequality and vulnerability of women across cultures. Domestic violence is the most common form of gender violence, the latter encompassing all forms of violent practices perpetrated on females *because they are females*.

Whether gender violence operates as direct physical violence, threat, or intimidation, the intent is to perpetuate and promote hierarchical gender relations. It is manifested in several forms, all serving the same end: the preservation of male control over resources and power¹¹.

What distinguishes domestic violence from other forms of gender violence is the context within which it occurs (the domestic or private sphere) and the nature of the relationship between perpetrators and victims (familial). Because domestic violence occurs within the private sphere of the family, making it visible (as a first step to making it redressed) is exceedingly difficult. It is the very intimacy of domestic space and relationships that makes such violence difficult to study and document. And it is the importance of the family in every society that makes the formulation of effective strategies to protect women from abuse so controversial.

Causes of domestic Violence and Practical examples from Husband's side and Wife

Of the most important reasons that leads to violence is socialization, such as the existence of ongoing marital disputes and lack of respect for the other or control of parent over the other or husbands, or control of elder brother over younger brother, and the failure to meet the basic needs of women may lead to the creation of violent or aggressive conduct, and lack of showing passion and compassion for women may also lead to violent conduct. Domestic violence is a result of internal accumulated habit that grew since the period of childhood and adolescence, where the custom gives a severe and violent treatment with the aim of training and roughness and cruelty of life, especially in villages and tribal societies dominated by inherited values, it is internal and external environment that makes human loses his most important capability which is ability to manage emotions and strong control, the Prophet (saw) said: "Toughness is not in fighting orders but it is in controlling oneself at the time of anger"¹². Domestic violence has many reasons, and we will mention the most important ones that are widespread in the society:

- 1) The weakness of religious faith and Islamic education in the knowledge of legal rulings of building a family.
- 2) Poor upbringing received by the husband from his environment, society and his family that taught him violence; it is like a normal happening in every house and in every family. It is possible that the husband learnt violence from a young age, making it to stick to his mind, and brings the tendency of committing violence in the future. And the belief that wife-beating will make her a better person, or proves the manhood and prestige of the husband, and that beating will make her more obedient to her husband and to implement his orders.
- 3) The presence of agitation and irritability in some souls and complexions.
- 4) The economic problems of unemployment, poverty, and difficult living conditions, especially if all these happen to people that are impatient, discontent and lack satisfaction; and other things that increase psychological pressure and problems; and they always try to find solution by using violence within the family.¹³
- 5) The disproportion between the spouses of the intellectual aspect, particularly on the part of woman when she is educated and her husband is ignorant, and then he tries to use power, force, domination and violence over her.
- 6) Taking alcohol and drugs, where statistic shows that a large proportion of violence occur when one of the spouse takes alcohol or drug.
- 7) Extreme jealous from one spouse towards the other, and it becomes worse when it comes from both sides and none of them is rational¹⁴.
- 8) Disobedience of wife to husband's orders and a lot of those that commit violence rely on this reason besides stubbornness which is one of the aspects of disobedience.
- 9) Influence of the media that shows violent scenes, including watching violent movies; studies have proved this theory wrong as the media that display violent practices does not breathe for the individual as much as it pushes and encourage him to practice in a violent behavior¹⁵
- 10) disregarding the offender and trying to underestimate him in front of others, which compels him to take revenge to recover his dignity; example of such provocative behavior: arguing with husband and disrespecting his ideas and scathingly criticizing his actions in front of others, which may lead to also be provoked by others, and this may raise his anger and p

¹¹ December Green, *Gender Violence in Africa: African Women's Responses* (New York: St. Martin's Press, 1999), pp. 1-2.

¹² I. H. A. B. Ali, *Fathal-Bari Sharh Sahih Bukhari*. Beirut: Dalal-Ma'arif. 2001, P. 223.

¹³ Ibid, P. 234.

¹⁴ Qara Dagi. Ali Muhyiddin. Domestic Violence, its effects and prevention against it.. Doha: Dar ath-Thaqafah. 2011, P. 30.

¹⁵ Ibid, P. 31.

ushes him to assault his wife in retaliation by beating; a couple mentioned a reason for beating his wife by saying: “my wife completely disgraced me in front of others”. Other examples of provocation are provocation of children towards their parent when they neglect their studies, or making noise at home when the parents want silence and rest, or while abusing their bothers, or when they refuse to abide by performing religious duties¹⁶.

