

Marital Discord-Ways of Resolving

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I used to find in the declining state of the Ummah vis-a-vis the surrounding world, the cultural and intellectual attacks against it, and the deteriorating status of human rights of Muslims, all together, as the dilemma which encounters the advocates of Islam and human rights. A notable matter is the “chastisement” of women as a prerogative of the husband and a way to resolve problems of the nuptial association that result from the recalcitrance and disobedience of women and their disaffection for and alienation from their spouses. I was always aware of the reasons and implications of that dilemma, in particular, due to its significance and relevance to the modern world.

Earlier in my career as a graduate student in the West, an activist and educator with the “Muslim Student Association” (M.S.A.) in the U. S. and Canada and the “World Association for Muslim Youth” (W.A.M.Y.), I had to come across various controversies regarding Islam. However, owing to certain intellectual and methodological reasons, I was always able to reach the satisfactory reasoning and persuasive answers for such issues. Since the early days of my secondary education, I have embraced strong convictions regarding the truthfulness of the message revealed from God (The Creator) to Muhammad (s). Such convictions espoused a vision based on rational and methodological thinking; hence, I have had no doubts to bear with but problems (and sometimes intricacies) to approach and sort out. I realized that objective thinking is characterized by clarity, patience and persistence in pursuing problems that need research, vision, and reasoning. Obviously, there is a clear distinction between doubts and problems. Doubts precipitate obstruction, frustration and discouragement, whereas problems render motivation, induction and diligence². I always encounter any argument about Islam as an intricacy to work out rather than a suspicion to be haunted with. It is an opportunity to utilize the Islamic epistemology which comprehensively integrates the verses of revelation with the facts of the universe and the principles of reasoning. In order to understand the guidance of the revelation, to grasp its significance and to attain its

objectives and purposes, we need to initially examine the nature of the problem, to recognize its backgrounds and defining factors, to realize its various temporal and spatial conditions and to consider the overall state of affairs, circumstances, contexts, norms, and positions. This approach has never disappointed my pursuit of thoughtful perception and has never rendered anything less than a conviction that does not betray the high values and rational principles of Shari'ah and human dignity.³

It has been apparent that the advocates of human rights in Islam are inspired to reach a perception and/or resolution that would revoke injustice, remove oppression against women and defuse any chance of treating women unjustly in the name of Islam, considering their inherently inequitable status in several cultures and places around the world. Also, their relative physical weakness, their emotional and physical attachment to their children, the state of poverty, illiteracy and the lack of development which collectively affect women the most, and the common abuse of human rights due to despotism are all important factors threatening their rights and status. A lengthy and busy period of my life and career has passed before I have got the time and the opportunity to tackle the issue of women "chastisement" which requires a close look and a comprehensive review within the Islamic context and the perspectives of the global village of Muslims and the mankind. Lately, as I have come back to my intellectual career and I have renewed my interest in studying the stumbling Islamic revival enterprise and why it does not accomplish its objectives despite of the numerous and consecutive endeavors which spanned the past millennium; precisely, since Imam Abu-Hamid al-Ghazali (d. 505H/1111AD) issued his outcry for reform in his monumental work: *"The Revival of the Sciences of Religion."* Therefore, I have lately focused my research interests on the subject of the childhood in the Islamic thought and its enterprise for civilization because it is the missing dimension of that enterprise and the root of change towards the reconstruction of the spiritual and epistemic aspects of the Islamic identity. Such reconstruction is an essential condition for the Ummah so as to be at bar with the challenges that it encounters.

This focus on childhood has lead me to emphasize the role of the family as the hotbed that shapes the identity of the child and informs his morals and character; thus, the

family can be the medium through which the reconstruction process will take place. This process relies on the innate motives of the parents who seek out nothing except the best interests of their child according to their understanding and convictions. Of course, today we cannot endeavor to propose an independent or secluded hotbed where educators could prepare and train a new, free and faithful generation which will replace the previous enslaved and feckless one, as Musa (s) lead his generation to the wilderness where they spent forty years in the Diaspora. The experience of the new generation is addressed in the Qur'an (2:249-251) as follows:

“...But those who believe that they were to be convened before their Lord, said: Verily, a small group could overcome a mighty host, Deo volente! And Allah is with the perseverant. And when they advanced to encounter Goliath and his forces, they invoked: Our Lord! Pour forth on us patience and make us victorious over the disbelievers. So they routed them by Allah's leave and David killed Goliath, and Allah granted to him dominion and conferred wisdom upon him, and edified him with that which he willed. And if Allah does check one set of people by means of another, the earth would indeed be full of mischief. But Allah is full of bounty to all creatures.”

