

Violence against Women in the Name of Religion

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Abstract

Violence against women is quite a common feature throughout the history of human civilization. Violation in its various forms is a violation of human rights, the very nature of which deprives women of their ability to enjoy fundamental rights. It is a serious obstacle of the development process of the status of women. Among the societies of different culture or religious origin, violation is found to prevail with various intensities. In Islamic society, violence against women in the name of religion is visibly possible in many aspects of women's life.

Keywords

Women, Violence, Beating, Killing, Mutilation

Introduction

Violence against women, which is a common feature of our today's world, is known to have had a long history. Down the ages women were subjected to violent practices and that too with different degrees of intensity and extent. With the slightest variations in kinds the societies of different cultural origin, even today, do exhibit the phenomenon in a considerable degree. Taking the existing scenario in to consideration it can be argued thus that subordination of women is a universal phenomenon. Behind the concept of or the act of violation against women workings of several cultural prejudices are visible. Of such, the fundamental one is the presumption that women are the weaker sex and hence should have the readiness for being used as objects of domination by the stronger kind, that is, men. Among the other prejudices, the most common are like that of the projected lack of rationality in women, their emotional bent of minds, sexual vulnerability, etc. Such cultural prejudices apart from causing severe damages to women's lives, possibly in every sphere, also have seriously impacted the process of knowledge formation. In almost every discipline of science

and humanities, the construction of sex or gender based theorizations has not remained merely a matter of convention only. While on the one hand, they have awfully delimited the very scope of the disciplines, on the other, the implications of the theoretic constructions have caused adoption of faulty public policies too, detrimental to the wellbeing of women in general.

The position of women in a society can be best assessed in terms of her entitlement, capability and achievements. What role does she play and is expected or compelled to play in the life of a man, in the family, and in the community life in general are indicative of both her actual status and limitations. The extent of participation of woman in the so-called private and the public spheres and the limits set on the actualization of her human potential would bring out not only the praxis of her existence but also throw light upon the nature and intensity of violence she is subjected to.

Violence against women in Islamic society is visible possibly in each and every respect of women's life. Following are some major varieties most prevalent at present. Apart from the violations of fundamental human and women rights, enforcement of direct violence to women is a common feature of the Islamic society. It starts with the family and extend up to the so-called public affairs at the community levels.

Objective

The present paper will attempt to explore some major varieties of violence most prevalent at present and will also try to find out whether these violations are sanctioned in the Holy Texts of Islam or not.

Data and Methodology

The present study is based on both primary and secondary data. The primary data consists of the textual reading of the Holy Quran and the Hadith and the secondary data consists of other books, journals, information procured through internet etc. related to the subject of the present study.

As the study is using references from the textual sources and their interpretational variations, so, apart from the descriptive-analytic method it will be required to make use of certain hermeneutical method too. The contrasted frames of references in interpretational variation will be analysed in terms of the hermeneutical frames of faith and suspicion both, with a slight variation from what exactly being devised by Paul Ricoeur.¹

Domestic Violence : Wife Beating in Islam

The question, whether the Holy Quran has permitted domestic violence like wife beating etc., has been a controversial one. The verse in chapter 4 of the Holy Quran is often referred as providing the sanction for the domestic violence :

(Husbands) are the protectors and maintainers (quawwamun) of their (wives) 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-conduct, admonish them (first), (next) refuse to share their beds (and last) spank them (lightly); But if they return to obedience, seek not against them means (of annoyance) for Allah is the Most High, Great (above you all).²

The orthodox thinkers argue that through the above verse the Holy Quran permitted men's authority over women and also permitted to beating them. But the Islamic scholars and women right activists challenge the orthodox interpretation of the verse and they have interpreted the verse differently. There are some keywords in the verse- quawwam, qanita and daraba which are most controversial. As mentioned earlier, to some orthodox translators quawwam means the ruler or authority and understood in this way the Holy Quran has permitted men's authority over women. Modern Islamic thinkers and women right activists, however, have interpreted these words differently. According to them, the term simply means one who maintains or takes care of financial and other needs of family. Since women were not economically independent in early days, the Holy Quran made it obligatory on men to maintain women and take care of them. Now, if a woman maintain her husband and runs the household, she can also be called quawwam and if both the husband and wife earn and maintain the household together then both will be quawwam. So, it can be said that quawwam is only a functional term and not a term of superiority or authority as orthodox ulema generally interpret it.