- 11) Refusal of wife for sexual intercourse when her husband needs her; and this is the issue that the Prophet (peace be upon him) warned against: “If a man calls his wife for his need she has to come.” Reasons why women refuses her husband in this day differs slightly with the past, especially working women that suffer inside and outside the home, which increases their psychological pressures and burdens their physical ability, which makes them to refrain from husbands under the influence of fatigue and tiredness. These are the main causes of domestic violence and are connected to each other in creating complexity; economic crisis within the family and the difficult living conditions facing families often lead to the emergence of family disputes that lead to psychological and mental turmoil among family members, and perhaps to destroy them¹⁷.

Islamic Solutions

One might advocate for creating more community-free resources for women, such as government-sponsored programs for victims of domestic violence (shelters; social, psychological, and medical centers), specifically in rural areas where women subjected to domestic violence have insufficient access to these programs.

Thus, key knowledge gaps exist that need to be addressed. These include improving the knowledge base on the risk of domestic violence with pregnancy, the consequences of domestic violence towards Muslim women in Azerbaijan, and how to tackle the cultural and religious factors that breed violence towards women. Considering the use of gender-inclusive interpretations from fundamental Islamic sources such as the Qur'an and hadiths is also important for overcoming violence towards women.

The problem of domestic violence and its solution in the light of *Maqasid Shari'ah*:

Violence against wife and its solution in the light of *Maqasid Shari'ah*, Islam is keen on women's dignity as mother and wife just like when she was small; this honour has been demonstrated in several things, including:

1. Making a good wife is the cause of happiness in this life. It was reported from the Prophet (peace be upon him): (three things are of happiness and other three are of misery; of happiness is a righteous woman, when you look at her, she impresses you and when you are away you entrust her on herself and your wealth)¹⁸.
2. Freedom of choice for a woman to choose the husband she loves as Islam does not force her to live with someone she does not love. The Prophet (peace be upon him) said: (a married woman (divorced, widow) may not be married until she has been consulted, and a virgin should not be married until her permission is sought¹⁹).
3. Commandment of good treatment by husbands to their wives with love and mercy as opposed to tyranny and injustice. The Prophet (peace be upon him) said explaining this meaning: (The best of you is the best to his family and I am best to my family).

This is enough as honour by Islam to wife; but claiming that Islam permits wife-beating and having sexual intercourse with her against her will as encouragement for violence against women, that is totally unacceptable and can be refuted by the following issues:

a. Wife's Violence and Its Solution in the Light of *Maqasid Shari'ah*

Wife's violence against her husband: there are several types of violence perpetrated by wife against her husband in the family, and these types are as follows:

- 1) Physical violence by killing and beating, deliberate distortion, abuse and defamation.
- 2) Refusal to share the same bed due to hate or negligence, or reluctance as a means of humiliation²⁰.
- 3) Instigating children against him by lying that destroys his image in front of them.
- 4) Attempt to demoralize his morale, by accusing him with failure and abusing him if he is poor (Suzan Mashhadi, www.alarabiya.net).

b. Treatment of Wife's Violence against Her Husband and Its Solution in the Light of *Maqasid Shari'ah*

¹⁶ A. H. B. Musa, *Fatawa Yas'alunaka* (1st ed.). Beirut: Dalal-Ma'arif. 2007, P. 34.

¹⁷ Ibid, P. 35.

¹⁸ R. M. Rashid, Rashid, *Tafsir al-Manar* (1st ed.). Lebanon: Dar al-Kutub al-Ilmiyyah, 1999, P. 23.

¹⁹ Ibid, P. 34.

²⁰ A. S. A. A. Muhammad, . *Domestic Violence in the shade of Globalisation* (2nd ed.). Riyadh: Maktabat Malik Fahad al-Wataniyyah. 2005, P. 7.

Husband's beating: it is normally surprising for a wife to beat her husband because she is weaker, and man is physically stronger, but studies show that beating of wife to her husband has become a phenomenon in some families. And what confirms the worsening of this violence is the establishment of associations for husbands that have been subjected to violence, which is considered as first of its kind, then establishment of the first refuge for husband that are oppressed by their wives in Tunisia (BBC Arabic, 21 September 2007, <http://news.bbc.co.uk/hi/arabic/news>).