The emphasis of the educational role of the family will necessarily guide us to research and review the family structure, in addition to all its relationships and dimensions which shape such role in the life of the children and their spiritual, psychological, moral and epistemic constituents and experiences. Consequently, I found myself face to face with the issue of women “chastisement” and its reflections on marital life, paternity, maternity and man-woman relationships, in general, as well as different human interactions amongst adults, in particular.

To approach this issue, I have to maintain a comprehensive style of research by examining various aspects, circumstances and factors of the issue, besides its overall picture. I also have to commit my work to such a methodological discipline that situates each premise or motif in the right position, proportion or context; does not allow the partial to preponderate the whole or the circumstantial to invalidate an established principle; and pursues sound reasoning with impartiality and epistemic integration between the verses and guidance of the glorious revelation and the paragons of the universe and the epitomes of the human experience. Accordingly, it is incumbent to start

tackling this subject from the deep- rooted Islamic principles of human dignity, liberty, and responsibility, man's status as the chosen vicegerent (*khalifah*) of God, and the legitimate right of self determination. By all means, any system of human relations that is inconsistent with such foundations, does not represent the Islamic spirit, objectives or purposes; and should be scrutinized to diagnose the flaws which contradict with or infringe on the essential human rights and responsibilities. Moreover, no arrangement should be allowed to breach the basis of the family relations in Islam which is, by and large, founded upon the concepts of "repose, affection and compassion." Any anomalous arrangements which militate against these concepts should be probed to find out its flaws.

As a general methodological point of view, it has been settled that the message of Islam was ultimately meant to provide guidance and direction to the best interest and destination of the mankind in all times and places. Thus, in order to achieve the purposes of that message, temporal and spatial factors and conditions play an important role and should be recognized and deliberated in the application of Islamic doctrine in different times and places on the detailed level. These factors and conditions always need to be addressed and identified as we study different arrangements in the traditions of the Prophet (s), *as-Sunnah*, and the cumulative and voluminous legacy of Islamic jurisprudence as for the peculiarity of such arrangements that seek out to guide and organize a certain community in a specific time and place with a particular set of situations, traditions, customs, and resources. Without a genuine perception of such conditions and appreciation of the significance of these peculiar arrangements, there is a substantial likelihood to reach a flawed cognition that might be based on wrong abstractions, extensions, or emulations of certain arrangements that belong to different times and places.

The graduation of obligations and prohibitions in the Qur'an; the diversity of the apostolic discourse to suit different situations, times and places; and the plurality of decrees, rulings, approaches and schools among the Muslim jurists in response to different times and places, collectively, provide an evidence that socio-juridical dimensions are deeply rooted in the Islamic tradition and experience. Pertinent to this

principle, the founders and scholars of juridical schools of thought differ in their juridical opinions, *fatawa*, and decrees, *ahkam*, regarding family matters due to differences in customs, traditions and resources. These variations might exist in the same period but within two different environments. For instance, the Madina-based *Maliki madhab* (school of jurisprudence), which was centered around Arabia with its tribal traditions and clannish sensitivities, differs from the Iraq-based *Hanafi madhab* which was centered around Mesopotamia the cradle of ancient civilizations that engraved their cultural effects on social relations and resulted in a more developed individualistic trend and wherewithal. Such cultural and social differences are reflected on the choices of each *madhab* regarding conditions and terms of the nuptial contract and its prerequisites such as qualifications and guardianship.

Furthermore, variations in juridical opinions and decrees due to the time and place factors can be traced not only from one *madhab* to another, but also within the same *madhab*. Imam Muhammad bin Idris al-Shafi'i (d. 204 H), a great jurist and the founder of a main *madhab* in Iraq undertake major changes within his jurisprudential choices when he left Iraq and resettled in Egypt, due to social and cultural novelties. Yet, the perception and interpretation of some Qur'anic verses may vary from time to time and from place to place, depending on the extent of human knowledge which may enable scholars to grasp a new meaning that was neither known nor thought of before realizing such knowledge. This is, in turn, an additional evidence for the divinity, inimitability and miraculous character of the glorious revelation whose guidance transcends time and place,⁴

“We will show them Our Signs in the universe, and in their own selves, until it becomes manifest that this (Revelation) is the truth. Is it not sufficient in regard to your Lord that he is a Witness over all things?” (Qur'an, 41:53)

Pertinent to the above, the various scientific discoveries which have been revealing the miracles of the Qur'an, its phenomenal accuracy of representation, and the subtlety of such representations which are capable of providing guidance and exemplifying the facts of the universe, without contravening the realities of creation or the norms that have been progressively manifested with the expansion of human

cognition throughout various temporal and spatial changes.