Besides this, before interpreting any verse, it is very important to understand the context in which the verse was said to be revealed. According to the noted Quranic commentators Kasaf and Tarabi, the verse was revealed in the context when a woman complained to the Prophet Muhammad that her husband slapped her without any fault, what should she do now? The Prophet replied to go and retaliate. The woman was happy but it cast a gloom over the men. They came to the Prophet Muhammad and asked how could they exercise control if their wives are allowed to retaliate against them? Then the Prophet Muhammad replied that it was his opinion and he will wait for revelation from Allah. And this verse was revealed. So, the verse is purely contextual and it does not set any permanent norm of behaviour. Another controversial

word in this verse is idribuhunna which is generally translated as 'beat them'. As the word quawwam has different meanings, this word has also different meanings. The modernists and reformists have accepted it in the sense of 'separating' or 'removing'. In that case if a woman misbehaves then first persuade her, next leave her alone and last strike her off or separate from her. But if she changes her behaviour, go near her.

The Holy Quran repeatedly advice men to treat their wives kindly even at the time of separation and it is expressed in the verse 2:229 (even when retaining her or divorcing her, treat her kindly). The Quran also says that believing women and believing men are mutual friends and they enforce what is good and prevent what is evil (9:71).

Honour Killing

Another form of control over women which is closely bound to the issues of male honour is the practice of honour killing. Killing of women in the name of honour takes place in Islamic states all over the world. In some parts of the country, these are practices legitimized by custom and tradition, but the concept of honour has also been used for an ulterior purpose and is increasingly being extended to situations far beyond its original scope under local custom and tradition. The traditional concept of honour killing is rooted in the perception of women being the property of male members of the family. It is, thus, their 'honour' which is affected if women violate cultural codes or social norms by entering in to an illicit relationship. Whether a woman is actually guilty of the charge is often considered irrelevant, since it is the public perception of the guilt which affect the honour of the family. "The mere allegation of girls and women having entered illicit sexual relationship usually suffices for their male relatives to take the law in to their own hands and to kill them. The women are usually not given an opportunity to respond to such allegations. An allegation is enough to defile a man's honour, and therefore enough to kill a woman".³ In most cases, the decision to kill the women is made by the family, and in some cases by the family's tribal council because according to the cultural heritage in general and tribal mode of acculturation in particular, the blame is always laid on the women concerned and the legal authority with its thousands lots of opaqueness defines such matters as internal family disputes.

The incident of honour killing is indicators of the denial of the basic right to life to women. Where some practices receive support from cultural attitudes, acts of violence and causing women's death have also not been appropriately dealt with by the courts. The court does not give any severe punishment to the offender and in many cases it allows the perpetrator to go free or with little consequence.

Adultery & Rape

In Islam, rape is punishable by death. It is recognised as a criminal offence in Shariah Law. However, spousal rape is not included within the definition of rape. In fact, in Quran we get no equivalent word for rape. But in Sunan Abu Dawud, Book 38, Number 4366 a conversation is narrated where the Prophet Muhammad was asked to respond to a woman's query regarding the matter of her being raped by a man. In response the Prophet said to the woman "Go away, for Allah has forgiven you. And about the man who had intercourse with her, he said: stone him to death." The implication of the same is this that a woman victim of rape is not guilty whereas the punishment for the rapist is death. However, in most of the Islamic countries there is no separate law for rape. On the contrary, rape and adultery are too often confused with each other and a woman who is a rape victim is made to suffer the penalty of adultery.