And the factors leading to woman's violence against her husband are many, amongst them: woman's marriage to a spineless man, bearing the responsibility of the home and families by feeding and upbringing of the children by women.

c. Problem of Wife's Violence and Its Solution in the Light of *Maqasid Shari'ah*

First: the purpose of protection of religion, in strengthening faith in Allah (the exalted) in the establishment of an environment of faith to generate guidance in people's heart, and the demolition of inattention environment to adhere properly to the guidance that corrects all affairs of their lives. Muslim wife should fear Allah (the exalted) and obey her husband, and should not beat him, as we mentioned that this is against the *Maqasid Shari'ah* based on love and compassion between the spouses.²¹

Second: violence against husband is also contrary to the *Shari'ah* as the *Shari'ah* orders her to obey her husband. Reported by Abdurrahman bin Auf the Prophet (peace be upon him) said: "if a woman pray five daily prayers, fast in the month of Ramadhan, protects her private part, obeys her husband, she would be told: enter paradise from whichever doors of paradise you wish."

Third: violence against husband is contrary to the *Shari'ah* that asks a woman to respect her husband because of the degree of his right on her, as reported in a hadith by Abu Hurairah from the Prophet (peace be upon him) said: "If I would ask someone to prostrate to someone I would have asked a wife to prostrate to her husband".²²

Fourth: violence against husband is affront to human dignity, and one of the purposes of *Shari'ah* is the protection of human dignity.

d. Violence against Children and Its Treatment in the Light of *Maqasid Shari'ah*

The following are some violence against children:

Emotional assault or harm: is the psychological and social damage to child, such as denying him to play, love and compassion; Islam renounced this kind of violence as the guidance of the Prophet (peace be upon him) is compassion for children and nice treatment. The best evidence to this is what was reported by Abu Hurairah that Aqra bin Habis saw the Prophet (peace be upon him) kissing Hassan and he said: (I have ten children but never kissed any of them, and the Prophet (peace be upon him) looked at him and said: he who does not have mercy will not receive the same)²³ because of the purposes of *Shari'ah* are good care and upbringing of children and not ignoring them.²⁴

The issue of disciplining children: Discipline is a fundamental concept of the concepts of education, which is a necessity of life for the children, and is a right of the child based on the hadith of the Prophet (peace be upon him): "he who gets new baby, he must give him a good name and discipline him". The Prophet (peace be upon him) also said: "It is better for one of you to discipline his son than to give charity of sa'in".

The use of violence in raising children is unacceptable by *Shari'ah* as the Holy Qur'an guides parents to preach to their sons in love and kindness and to use style of speech indicative of love, kindness and care for them. This is the teachings of the Prophets (peace be upon them) in addressing their children even if the child is disobedient or not at his father's guidance; we find that in the commandments of Luqman to his son, Noah's call to his son, and Jacob's call to Joseph and his brothers all carry the word (My little son) because of the special resonance of this expression that is not present elsewhere²⁵, and also in the hadith narrated from the Prophet (peace be upon him) "Allah is kind and He loves kindness, and he gives in kindness what he does not give in violence and others".

e. Problem of Violence against Elderly in the Family and Its Solution in the Light of *Maqasid Shari'ah*

Neglect and Violence against elderly in the contemporary world take many forms: physical, psychological, emotional, financial and material. These forms of violence occur in all areas of social, economic, ethnic and geographic.

Physical abuse: is the physical damage to the victim, such as deprivation of food, clothing, and lack of personal care and loss of affection. The use of violence and force are considered as one of the most prominent manifestations of physical abuse²⁶.

Emotional abuse: includes humiliation, harassment, threats, tone raise and emotional neglect.

²¹ Ibid, P. 8

²² Ibid, p. 9

²³ Ibid, p. 11

²⁴ Ibid, p. 13

²⁵ Ibid, P. 14.

²⁶ A. H. B. Musa., *Fatawa Yas'alunaka* (1st ed.). Beirut: Dalal-Ma'arif. 2007, P. 112.

Physical abuse: the disposition of funds and property and daily expenses without the consent of the victim. Sexual abuse: sexual harassment, force or coercion for sex without the consent of the victim²⁷.

Violence against the elderly is different from the one against woman and child as it will leave an everlasting physical and psychological pain on the elderly. The shock effect may compound on them because of fear and shame may make the elderly reluctant in seeking for help (Report of the Second World Assembly on Ageing).

f. Problem of Violence against the Elderly and Its Solution in the Light of *Maqasid Shari'ah*

The shameful incident of violence against the elderly are practiced by the closest people to them, we find some children that are stripped of their humanity engaged in various kinds of violence against their families, including:

The problem of bullying that begins with verbal abuse and ends with a beating. This type of violence hurts the elderly and destroys his morale, which is barely stable due to age factor. The solution to this is for a person to fear Allah (the exalted), and to preserve the dignity of human beings, especially closer ones and not destroy their dignity preserved by Allah (the exalted) for all human beings by His saying:

Verily, We have honoured sons of Adam²⁸.

