

What is Domestic Violence?

Domestic violence is defined as a pattern of behavior between two people who are – or were - in an intimate relationship, with the intent to control and dominate through emotional, psychological, physical, and sexual mistreatment. Emotional abuse includes cursing and screaming, as well as degradation by constantly criticizing a spouse's thoughts, feelings, and opinions. Psychological abuse could be threatening bodily harm, removing children, and killing the spouse or oneself. The perpetrator also controls finances, food and medication, and restricts socialization even with family members. Physical abuse occurs when the perpetrator injures someone. Forcing unwanted sexual activity is also a form of sexual abuse.

Are we vulnerable?

According to reports, 4 million American women are assaulted each year. Assault is now a leading cause of injury to women aged 15 to 44, more common than accidents and cancer. Guyana is replete with trouble-spots and Muslims need to fix their houses now.

Domestic violence affects all ethnic, religious, socioeconomic, and age groups, including Muslims, despite Islamic teachings of compassion, justice, and kindness.

What Islam advises?

Allah (Subhanahu wa Ta'ala) says: *'O believers, treat women with kindness even if you dislike them; it is quite possible that you dislike something which Allah might yet make a source of abundant good (Qur'an 4:19).*

The Qur'an says: *'And of His signs is that He created for you mates from among yourselves and that you may find comfort with them. He planted love and kindness in your hearts. There are signs in this for those who think" (30:21).* Allah repeatedly admonishes people to show love and kindness, and warns men not to harm their wives even after divorce: *"When you divorce women and they reach the end of their waiting period (Iddat), either allow them to stay with honor or let them go with kindness. You should not retain them to harm them or take undue advantage. If anyone does that, he wrongs his own soul. Do not take Allah's revelations as a joke. Remember the favors of Allah upon you and the fact that He sent down the book and wisdom for your guidance. Fear Allah and know that Allah knows everything" (2:231).*

Allah even forbids people to call others by humiliating names. Prophet Muhammad (salla Allahu 'alayhi wa sallam), upon being told that some men were beating their wives, said: *'Certainly those are not the best among you" (Abu Dawood).* In one instance, he said: *'Let no Muslim man consider a Muslim woman his enemy. If you do not like one of her ways, you will like another" (Muslim).* 'Aisha ('alayhi rahma)

narrated that *the Prophet never hit a woman or a servant. He only raised his hand for jihad in Allah's way* (Muslim).

Further clarifications.

Among his sayings are the following:

“Do not beat the female servants of Allah”.

“Some (women) visited my family complaining about their husbands (beating them). These (husbands) are not the best of you.”

“(It is shame that) one of you beats his wife like (an unscrupulous person) beats a slave and maybe he sleeps with her at the end of the day.” (See Riyadh Al-Saliheen), op. cit. pp 137-140).

In another Hadith, The Prophet said: *“How does anyone of you beat his wife as he beats the stallion camel and then he may embrace (sleep with her?)”* (Sahih Al-Bukhari, op. cit., Vol. 8. Hadith 68, pp. 42-43).

The Quran says: *“Men are the protectors and maintainers of women because Allah has given the one more (strength) than the other, and because they (men) 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 you fear disloyalty and ill conduct, admonish them (first), (next) do not share their beds, and (last) beat (tap) them (lightly); but if they return to obedience, seek not against them means (of annoyance): for Allah is Most High, Great (above you all). (4:34).*

As defined by the Hadith, it is not permissible to strike anyone’s face, cause any bodily harm, or even be harsh. What the Hadith qualified as *dharban ghayra mubarrih* (a gently and inoffensive strike) was interpreted by early jurists as a symbolic use of miswak (a small natural toothbrush)! They further qualified this permissible “strike” as that which leaves no mark on the body. It is interesting that this latter 14 centuries-old qualifier is the criterion used in contemporary American law to separate a light and harmless tap or strike from “abuse” in the legal sense. This makes it clear that this even is extreme, last resort, and a measure considered as the lesser of the two evils (divorce) that may save a marriage does not meet the definitions of “physical abuse,” “family violence,” or “wife battering” in the 20th century law is liberal.