Thus, owing to significant changes which reflect on various aspects of life and society, it is flawed to limit the scope of review to the historical interpretations and arrangements when we examine the family legislations or any legislative matters, without heeding such changes. By all means, that should not be construed as to discard any heritage, juridical experience or the historical records of legislations, arrangements and applications. To the contrary, this study aims to carefully consider that rich legacy and perceive it well within its historical and social contexts so as to extract the quintessence of that experience, to learn the relevant lessons, and to re-realize the objectives and purposes sought by the holy revelation. In order to objectively diagnose the state of affairs, emerging situations and potential opportunities of the present reality of the Ummah, we have to render a critical review vis-à-vis such reality which is characterized by its lack of viability, initiative and dignity; its submission to despotism, repression, fecklessness, ignorance and poverty; and the demise of the defiant and positive spirit.

As we approach the issue of women “chastisement” and the injury, pain and disgrace which it entails, we need to bear in mind that suffering, fear and anxiety result in hate, isolation and apathy. Meanwhile, love, deference and trust result in charity, dedication and enthusiasm. For long time, the Ummah has been enduring severe infliction of suppression and humiliation, and a culture of despotism and patronage. In so many societies, such tyrannical practice is no longer a monopoly of the state police or security apparatus. In fact, these abuses have become part and parcel of the common culture, and they occur amongst different categories of the society, in particular, between the “strong” and the “weak.” The implications of this situation are significant since it is contrary to the Islamic spirit of brotherhood and solidarity which depicts the Muslims, as in the *Sunnah* traditions, as a “one structure whose parts prop up each other,” and sets “the example of believers in their mutual sympathy and compassion as a one body that collectively cares for any ailing organ until it recovers.” The *Sunnah* also provides the foundations of such spirit: “each Muslim is a brother of his fellow Muslim and should not oppress, disdain or abandon him; it is enough of evil for a Muslim to demean his brother (in faith); a Muslim is all sanctuary, his life, property and character;” “God does not bestow merci on some

one who does not have merci for others;” and “God but bestows merci on his merciful servants;” “a believer can never be a slanderer, an imprecator, an obscene or a vulgar;” “the most faithful amongst the believers are the ones with the best morals and the best of you are also the best for their families.” The *Sunnah* traditions report that a man who flapped his servant slave was compelled to free that slave. In another occasion, the Messenger (s) furiously rebuked a husband who beat his wife: “an individual of you continues to flap his wife as a slave and is not ashamed to keep cuddling her;” “so many women who come by Muhammad’s family bemoan (the abuse of) their husbands, and those are not the best of you.” The Prophet himself set the highest example of kindness, compassion, grace, and benevolence. “He has never extended his hand to strike a woman, or a servant or anything else save if he is to struggle in the cause of God.”

In light of the above general premises, we should examine the issue of “chastisement” and its place in the familial, marital and paternal relations, so as to identify the real notion of such “chastisement,” and what is the bona fide Islamic familial organization which sustains the structure of the Muslim family, in general, and with regard to the modern era, in particular. Such arrangement needs to realize the relations of “repose, affection and compassion,” so as to render a strong and solid family which makes a safe, spiritual, emotional and psychological hotbed for the Muslim child to grow up strong, honest, competent, and responsive vis-à-vis the challenges of the present era.

The issue of “chastisement” strongly arises a propos the structures of the family and human relations and receives exceptional interests because it is referred to in a Qur’anic text and because its historical and traditional interpretations were purported by most people to denote slap, flap, flog, beat, strike, punch, etc. This would definitely involves a strong sense of pain and humiliation regardless of the extent of the physical suffering itself which may vary, according to some *fatawa*, around few strokes with a *siwak* (tooth cleansing) stick or the like, i.e., a “tooth brush” or a “pencil,” as rendered by Abdullah b. ‘Abbas in responding to an inquiry regarding the construal of the “mild chastisement,” according to a narrative related by Ata’. Thus, this “chastisement” is more like a reproach or an expression of discontent and annoyance rather than an expression of humiliation and pain. On the other hand, we find some *fatawa* regulate “chastisement” so

that it must not exceed forty strokes, and “no retribution between man and his wife (in regard to chastisement) except for wounds and murder.”⁵

The Qur’anic text that refers to the “chastisement” issue is (4: 34-35) and proceeds as follows:

“Men are the protectors and maintainers of women, due to what God has given the one more (strength) than the other, and due to the sustenance they provide from their own means. Therefore the righteous women are devoutly obedient, and guard in (the husband’s) absence what God would have them guard. As to those women on whose part you fear disobedience and recalcitrance, (first:) admonish them, (next:) refuse to share their beds, and (last:) “chastise” them (lightly); but if they return to obedience, seek not against them any means of annoyance: for God is Most High, Great (above you all). If you fear a rift between them twain, appoint two arbiters: one from his family and another from hers; if they wish for peace, God will bring about their reconciliation: for God has full knowledge, and is (utterly) acquainted with all things.”