And that one of the purposes of *Shari'ah* is the preservation of human dignity; this is not restricted to sex or age, but it is more emphasized for the elderly, in order for the Islamic *Ummah* to preserve its strength and integrity. The Prophet (peace be upon him) says: "He is not one of us who does not have mercy on our young ones and respect our old ones"²⁹.

g. Problem of sending parents and the elderly to nursing homes without any mercy or compassion.

The solution is to remember the words of Allah (the exalted) in His book:

Thy Lord hath decreed that ye worship none but Him, and that ye be kind to parents.
Whether one or both of them attain old age in thy life, say not to them a word of contempt, nor repel them, but address them in terms of honour.³⁰

Islam does not allow taking the elderly to nursing homes unless if they do not have children or relatives. Allah (swt) ordered us to have a kind dealing with parents at all times, especially in old age, because they need more care.

Islamic and modern perspectives of Domestic Violence

The relationship between domestic violence and *Shari'ah*. This relationship is of critical importance because *Shari'ah* provides both the legal framework for administering family relations and a religious-cultural framework for social norms and values in Muslim societies.

In Muslim societies, *Shari'ah* functions both as specific legal rules for organizing social relations, and as a general religious-cultural framework for norms and values³¹. In both senses, dominant interpretations of *Shari'ah* accord men the status as heads of their families with guardianship over and responsibility for women. The complement to this is the expectation that women have a duty to obey their guardians (husbands, fathers or other male heads of family). This hierarchical and highly patriarchal relationship is based on the *Shari'ah* principles of *qawwama* (authority, guardianship) and *ta'at* (obedience), from which gender-differentiated rights and duties are derived.

Surah An-Nisa, 34-

35 passage on the social interaction between husbands and wives defines the husband and wife relationship in Islam, with interpretation subject to debate among Muslim scholars (or 'jurists'). Qur'an 4:34 reads,

Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-

²⁷ Ibid, P. 113.

²⁸ Qur'an, 17: 70.

²⁹ A.I. Muhammad, (n.d.), *Al-Jami al-Tirmidhi*, A. Al-Sababity (ed.), vol. 7 Dar al-Hadith al Qahirah. Hadith, NO. vol. 3 book, 9

³⁰ Qur'an, 17: 23.

³¹ Specific legal rules that epitomize and maintain gender inequality include men's right to marry up to four women while women are restricted to marriage to one man at a time; differences in right to divorce, custody and inheritance; and differences in legal competency. Nevertheless, women are not entirely disadvantaged by *Shari'ah* nor thoroughly unequal to men; women have legal and financial rights, including independence (at least in principle) to manage their own affairs. Women are recognized as equal to men before God, the critical issue being not gender but devotion and righteousness.

conduct, admonish them (first), (Next), refuse to share their beds, (And last) strike them (lightly); but if they return to obedience, seek not against them Means (of annoyance): For Allah is Most High, great (above you all). If ye fear a breach between them twain, appoint (two) arbiters, one from his family, and the other from hers; if they wish for peace, Allah will cause their reconciliation: For Allah hath full knowledge, and is acquainted with all things³².

Narrated Mu'awiyah al-Qushayri:

I went to the Messenger of Allah (ﷺ) and asked him:

What do you say (command) about our wives? He replied: Give them food what you have for yourself, and clothe them by which you clothe yourself, and do not beat them, and do not revile them³³.

Narrated 'Abdullah bin Sam'a the Prophet said,

None of you should flog his wife as he flogs a slave and then have sexual intercourse with her in the last part of the day³⁴.

It was narrated that Sulayman bin Amr bin Ahwas said:

My father told me that he was present at the Farewell Pilgrimage with the Messenger of God. He praised and glorified God, and reminded and exhorted (the people). Then he said: Tenjoin good treatment of women, for they are helpers of you, and you have no right to treat them otherwise, unless they commit lewdness. 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, nor allow anyone whom you dislike to enter your houses. And their right over you is that you should treat them kindly with regard to their clothing and food.³⁵

In some exegesis such as those of Ibn Kathir (1300-1373AD) and Muhammad ibn Jarir al-Tabari (839-923AD), the actions prescribed in Surah 4:34 above, are to be taken in sequence: the husband is to admonish the wife, after which (if his previous correction was unsuccessful) he may remain separate from her, after which (if his previous correction was still unsuccessful) he may give her a light tapping³⁶. Contemporary Egyptian scholar Abd al-Halim Abu Shaqqa refers to the opinions of jurists Ibn Hajar al-Asqalani (1372-1449AD) and al-Shawkani (1759-1839AD) who state that hitting should only occur in extraordinary cases. Ibn 'Abbas, the uncle of the Prophet, is recorded in the Tafsir of al-Tabari for verse 4:34 as saying that beating without severity is using a *Siwak* (small toothbrush) or a similar object.³⁷