A Wife’s Right to Divorce

A *malaktu amri bi yadi* (keeping the *Isamh* in the wife’s hand) marriage contract allows the wife to retain the right to divorce. In the Muslim world, this contract has two interpretations. For example, in Jordan, Lebanon, and Syria it means the woman may divorce at will. In other countries, it could mean that the husband forfeits the right to divorce in favor of the wife. In addition, certain jurisdictions allow the woman to keep the *’Ismah* in her hand, although she could lose it very easily.

Here, the wife initiates the divorce and agrees to give up her Mahr. Traditionally, she must first get the husband's consent to Khul'. The Prophet is reported to have asked a woman, who had received an orchard as Mahr. "Are you willing to return the garden?" She said: "Yes," and they were pronounced divorced. Yet many Muslim countries require, the husband's consent. Some men misuse this facility and demand Mahr and other concessions. The call for consent nullifies Khul', for women who cannot obtain it end up asking for judicial divorce. A Pakistani court ruling in the 1960s, based on a thorough analysis of the Qur'an and Hadith, struck the consent requirement. Some 40 years later, in January 2000, al-Azhari in cooperation with the Egyptian government also removed it.

Understanding Spousal Obligations.

In a Muslim marriage, the spouses accept obligations to each other, and it these obligations that become the rights of each other. For instance, Mahr is a gift to a wife from her husband, an amount agreed upon by both while negotiating the marriage contract. They may agree that the full amount is due upon marriage or that part is postponed (muta'akhir-the delayed part). The latter is more common, for the young husband may not have the cash up front. Often, most of the Mahr is postponed to whichever comes first: divorce or death of a spouse. In either event, it is due immediately without court action. If the husband dies, the Mahr becomes a senior debt against his estate, separate from her inheritance rights. Even if the estate is exhausted by debt repayment, she must receive her right first and immediately.

Islam gave women full financial independence, for no one can be her "guardian" in this case. Imam Abu Hanifah says that women have the right to enter and execute their own marriage contracts without a Wali, because if she is free and independent with her money, marriage is far more important and we should let her control her own life. Two basic Islamic legal concepts are related to this matter. First, a married Muslim woman is legally entitled to financial independence, and her husband may not touch her assets. Second, the husband must support her; even if she is wealthier than he is, she has no obligation to support him. Any money she gives him is regarded as charity, a gift, or a loan.

Women usually view a large Mahr as an important security net for later years.

Because of large demands, the United Arab Emirates capped the amount. However, this action is questionable because the Qur'an gives women the right to any amount they please. In other words, the amounts are to be determined by market forces. When Caliph Umar said that he wanted to cap the Mahr, an old woman stood up in the mosque and declared: *"You cannot take away from us what Allah gave us," He asked: "What is that?" She cited the verses that "even if you had given the latter a whole treasure for dower take not the least bit of it back: would you take it by slander and a*

manifest wrong?" (4:20). So 'Umar withdrew his proposal, saying: "She is right and the Caliph is wrong."

The Gem within brings out compassionate men. Simple marriages breeds blessed families.

Just as he was aware of the great issues, Prophet Muhammad (salla Allahu 'alayhi wa salam), the mercy for humanity, was aware of even his most humble Companions' needs and feelings. With Julaybib in mind, he proposed to one of the Ansar that wanted to have his daughter married. The Prophet said that he did not want to marry her, but had another person in mind for her: "Julaybib." Julaybib ('alayhi rahmah)-Arabic for "a small gown." This diminutive form of the word Jalbab indicates that Julaybib was small and short. Besides that, he was also damam (ugly, deformed, or of repulsive appearance).