In order to correctly comprehend this text, it is necessary to place it in the general framework of the family structure and relations in Islam, so as to grasp its true implications within the objectives and purposes of the revelation. The above text must be construed in light of other related texts, such as:

“O mankind! Reverence your Guardian-Lord, Who created you from a single person, created (of a similar nature) his mate, and from them twain scattered countless men and women; reverence God through Whom you demand (your mutual rights), and reverence the wombs (that bore and delivered you): for God Ever watches over you.” (4:1)

“And among His signs is that He created for you mates from among yourselves, that you may dwell in repose with them, and He has rendered affection and compassion between your (hearts): verily in that are signs for those who ponder.” (30: 21)

“When you divorce women, and they fulfill 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, (and/or) to take undue advantage; if any one does that, he wrongs his own soul. Do not take God’s signs as a mockery, but solemnly celebrate God’s bounties on you, and that he sent down to you the Book (of revelation) and Wisdom (of the Messenger) for your instruction, and fear God, and know that God is all knowledgeable

and (utterly) acquainted with all things.” (2:231)

“O you who attain to faith! When you marry believing women, and then divorce them before you have touched them (in a due intercourse), they owe you no ‘*Iddah* that you have to count in respect of them; so give them a present, and set them free in a graceful manner.” (33: 49)

“The divorce is (only permissible) twice, (after that the parties) should either hold together on equitable terms or separate with grace. It is unlawful for you (men) to take back any of your gifts (from your wives), save when both parties fear that they would be unable to maintain the limits ordained by God (e.g., to treat each other fairly). If you (judges) do indeed fear that they would be unable to maintain the limits ordained by God, there is no blame on either of them if she gives up something in return for her freedom. These are the limits ordained by God; so do not breach them. If any do breach the limits ordained by God, such persons wrong (themselves as well as others).” (2:229)

If we read the above verses in the light of the collective injunctions of Shari’ah and the overall Prophetic ideals and traditions, *as-Sunnah*, we find that the real spirit of the matrimonial relations is shaped by the sentiments of “affection” and “compassion” and the obligations of “patronage”, so that the governing factors in such relations are “affection, compassion and benevolence.”

Thus, we realize the motivation behind the inquiry for the real denotation of “chastisement,” its implied consequences of humiliation and pain, and the place of this issue in the concept of nuptial relations in Islam, especially, with regard to the arrangements designated to promote acquaintance and love amongst spouses and to solve their problems. This inquiry is highly significant, considering the reality of social relations in the contemporary Muslim society where women are exposed to practices of moral and physical cruelty which attempt to find justifications in the misreading of certain antiquated *fatawa* that grant the husband, as the head of the family, an expansive mandate in the family matters. Such perception of family relations ignores the established foundations of this institution, i.e., compassion, solidarity, cooperation and integration. The significance of such texts should not be misperceived, taken out of context, or exploited so as women and family are not deemed as a mere property of men.

The perspectives and experience of past periods restricted the capacity and role of women within their family spheres, burdened men with extra obligations, and relegated extra powers to them in managing their family matters, especially in the urban centers, because muscular capability was the major means in earning sustenance and securing the family, whereas housekeeping and family needs used to exhaust the women's energy and time, serving their houses, husbands and children. Such restrictions limit their sophistication, reduce their interests, weaken their perception, isolate them from the world beyond their family realms, and engulf them within a style of undue naïveté. Although, the society then did not question the man's excessive authority in the family structure, the situation of today's world substantially differs in terms of means, capabilities and opportunities. Today, the educational, technological, cultural, and global perspectives offer women a better productivity, economic independence opportunity, and an intellectual and technical capability that transcends the small sphere of family matters of yesterday. Hitherto, the historical portrait of the family, with its structural limitations of the past, seems unable to exemplify the aspirations of the family members or to represent their roles and potentials today. Therefore, we have to re-examine our perception of the family structure within the context of today's reality, so as to avoid tensions and conflicts in the family relations and to re-establish the concepts and values that enable each member of the family to pursue her/his prospective role and to complement the roles of other members.

During the pursuit of this research, I was able to foresee an inherent problem in the construal of the Arabic root verb *daraba* (to chastise), in the Qur'anic text, as to imply: "suffering," "humiliation" and physical "pain," as a means of interaction among adults, or to force the wife to acquiesce to her husband's will, or to coerce her into obedience and loyalty, regardless of the extent of that pain and suffering. The underlying assumption of this situation stipulates that the Muslim wife, as in certain religions and cultures, has no way out of the wedlock no matter what and will never be able to obtain a graceful release or an equitable divorce without the consent of her husband. Accordingly, she ought to be subjugated or compelled to put up with her husband's acrimonious association and to comply with his diktats. In this particular context, "chastisement" as "suffering," "humiliation" and physical "pain" seems to become an effective means to

resolve, or rather, to subdue marital problems!