Other Qur'anic verses and *hadith* condemn violence between spouses. For example, Sura 30, Verse 21 describes marital relations as tranquil, merciful and affectionate, and the relationship itself as based on companionship, not service or tyranny. In this vein, Riffat Hassan writes, God, who speaks through the Qur'an, is characterized by justice, and can never be guilty of zulm (unfairness, tyranny, oppression or wrongdoing). Hence, the Qur'an, as God's word, cannot be made the source of human injustice.

Islamic jurists and scholars have grappled with the question of whether hitting constitutes a *de jure right* under *Shari'ah*, or a *de facto* option. For example, some jurists have proposed that men should be prohibited from hitting women in the face or hard enough to cause pain. But the lack of clarity and consensus on this issue makes it difficult to mount a campaign against wife beating as unjust in principle.

MODERN PERSPECTIVE

A few decades ago, many Muslim countries went through a period of secularization. That was when women took off their veils and began having public functions and visible social lives. Two generations later, women are leaving behind their grandmother's and mother's fights for gender equality and human rights, embracing Islam more strongly than before, and wear the veil as a sign of identity. They do it by choice or because of social pressure.

³² Qur'an, 4: 34-35.

³³ M. I. Al-Bukhari, *Sahih al-Bukhari*, Muhsin, M. (trans.): Beirut. Dar al Arabia. 2009, Hadith NO. 2139.

³⁴ Ibid, Hadith NO. 7:62:132 and see also Hadith NO. , 8:73:68.

³⁵ A.I. Muhammad, (n.d.), *Al-Jami al-Tirmidhi*, A. Al-Sababity (ed.), vol. 7 Dar al-Hadith al Qahirah. Hadith, NO. vol. 3 book. 9 Hadith 1851.

³⁶ Ibn Kathir, Tafsir of Ibn Kathir" Tafsir al-Qur'an al-Karim, Al-Firdous Ltd., London, 2000, PP. 50-53.

³⁷ "Tafseer al-Tabari for 4:34

For the contemporary Muslim woman, old models might give a sense of identity. But the society she belongs to often finds answers for its social problems by reinterpreting and re-enacting those old models. This leaves space for abuse and on many occasions she is treated as a second-class citizen. So many contemporary Arab women are now divided between religion and personal ambition, between old customs and modern aspirations in a constant search for a sustainable identity. I believe that she's not a victim and doesn't need any special protection. She needs to have the time, space and strength to decide by herself who she wants to be.

Consequently, the alternative thought is that the Muslim women around the world need to make a real analysis and innovative outlook of the entire landscape of the modern life and be cognizant of the exigencies of our changing environment in a highly turbulent but transforming world of human civilization. Imperatively and within this framework, modern women in Muslim communities at different levels need to identify the areas of real concern in the process of globalization in order to elaborate possible solutions and innovative response to the current challenges not only for women but for all populations in different societies.

After this humble effort of the study, the research reached to the following results:

First: the research shows that both husband and wife must respect rights and follow obligations, and this will ensure happiness and love between them. **Second:** the Shariah came to ensure the interest of human beings here and after; thus, every family must apply this purpose in the family life. **Third:** women's work is permissible by Shariah, but with certain conditions and guidelines that must be fulfilled. **Fourth:** it is permissible for the husband to prevent his wife from work if she neglects his right, or the work is detrimental to the husband. **Fifth:** Islam urges preservation of human dignity, and keeping away from violence in all its forms with every individual of the family, and ordered us to protect soul, and forbid transgression on it. **Sixth:** the study shows that beating disobedient woman is the last resort, after using advice and avoidance of the same bed, and the beating must not be severe.

CONCLUSION

The modern Muslim women in the Islamic world and even beyond need not necessarily follow the same pattern on development opted by women in the western countries. Within this framework, the modern Muslim women should imperatively emancipate themselves from pure individualist tendencies, unleashed liberal temptations as well as destructive harmful customary and traditional practices.

Many Muslims women are seeing the modern life or western life is better than the Islamic code of life which was prescribed by the *Shari'ah* they took it barbaric, unwise and reckless, that is why today some Muslim women are neglecting Islamic dress code such as Hijab and many other decent dress and they took indecent dress as wise, in this modern time.

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