It is mentioned in the Quran that both men and women are equally rewarded for the good deeds and equally punishable for evil acts but according to the Hudood Ordinance (1979) of Pakistan if a woman files a rape case then four male eyewitnesses are required to prove it. But it is very difficult on the part of a woman to prove an allegation of rape, and her failing to adduce evidences may place her at risk of prosecution under another Hudood ordinance, qazf for blaming an innocent man of adultery.

As legal scholar Martin Lau points out.

While it was easy to file a case against a woman accusing her of adultery, the Zina ordinance made it very difficult for a woman to obtain bail pending trial. Worse, in actual practice, the vast majority of accused women were found guilty by the trial court only to be acquitted on appeal to the Federal Shariah Court. By then they had spent many years in the jail, were ostracized by their families, and had become social outcasts.⁴

Female Genital Mutilation

Female Genital Mutilation is one of the severest crimes which have paved the way for dehumanizing the body and mind of the female half of the various Islamic nations. However, this practice of Female Genital Mutilation often termed as 'modification' or 'cutting', is supposed not to originate with Islam because it was practically unknown to the Islamic source lands and there is no mention or sanction of either female or male circumcision in the Quran. The starting of first female genital mutilation was associated with the name of Sarah and Hagar. According Ibn Kathir⁵ a fourteenth-Century historian and a Quranic commentator, Sarah was the wife of the common

progenitor of the Semitic monotheist Abraham. In the traditional literature, it is mentioned that Abraham is the person who made the source of both male circumcision and female genital mutilation. As ill luck, Sarah could not bear children and with her permission Abraham had a child named Ismael with Sarah's hand-maiden Hagar. But after the birth of Ismael, Hagar grew haughty with Sarah and out of jealousy Sarah vowed to cut "three limbs" of Hagar and consequently Abraham ordered Hagar to pierce her ears and circumcise herself.⁶ In the traditional literature it was recorded as an extra Quranic evidence. Thus the female circumcision is simply identified as having originated with Hagar. Again some traditions suggest that only a little of the clitoris be cut in order to allow the women to experience pleasure.

Entire Islamic world has been divided into two halves as to the legality of the practice of mutilation. According to some Islamic thinkers, this practice is illegal and there is no basis for this practice in Islam. On the other hand, according to some other Islamic thinkers, this female circumcision is a part of the legal body of Islam and this is surely a laudable practice that does honour to the women.⁷ Many Islamic jurists believe that the female circumcision is an Islamic tradition mentioned in the tradition of the Prophet and it is sanctioned by the Ulemas (religious leaders) and jurists in spite of their differences on the issue of whether it is a duty of sunna or not. All of them support the practice and sanction it in view of its effect on attenuating the sexual desire of women and directing it to the desirable moderation. However, all Muslims don't practice this surgical procedure and this practice is mainly confined to the communities of African regions regardless of faith. This practice prevails in the human societies till now and the reason behind it is that the importance of honour in patrilineal societies is given as a reason, for it is thought that female genital modification reduces female libido and the consequent sexual discomfort dissuades women from seeking extra-marital partners and thus the patriarchal system by the enforcement of this process wants to ensure both the paternity of children and to control women's sexual behaviour.

Conclusion

From the above discussion we get a very gloomy picture of the status of women in the Islamic society. We have seen that there is nothing in the text which provide a base for the continuation of the violent practices against women. In the present context, it is pertinent to ask: In the given context it is pertinent to ask: if the true spirit of the textual source of Islam did not permit any discrimination between men and women at all, how then the discriminatory practices got so easily legitimized and sustained, and that too, in the name of Islam as religion? The entire issue calls for an intensive study of the textual sources on the one hand and reflection on the kinds of the deviation

from the prescribed norms on the other. What is of extreme importance now is to identify and examine the passages of the scriptures that have been frequently referred and used as justifications for the male superiority thesis. The question of rereading or reinterpretation of the texts, as demanded by the liberal thinkers and the Islamic feminists with or without religious orientations has to be reasonably dealt with for the purpose. Sufficient amount of clarity is required to be developed also on the very nature of ethical and religious beliefs of Islam vis-a-vis the construed domains of cultural prejudices grounded on sex/gender lines.

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