However, we have definite and solid convictions that the above representation does not subscribe to the principles of *Shari'ah* which establish the family structure on “affection” and “compassion,” support its solidarity and cohesion, maintain its identity, and enshrine the lineage and background of its members. Thus, the family membership in Islam is by choice; it does not tolerate coercion, repression or abuse; and each spouse has the right to depart the familial association and terminate the marital relationship, especially, when it becomes adverse or hostile one. At least, separation is less detrimental situation for all family members than a relationship of hate, discord and acrimony. In these circumstances, *Shari'ah* grants the husband the right to seek *talaq* (divorce) and grants the wife the right to seek *khul'* (discharge). In the latter case, the wife has the choice to extricate herself from the marital relationship by consensually returning back the dowry that she received from her husband against the nuptials or part of it (as a limit), so that the husband's greed for her personal wealth or her family wealth does not provide a motivation for abuse or result in the break up of the family.⁶

Hence, compulsion or physical “chastisement” can never be a means which is intended to maintain the spirit of affection among spouses, or to gain their fidelity, or to promote intimacy and trust among them. Besides, studying the arrangements rendered in the relevant Qur'anic verses (4:34-35) which aim to resolve marital problems and to seek reconciliation, especially, when the wife shows a tendency for rebellion, disobedience or rejection of the nuptial association, will reveal two routes of remedy.

First is to resolve any marital dispute between spouses without the intervention of or mediation from any third party. This route is to be initiated and pursued by the husbands and should proceed through three steps: (1) admonish them (the disobedient wives), (2) refuse to share their beds, and (3) eventually “chastise” them.

Second, when the above route fails to bring about peace and reconciliation, both spouses should seek arbiters from their respective families in order to help them handle their rift, to advise them and to prescribe remedies for various problems, in accordance to verse (4:35):

“If you fear a rift between them twain, appoint two arbiters: one from his family and another from hers; if they wish for peace, God will bring about their reconciliation: for God has full knowledge, and is (utterly) acquainted with all things.”

All in all, the Qur’anic arrangements seek to effect reconciliation and to make peace between spouses based on the right psychological facts, through positive initiatives, and in an effective manner. So, when the wife shows the symptoms of disaffection and defiance, the Qur’an ordains the husband to counsel, plead to, and perhaps admonish her. This will give him an ample opportunity to communicate his concerns, to clarify differences, to articulate issues, to explore possible solutions, to demonstrate his keen interest in maintaining their matrimony on equitable terms, and eventually to open her eyes for the acrid potential consequences. Thus, in order to resolve any marital discord that she might exacerbate by overrating her sexual appeal or his affection or desire for her, the initial effort emphasizes dialogue, exchange and advice so as to bring her back to reason and rationale. Yet, if she does not heed her husband’s counsel out of ignorance or arrogance, it is then deemed necessary for the husband to proceed farther in this route, i.e., to act more potently, rather than to merely counsel or admonish. At this point, he should “refuse to share her bed,” which would confirm that she cannot count on his weakness, impatience or desire for her. Taking note of his lack of interest in her, she will realize by her intuitions the gravity of the situation and the seriousness of the consequences. That would, in turn, offer her a window of opportunity to abandon her tactics of “rejection” and “antagonism,” to rethink the whole situation, to realize that she has hit a crossroads and to find a way out of the discord so as to re-establish the state of “affection” and “compassion” between both of them. On the other hand, if the wife stubbornly maintains disobedience and rejection despite the above attempts of remedy by the husband, there should be no doubt that this marriage is in critical jeopardy, i.e., the threat to break up is looming in the horizon of this family, and both parties should realize that their matrimonial association cannot indefinitely proceed in that direction.

At this critical point, the inevitable question is: what can be done to make these spouses appreciate the real threats to their marriage and assess the pernicious consequences, before the rift surpasses the private realm of their nuptials, namely, before

seeking mediation or arbitration of a third party, such as the arbiters from their respective families?

Thus, the next step left in this route of remedy, within the family and before seeking arbiters, is to “chastise,” (Arabic root verb: *daraba*) in the above cited verse (4:34). The construal, or the signification or the connotation of the idiom *daraba* (to “chastise”) is what concern this study most, particularly, within the context of seeking reconciliation between estranged spouses, after the husband attempted to restore peace and accord, verbally by admonishing the wife and virtually by refusing to share her bed, expressing his resentment. Is “chastisement” here construed as: to slap, to flap, to flog, to strike or any other related manner of corporal castigation (or discipline) which inflicts suffering, pain and disgrace; seeks to subdue women; and force them to maintain nuptial associations against their own will? If this is true, what is the purpose of that subjugation? Does the subdual or subjugation of women with the means of pain and disgrace help to reinstate the sentiments of affection, compassion, affinity and fidelity; to promote the motivation for chastity and sanctity; and to hedge the family structure from falling down or falling apart? Is the physical pain or humiliation an appropriate means to strengthen the tendency of women to enshrine and cherish their families? Could this “chastisement” subdue Muslim women who are well versed in their rights and human dignity as manifested in today’s world, coerce them to linger in the repression of an abusive husband or to condone such resentful association? Or are they entitled, in Islam, to an exit through graceful discharge (*khul’*)? And if it is so, can there be any place for subdual or subjugation in the nuptial associations, which is more likely to undermine the family structure and to expedite its collapse?