The father, probably too shocked to reply, said he would consult his wife. He told her: 'The Messenger, salla Allahu 'alayhi wa sallam, wants to have your daughter married.' She was thrilled. "What a wonderful idea and what a delight this would be!" she said. However, when he added: 'He does not want to marry her, but he wants to marry her to Julaybib. " She was shocked! "To Julaybib? No, never! No, by the Living Allah, we shall not marry (her) to him," she exclaimed.

The daughter, who had overheard her mother's protestations, asked her father: "Who has asked to marry me?" He told her of the Prophet's proposal. The daughter, who apparently had taken her belief to a higher level, knew that there was more to life than fleeting values, questioned her parents: 'Do you refuse the Messenger's request? Send Julaybib to me, for he shall not bring ruin to me."

This was the reply of a truly great woman who clearly understood what was required of her as a Muslim. What greater satisfaction and fulfillment can a Muslim find than responding willingly to the Messenger's requests and commands?

Even though we do not know her name, this Companion set an example for all to obey: *'Whenever Allah and His Messenger have decided a matter, it is not for a believing man or woman to claim freedom of choice as far as this matter is concerned. One who disobeys Allah and His Messenger has, most obviously, gone astray'* (33:36).

It is said that the Ansari girl recited this verse to her parents and said: 'I am satisfied, and submit myself to whatever Allah's Messenger deems good for me.'

The Prophet heard of her reaction and prayed for her: *"O Lord, bestow good on her in abundance and do not make her life one of toil and trouble."*

Perhaps she may have also note the Qur'anic advice: "Marry those among you who are single ... male or female. If they are in poverty, Allah give them means out of His grace. For Allah encompasses all, and He knows all things (24:33)"

Some points for defense

Suppose a son/husband/anyone continuously does something that really make you unhappy, such as a teenager bringing home a tribe of noisy and untidy fiends and expecting you to clean everything up.

Stage 1: State the problem clearly and specifically, making sure they understand what the problem actually is: "Dear son, I noticed on Thursday that you had your friends in the basement again. When they left, you walked off with them and left me all their trash to pick up. This has happened at least 6 times this month."

Stage 2: Make it clear how their actions affect you. Express it in terms of "I", not "You", so that they cannot argue with it: "I had to stay out of the way. I felt like an intruder in my own house, particularly when they played all night and kept us awake. I felt angry because you had not told me they were coming – let alone asked me – and just assumed I would move out of your way and clean up after them."

Stage 3: State clearly what you want: "In the future, please let me know in advance, at least with a phone call, and check with me if it is convenient for you all to use our family space. I do not mind sitting in my room on odd occasions, so long as I know about it or if you ask nicely. If not, I would like you to entertain in your room, please, and in any case clean up after your friends."

Stage 4: State what you hope the results of this cooperation will be. You trust them too understand your very reasonable point of view, and to respond responsibly and make the right decisions.

Stage 5: If they do not take you seriously and just ignore you, do not let the matter drop. Persevere and stand ground. Do not get angry or upset, but be firm. Remember that this is a game to many spouses and teenagers. They expect to win, but usually accept defeat with good grace eventually so long as they see you are right.

Stage 6: If you still fail, take direct action. For example, sit in your teenager's room, open their "secrets" drawer or fiddle about with some of the things that they cherish, and leave some of their own mess there. That would most likely make the point. If they play loud music, go ahead and play some of your own music very loudly at the same time. Whatever. Just make the point.

The real point is not to wade in to the attack (which you will almost certainly lose) with cries of “You ALWAYS do ...” or “You NEVER do ...” Switch it around to: “Whenever you do this, I feel that ...” They cannot tell you that you do NOT feel that way. Then, if they know that they are upsetting you and continue to do so, the burden of the guilt falls upon them. They are responsible for the results of making you so unhappy.

A well known Christian prayer reads: “*O our dear Lord, please give me the power to change what I can change, to accept patiently that which I cannot change and the grace to know the difference. Amen.*” Allay says He will not attempt to change things for us until we try to change ourselves.