As a result, if the idiom *daraba* (to “chastise”) does not denote the infliction of physical injury or psychological pain, as this Qur’anic idiom might be misperceived by some husbands to justify their cruelty with their wives who are, in turn, obliged to endure such abuses due to their insecurity or economic insufficiency, how then should this “idiom” be construed?

This matter should be examined in its entirety and with genuine insight of its various

dimensions and connotations without any rush to conclusions. The Qur'anic arrangements that refer to the idiom *daraba* is focused on how to bring about reconciliation and peace between the spouses with the means that would invoke affection, compassion and intimacy so as to bring back the objective of marriage as an intimate “repose” for each spouse. These arrangements does not seek yet the last resort, the arbitration of referees from the spouse families. Therefore, if the Qur'anic context, purpose and arrangement does not afford any prospect for violence, injury or pain in resolving problems of nuptial association, what is then the true construal of this idiom which refers to some sort of “chastisement”? Does it mean pain in the allegorical or metaphorical sense, as it is attested in the revelation to use *daraba* as a transitive verb (e.g., 16:75, “God sets forth (another) parable ...”) or intransitive verb (e.g., 4:101 “When ye travel through the earth ...”), augmenting the verb with an auxiliary preposition.

If we are to uphold the interpretation of this idiom as few strokes or pats with a *siwak* (tooth cleansing stick) or the like, such as a “tooth brush” or a “pencil,” as rendered by Ibn ‘Abbas, then such construal does not involve punishment, injury or pain. Rather, it connote a corporeal expression of gravity, frustration or disinterest in the wife by a husband who no longer shares her bed. Such expression is the opposite of touching or cuddling which implies geniality and intimacy. This construal is reasonable, graceful, and fairly flawless since it does not entail any damage to the human dignity and due respect between spouses who are virtually bound by ties of nuptial association. The above perception does not associate “chastisement” with disgrace, injury or pain. In contrast, the view of some jurists, as characterized in their *fatawa*, does not necessarily follow that line of thinking; especially, when they stipulate that “chastisement” should “not exceed twenty or forty strokes,” regardless of the extent and details of these strokes, i.e., “whether they scatter on different parts of her body or not, injure organs or not, cause a bone fracture or not, and whether she’ll survive them or not!”⁷

In spite of the mitigated interpretation of Ibn ‘Abbas, it still offers a gap of misperception which was manipulated, in the past, to justify abusive conduct and can be exploited time and again, at the present and in the future, to perpetuate the infliction of

injury and pain on women, under the auspices of the *fatawa* of strokes. Therefore, both the perception and resolution should leave no chance of misreading of the real concept of “chastisement” and should allow no misconduct or abuse of that concept. Such precautions, by all means, fit the bona fide purposes of Shari’ah in establishing the family on affection, compassion and dignity.

As a result, I committed myself to rethink the whole matter in terms of its methodological framework which I have presented earlier in this study as to the eternity of the revelation and the message, the necessity to grasp the relevant Divine norms, the peculiarity of time and place, and the imperative of an objective and disciplined analysis of the matter under consideration. Hence, I have endeavored to examine the different connotations of the idiom *daraba* and its various derivatives in the Qur’anic text, since it is a sound approach to construe al-Qur’an with al-Qur’an. The best exegesis of the glorious script shall be rendered by the revelation itself and fine-tuned by the general principles and purposes of *Shari’ah*.

The compilation of the various connotations of the idiom *daraba* and its derivatives in the Qur’an divulges, approximately, seventeen distinct nuances or representations, as afforded by the following verses:

“And God *sets forth* (another) parable ...” (16:76, 112; 66:11)

“When (Jesus) the son of Mary is *held up as an example*, behold, your people raise a clamor thereat (in ridicule)!” (43:57)

“See what *similes they strike* for thee: but they have gone astray; and never can they find a way.” (17:48)

“*Invent not similitudes* for God: for God knows, and you know not” (16:74)

“When ye *travel through* the earth ...” (4:101)

“Then we *draw (a veil)* over their ears, for a number of years in the Cave, (So that they heard not).” (18:11)

“Shall We then *take away* the revelation from you and repel (you), for that ye are a people transgressing beyond bounds?” (43:5)

“...they should *draw their veils* over their bosoms ... and that they should not *strike their feet* so as to draw attention to their hidden ornaments ...” (24:31)

“... Travel by night with My servants, and *strike a dry (solid) path* for them ...” (20:77)

“Then We told Moses: Strike the sea with your rod. So it divided, and each separate part

became like the huge firm mass of a mountain” (26:64)

“God disdains not to *use the similitude* of things, lowest as well as highest ...” (2:26)

“And remember Moses prayed for water for his people; We said: *Strike the rock with your staff*. Then gushed forth therefrom twelve springs ...” (2:60)

“... They *were covered with* humiliation and misery; they drew on themselves the wrath of God ...” (2:61)

“Disgrace is *pitched over them* (like a tent) ...” (3:112)

“But how (will it be) when the angels take their souls at death, and *smite* their faces and their backs?” (47:27)

“... I will instill terror into the hearts of the unbelievers: *Smite* ye above their necks and *smite* all their finger-tips off them” (8:12)

“And take in your hand a raceme (bunch)⁸ of soft leaves and *stroke* therewith: and break not your oath ...” (38:44)

“Therefore, when ye encounter the unbelievers (in hostility), *Smite* their necks; at length, when ye have thoroughly subdued them, bind a bond firmly on them ...” (47:4)

“O ye who attain to faith! When you *go abroad* in the cause of God, investigate carefully ...” (4:94)

“... So a wall *shall be erected* between them, with a gate therein. Within it will be mercy throughout, and without it, all alongside, will be (wrath and) punishment!” (57:13)

“Then did he turn upon them (idols), *striking* them with the right hand.” (37:93:)

Should we examine the above citations, we will note that the root verb (idiom) *daraba* (transitive and intransitive) takes several figurative or allegorical connotations which signify to isolate, to separate, to depart, to distance, to exclude, to move away, etc. When a thing is subjected to such case, that means it is to be extracted, distinguished and set forth as an evident example. The idiom *daraba* in the land denotes to travel or to depart. With respect to the ear, the verb *daraba* means to block or to prevent hearing. And in regard to the revelation, *daraba* means to stop, to halt, to abandon and to take away. Obviously, for the truth and false, *daraba* means to make both of them evident and to distinguish them from each other; whereas, for veils, *daraba* connotes to draw them over and to cover the bosom. In the seas or rivers, *daraba* is to strike a path through the water and set the water aside. But for humiliation and shame, *daraba* is to signify that both of them are pitched over people; however, for a wall, *daraba* means to be erected, that is, to indicate partition or separation. In regard to the finger tips, necks, faces and backs, it means to cut, to slash and to strike; whereas, for the rest of citations, it

means to impel, to shock, to slap, or to damage so as to precipitate the desired impact which is relevant to each respective situation, action or interaction.

Thus, the general connotations of the root verb *daraba* in the Qur'anic parlance signify to separate, to distance, to depart, to abandon, and so forth.⁹ What should then be the appropriate construal of this idiom when it is presented in the context of resolving marital problems and restoring love and harmony between estranged spouses? The reference here is to (4:34):

“... As to those women on whose part you fear disobedience and recalcitrance, (first:) admonish them , (next:) refuse to share their beds, and (last:) chastise (*daraba*) them; but if they return to obedience, seek not against them means of annoyance: for God is Most High, Great (above you all).”

Considering the above context and situation, the purpose of reconciliation, the Islamic doctrine of human sanctity and dignity, the right of self determination in Islam, the consensual nature of the nuptial association, and the ability of nuptial partners to gracefully dissolve such association without coercion or intimidation, the denotation of *daraba* in this citation cannot imply the infliction of injury, pain or disgrace. The most candid construal is to imply separation, departure, partition or seclusion, however. This type of arrangement, where the estranged husband altogether desert his wife for some time, would help to streamline the acrid relationship because it is a step that goes farther than admonishing her and refusing to share her bed. Now, as the husband is away, the wife has an ample opportunity to rethink the whole situation, to ponder the eventual consequences, and to realize the inevitable conclusion of disobedience and rejection, namely, divorce. At this point, she will have a full chance to re-examine her intent and conduct and to decide whether she wants this threshold of separation to be a lasting state! It is the moment of truth and she has the choice to go on with her stubborn ignorance or to restore rationality and bring back her estranged husband before it is too late.

Therefore, to “chastise” a woman in her home, in the context of streamlining a difficult marital relationship and bringing the spouses back to harmony and responsibility, should be construed as to “leave” the nuptial nest, to “move away”, or to “separate” from her as a further step that aims to send an unequivocal message to the wife

regarding the consequences of disobedience which she should take note of. This is the last resort, if there still is a place for compassion and affection, before seeking the mediation of arbiters from their respective families. If this attempt, in turn, does not manage to seal this rupture and to restore peace, then both parties should face the eventual choice of "... (the parties) should either hold together on equitable terms or separate with grace." (2:229)

The above perception of the idiom *daraba* (to "chastise") is consistent and attuned with the actual Prophetic tradition and practice as attested in the narrative which relates that the Prophet (s) moved away from his wives when they rebelled after their demands of better living were denied. The Prophet (s) resorted to *al-mashrabah* for a month and offered them the choice to obey him, to accept his manner of living and to hold together accordingly or to release them from the wedlock and to separate gracefully. This incident is addressed in al-Qur'an (33:28-29):

"O Prophet! declare to your consorts: if it be that you desire the worldly life and its gleam, then come! I will provide for your delight and set you free in a handsome manner. But if you seek God and His Messenger, and the abode of the hereafter, verily God has set up for the well-doers amongst you a great reward."

Throughout this experience, the Prophet (s) had never inflicted any injury, pain or insult on anyone of them. Should there be a divine ordinance of corporal or psychological discipline as a potent panacea, the Prophet (s) shall be the first one to mind and to proceed with such cure. Hence, when the consorts of the Prophet realized the gravity of the matters, sensed the wrath of their own families, and missed the prophetic association and intimacy; together, all that was enough to bring them back to rationale, to return them to the grace of obedience, and to become content with the Prophet's lifestyle as he favored.¹⁰

So, when his consorts rebelled and disobey him, the messenger (s) moved away from their residences and secluded himself for a month so as to help them realize the consequences of their rebellion and disobedience, without inflicting any physical injury or psychological pain. It took him (s) one month of seclusion before advising their families about the matter and before offering them to choose between compliance and

separation. Only then, they recognized their wrong standing, experienced a threshold of the potential consequences, and returned to the grace of obedience. As a result, the construal of *daraba* (to “chastise”) in the actual practice of the Prophet (s) is to seclude, to move away and to distance himself from them. That is consistent, on one hand, with the psychological nature of the matter; on the other hand, with the common intuition of various Qur’anic usages of the root verb *daraba* (to “chastise”) and its abstractions, derivatives and figuratives. Also, this perception does not contradict with the exegesis of Ibn ‘Abbas (r) as he cautions husbands that their expression of resentment should not exceed few strokes with a *siwak* (tooth cleansing) stick, or the like. Evidently, this genre of “chastisement” could be adequate to express the husband’s discontent and anger. Yet, it is not evident how could few strokes, in this latter stage of a nuptial discord, be sufficient to convey the true gravity of the stand off and its consequences, or even to go further toward a more decisive step than refusing to share the wife’s bed, in order to reach reconciliation or to seek separation!

In conclusion, within the Qur’anic arrangement to remedy the marital relationship after the eruption of disobedience and conflict, I have found out that the true reading of the Qur’anic idiom *daraba* (to “chastise”) directs the husband to “move away” from the wife, to “distance” himself from her and to “depart” the nuptial residence as a last attempt to bring her back to rationale and to help her realize the gravity of recalcitrance and its potential consequences for her and her children. The connotations of departure and seclusion is more readily and more compatible with the Qur’anic parlance than the associations of physical injury, psychological pain and disgrace. The latter ones do not result in a graceful nuptial relationship, do not promote the human dignity and do not provide “affection” and “compassion” which are the foundations of a lasting matrimony; especially, in the light of the values, prospects and outlooks of the present era. This insight, as I have furnished above, is well informed by the actual practice of the Prophet (s) as an effective emotional remedy to accomplish the purposes and objectives of Islam in establishing the family structure on affection, compassion, chastity and confidence, in order to maintain the family as the trustful hotbed which nurtures the youngsters spiritually, morally, emotionally and intellectually to the best levels, so that they can accomplish success and carry out the message of the revelation.

I invoke God Almighty to bestow righteousness and guidance to the best of probity and benevolence; and our ultimate avowal is that all praise and gratitude be to God, The Lord of the Worlds.

Notes

1. The author, Dr. AbdulHamid A. AbuSulayman is the President of the International Institute of Islamic Thought (I.I.I.T.) at Herndon, Virginia, the Chairman of the Child Development Foundation, U.S.A., and the former rector of the International Islamic University of Malaysia. The English version of the original Arabic text was rendered by Dr. Mazen A. Al-Najjar.

2. AbuSulayman, AbdulHamid A., “*Zahiriyyat Ibn Hazm wa I’jazz ar-Risalah al-Muhammadiyah*,” in Arabic, (The Prima Facie Textualism of Ibn Hazm and the Inimitability of the Muhammadan Message), *at-Tajdeed*, a quarterly research journal published by the International Islamic University, Malaysia, Vol. 2, No. 3 (February, 1998).

3. See, e.g., AbuSulayman, AbdulHamid A., *Toward an Islamic Theory of International Relations: New Directions for Methodology and Thought*, (Herndon, V.A.: