



A JUXTAPOSITION OF QUR'AN 4 VS 34 VIS-A-VIS THE SCOURGE OF DOMESTIC VIOLENCE IN NIGERIA

By

Mamudat Ifeoluwa Olohungbebe*

Sodiq Gbolahan Abdulsalam**

Abdulazeez Babatunde Adegboye***

&

Zainab Omowunmi Okeunmi****

Abstract

Domestic violence is a global scourge that transcends geographical boundaries, occurring in every corners of the world. It manifests in various forms, including physical, sexual, psychological, and economical abuse, and its impact reverberates through families, communities, and societies at large. Despite strides and efforts from both religious and secular sectors in awareness and advocacy on domestic violence, it remains alarmingly prevalent in Nigeria, affecting the well-being and safety of countless individuals, particularly women and children, who are disproportionately affected by its repercussions. Dishearteningly, it is particularly concerning that Islam, a religion that preaches peace, has been linked to the perpetration of domestic violence, often due to the misinterpretation of Qur'an 4 vs 34 which centers on marital discipline. This paper addresses this common misunderstanding, as it apparently contradicts the legislative rationale behind the locutions of Allah. Employing a doctrinal and qualitative methodology, this paper undertakes an in-depth interpretation and application of this verse, shedding light on its theological meaning and implications. It explores the provisions of the Qur'an that unequivocally shun and condemn domestic violence while equally upholding and maintaining the sanctity and sacrosanctity of family ties, prescribing and emphasizing mutual respect, kindness, and compassion among spouses. Ultimately, this paper contributes to ongoing efforts to combat domestic violence and promote peace and justice in society.

Keywords: Domestic violence, Legislative rationale, Locution and Marital discipline

1.0 INTRODUCTION

The scourge of domestic violence as well as other forms of violence has eaten deep into the fabric of our society creating a lopsided gender balance with the

female gender being the greatest victim. This menace is a deeply concerning one that plagues societies worldwide to the extent that one out of three women has been abused by an intimate partner. This staggering statistic applies across race, religion, and ethnicity. A survey conducted by the Nigerian National Bureau of Statistics in 2019 revealed that 30% of Nigerian women aged 15-49 have experienced physical violence, while a shocking 68% have encountered emotional, economic, or sexual abuse. These figures are undoubtedly underreported, as survivors often face various barriers in seeking help, including societal stigmas, fear of retribution, and a lack of trust in the legal system.¹

The causes of domestic violence are multi-tiered, including gender inequality, poverty, and lack of education. Also, the persistent adherence to patriarchal norms and beliefs in Nigeria, like every other African country, contributes significantly to the perpetration of domestic violence, specifically against women, portraying them as being subordinate to men and their opinions and needs disregarded.² Moreover, religious reason has been acknowledged by many as one of the causes of this violence with Islam being the center of attention. Propagandas spread by enemies of Islam have fueled misconceptions and misinterpretations of the religious teachings,³ including Qur'an verse 4:34, which addresses marital relations and disciplinary measures in marriage. The misinterpretation of this verse has led to the justification of domestic violence, further perpetuating harm against women in the name of religion. Additionally, the lack of knowledge of Islamic jurisprudence exacerbates the problem, as laymen misinterpret this verse and fail to understand the true meaning and rationale behind the Qur'an injunction.

The verse in question prescribes three corrective measures a husband may take when faced with a recalcitrant wife: admonition, refusing to share her bed, and, controversially, beating slightly.⁴ However, this verse has been widely misinterpreted and misunderstood. Islam, as a religion, upholds the principles of peace, compassion, justice, and mutual respect in all aspects of life, marital relationships inclusive.⁵ The misinterpretation of this verse to

*Lecturer, department of Islamic Law, Faculty of Law, University of Ilorin, Nigeria; olohungbebe.mi@unilorin.edu.ng; +2348073451320

**20-40i1114@students.unilorin.edu.ng; +2348059732408

***20-40i1020@students.unilorin.edu.ng; +2347044017919

****20-40i1081@students.unilorin.edu.ng; +2348153318960

¹ JE Efeairoro, 'Domestic violence in Nigeria: The road to gender equality and empowerment', Vanguard News (Lagos, 11 July 2023) <<https://www.vanguardngr.com/2023/07/domestic-violence-in-nigeria-the-road-to-gender-equality-and-empowerment/#:~:text=According%20to%20a%202019%20survey,%2C%20economic%2C%20or%20sexual%20abuse>> accessed on 27 August 2023.

² CO Igbolekwu, O Arusukwu, JN Nwogu, B Rasak, F Asamu, & NO Osueke, 'Domestic violence against women in the Nigerian rural context', [2021] available on <http://ir.bowen.edu.ng:8080/jspui/bitstream/123456789/826/1/Domestic%20Violence%20against%20Women%20in%20the%20Nigerian%20Rural%20Context.pdf>, accessed on 27th August 2023.

³ JA Khan, & R Ali, 'Challenging Misconceptions: Media Portrayal of Islam and Its Impact on Public Perception', Journal of Policy Options, [2020] (2) (1)1-8 <<http://resdojournals.com/index.php/jpo/article/download/30/40>> accessed on 27 August 2023.

⁴ Suratu-n-Nisai ayah 34

⁵ S Goel, 'Concept of Rights in Islam' [2014] <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2583422> accessed on 27 August 2023.

justify domestic violence is a distortion of the true teachings of Islam and contradicts the core values and principles of Islam. Given that Nigeria is a diverse country with a significant Muslim population, it is pertinent to examine, interpret, and juxtapose this verse accurately.

In light of this misconception and the alarming rate of domestic violence, this paper delves into the Islamic perspective and condemnation of domestic violence and examines the viewpoints of Islamic scholars regarding the understanding and interpretation of Qur'an 4:34 and the broader principles of justice in Islamic teachings. This paper explores progressive voices advocating for non-violent conflict resolution within marital relationships and the importance of mutual respect and understanding between spouses.

2.0 MEANING AND NATURE DOMESTIC OF VIOLENCE

Domestic violence is a universal concern that captures the interest of both scholars and ordinary individuals. As such, there is no one size fits all or universally acceptable definition for domestic violence. It is one of the many forms of violence. Violence is defined by the World Health Organization (WHO) as: *The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation.*⁶ The Violence Against Persons (Prohibition) Act, 2015⁷ defines violence to mean *any act or attempted act which causes or may cause any person physical, sexual, psychological, verbal, emotional or economic harm whether this occurs in private or public life, in peace time and in conflict situation.*⁸

Several components of the aforementioned definitions hold significance in comprehending domestic violence, particularly, that violence need not necessarily lead to physical harm; rather, the mere threat or potential for harm is adequate to qualify as violence. The deliberate or intentional exertion of force or authority upon another individual or collective is underscored as a key criterion of violence.

Consequently, the Black's law dictionary defined domestic violence as *violence between members of a household or between romantic or sexual partners; an assault or other violent act committed by one member of a household on another or by person on the person's romantic or sexual partner.*⁹ This definition offers an umbrella and encompassing meaning of domestic violence akin to a gender-based violence which could be manifested or perpetrated by either party in an intimate, romantic or sexual relationship.

Similarly, the WHO defined domestic violence as *"the range of sexually, psychologically and physically coercive acts used against adult and*

⁶ World Health Organization, 'The VPA approach' [2002] <www.who.int/groups/violenceprevention-alliance/approach> accessed on 29 August 2023.

⁷ Hereinafter refers to as VAPP Act, 2015

⁸ Sec. 46 of the VAPP Act, 2015

⁹ BA Garner, *Black's Law Dictionary*, (11th Edition)1881

*adolescent women by current or former male intimate partners.*¹⁰ This definition like many other sees domestic violence from the perspective of violence against women basically because of the pervasive threat of violence experienced by many women in their matrimony on a daily basis. Women and girls bear a significant burden of violence, with an estimated 30% experiencing physical and/or sexual intimate partner violence (IPV).¹¹

Domestic violence, often interchangeably used as intimate partner violence (IPV), is a pattern of abusive behaviour that occurs within a close relationship, typically between spouses or intimate partners. It involves a range of harmful actions and coercive tactics used by one partner to gain power and control over the other. Domestic violence can take various forms, including but not limited to:

i. Physical violence

Physical violence is a form of aggression that involves the intentional use of force to cause harm or injury to another person.¹² It encompasses a wide range of actions, from minor incidents such as assaults, battery, to more severe acts such as grievous bodily harm.

The effects of physical violence can vary widely depending on the severity of the injury inflicted. Victims may experience immediate physical pain, bruises, cuts, broken bones, or even more serious injuries such as internal bleeding or organ damage. In extreme cases, physical violence can lead to permanent disability or death.¹³

Physical violence can occur in various settings, including domestic relationships, public spaces, workplaces, schools, or institutions. Perpetrators of physical violence may be intimate partners, family members, acquaintances, strangers, or individuals in positions of authority.

It is imperative to recognize that physical violence is not limited to acts committed with bare hands but can also involve the use of weapons or other objects to inflict harm. Additionally, physical violence can occur as a single isolated incident or as part of a pattern of ongoing abuse.¹⁴

ii. Sexual violence

¹⁰ World Health Organization, 'Responding to Intimate Partner Violence and Sexual Violence Against Women – WHO clinical and policy guidelines' *Geneva: WHO* [2013].

¹¹ World Health Organization <<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>> accessed on 27 August 2023

¹² JJ Allen, and CA Anderson, 'Aggression and violence: Definitions and distinctions'. *The Wiley handbook of violence and aggression* [2017]1-14 <<http://www.craiganderson.org/wp-content/uploads/caa/abstracts/2015-2019/17AA2.pdf>> accessed on 29 August 2023.

¹³ SY Yacoub, SA Arellano, and D Padgett-Moncada, 'Violence related injuries, deaths and disabilities in the capital of Honduras'. *Injury International Journal of the Care of the Injured* [2006] (37) (5)428-434 <[http://injuryjournal.com/article/S0020-1383\(05\)00471-7/abstract](http://injuryjournal.com/article/S0020-1383(05)00471-7/abstract)> accessed on 29 August 2023

¹⁴ CS Widom, 'Does violence beget violence? A critical examination of the literature'. *Psychological bulletin* [1989] (106) (1)3-28 <<https://psycnet.apa.org/record/1989-36811-001>> accessed on 29 August 2023.

Sexual violence is a deeply traumatic and harmful form of violence that involves any sexual act performed on an individual without their explicit and voluntary consent.¹⁵ This violation of bodily autonomy and personal boundaries can have devastating and long-lasting effects on the survivor's physical, emotional, and psychological well-being.

Sexual violence encompasses a broad range of behaviors, including rape, sexual assault, molestation, coercion, harassment, and any other non-consensual sexual activity.¹⁶ It occurs within various contexts, such as intimate relationships, familial settings, social gatherings, workplaces, or in public spaces.

Despite efforts to address sexual violence through awareness campaigns, policy reforms, and support services for survivors, underreporting remains a challenge due to fear of stigma, victim-blaming attitudes, and institutional barriers.¹⁷ Therefore, more work is needed to create safe and supportive environments for all students and combat the scourge of sexual violence effectively.

By and large, the impact of sexual violence on survivors can be profound and many-sided. Physically, survivors may experience injuries, sexually transmitted infections (STIs), unwanted pregnancies, or other reproductive health consequences.¹⁸ Emotionally and psychologically, survivors may suffer from feelings of shame, guilt, fear, anxiety, depression, post-traumatic stress disorder (PTSD), and other mental health disorders.¹⁹ They may also struggle with trust issues, difficulty forming intimate relationships, and challenges in their daily functioning.

It is essential to recognize that sexual violence is not solely about physical force or coercion; it can also involve manipulation, psychological pressure, blackmail, or exploitation of vulnerabilities. Moreover, sexual violence can occur across the lifespan, affecting individuals of all ages, genders, sexual orientations, races, ethnicities, and socioeconomic backgrounds.²⁰

¹⁵ TK Logan, R Walker, and J Cole, 'Silenced suffering: The need for a better understanding of partner sexual violence'. *Sage Journals* [2015] (16) (2)111-135 <<https://doi.org/10.1177/1524838013517560>> accessed on 29 August 2023.

¹⁶ SJ Jejeebhoy, and S Bott, 'Non-consensual sexual experiences of young people: A review of the evidence from developing countries' (2003) <https://knowledgecommons.popcouncil.org/departments_sbsr-rh/526/> accessed on 29 August 2023.

¹⁷ Walshe Catherine, *Breaking the Silence of Sexual Violence: Identifying the Factors that Affect Help Seeking for Victim/survivors of Sexual Violence* (Ph.D dissertation, Ulster University 2020).

¹⁸ KC Davis, EC Neilson, R Wegner, CA Stappenbeck, WH George, and J Norris, 'Women's sexual violence victimization and sexual health: Implications for risk reduction'. *Sexual assault risk reduction and resistance*, [2018]379-406 <<https://www.sciencedirect.com/science/article/abs/pii/B9780128053898000165>> accessed on 3 September 2023

¹⁹ TB Kuzgun, 'The association between posttraumatic stress disorder and trauma-related guilt, shame, fear, and sense of control in women with sexual trauma' [2018] <<https://hdl.handle.net/20.500.12294/1309>> accessed on 3 September 2023.

²⁰ LT Tarzia, 'Toward an ecological understanding of intimate partner sexual violence'. *Journal of Interpersonal Violence*, (2021)(36) (23-24)11704-11727 <<https://journals.sagepub.com/doi/pdf/10.1177/0886260519900298>> accessed on 3 September 2023

iii. Psychological violence

Psychological violence, also known as emotional or mental abuse, is a form of violence that targets a person's emotions, mental well-being, and sense of self-worth. Unlike physical violence, which causes visible harm, psychological violence inflicts damage on a person's psyche and emotional health. It can take various forms, including verbal threats, intimidation, manipulation, humiliation, degradation, and control tactics.

Psychological violence is inherently intertwined with physical and sexual violence but may also stand alone.²¹ One of the defining characteristics of psychological violence is its insidious nature. It often occurs in private settings, making it harder to detect and address.²² Perpetrators of psychological violence may employ subtle tactics to undermine the victim's confidence, self-esteem, and autonomy. This can include gaslighting, where the abuser denies the victim's reality or undermines their perception of events, causing them to doubt their own sanity.

Psychological violence often has profound and long-lasting effects on the victim's mental health and well-being. It can lead to anxiety, depression, low self-esteem, and post-traumatic stress disorder (PTSD).²³ Victims may experience feelings of worthlessness, helplessness, and hopelessness, which can impact their ability to function in daily life and maintain healthy relationships.

Noteworthy is the fact that psychological violence is just as harmful as physical violence, and it should not be dismissed or trivialized.

iv. Economic violence

Economic violence is a form of abuse that targets a person's financial resources and economic independence to exert control and power over them. It can take various forms, including property damage, financial exploitation, economic coercion, and sabotage of financial resources.²⁴ Unlike other forms of violence, economic violence may not leave visible scars but can have profound and long-lasting effects on the victim's well-being and autonomy.²⁵

²¹ NF Russo, 'Violence against women: A global health issue' in Qicheng Jing, Mark R. Rosenzweig, Gery d'Ydewalle, Houcan Zhang, Hsuan-Chih Chen, Kan Zhang (eds.) *Progress in psychological science around the world* (ed.) Routledge 2019

²² DR Follingstad, 'Rethinking current approaches to psychological abuse: Conceptual and methodological issues'. *Aggression and Violent Behavior* [2007] (12) (4)439-458 <<https://www.sciencedirect.com/science/article/abs/pii/S1359178907000031>> accessed on 3 September 2023

²³ FD Duxbury, 'Recognizing domestic violence in clinical practice using the diagnoses of posttraumatic stress disorder, depression and low self-esteem'. *British Journal of General Practice* [2006] (56) (525)294-300 <<https://bjgp.org/content/bjgp/56/525/294.full.pdf>> accessed on 3 September 2023

²⁴ TC Corrie and M McGuire, 'Economic abuse: Searching for solutions' [2013] <https://goodshep.org.au/wp-content/uploads/2020/12/economic-abuse_final-report.pdf> accessed on 3 September 2023

²⁵ JL Postmus, GL Hoge, J Breckenridge, N Sharp-Jeffs, and D Chung, 'Economic abuse as an invisible form of domestic violence: A multicountry review'. *Sage Journals* [2020] (21) (2)261-283 <<https://journals.sagepub.com/doi/abs/10.1177/1524838018764160>> accessed 3 September 2023

One common manifestation of economic violence is financial exploitation, where the perpetrator exploits the victim's financial resources for their own gain. This can include stealing money or property, coercing the victim into giving them control over their finances, or preventing the victim from accessing their own funds.

Economic violence is often intertwined with other forms of abuse, such as domestic violence and intimate partner violence. Perpetrators may use economic control as a tactic to maintain power and control over their victims, making it difficult for them to leave abusive situations or seek help.²⁶ Thus, the consequences of economic violence can be severe and far-reaching. Victims may experience financial instability, poverty, and homelessness as a result of the abuse. They may also suffer from feelings of helplessness, dependence, and low self-esteem, making it challenging to break free from the cycle of abuse.

Domestic violence by its nature is not limited to one-time incidents but often involves a repeated cycle of tension-building, violent outbursts, and a period of remorse or reconciliation, followed by the cycle starting again.

It is essential to recognize that domestic violence can occur in any type of relationship, regardless of gender, sexual orientation, or age. Victims of domestic violence often endure immense physical and emotional suffering, and the impact extends beyond individuals to affect families, children, and communities.

3.0 DOMESTIC VIOLENCE IN NIGERIA

Domestic violence is alarmingly prevalent in Nigeria, affecting people of all genders and backgrounds. It involves physical, emotional, sexual, and economic abuse within intimate relationships. The abuse takes various forms, such as hitting, verbal insults, forced acts, and financial control, leaving lasting physical and emotional scars on victims.²⁷ The cyclical pattern of this violence makes it difficult for victims to break free. Children in such households witness violence, leading to lasting emotional and developmental harm.

The escalation and rising incidence of domestic violence is becoming a matter of great concern, as revealed by the Lagos State Domestic and Sexual Violence Agency (DSVA). According to their recent disclosure, there have been a total of 5,624 reported cases of domestic and sexual violence between August 1, 2022, and July 31, 2023, tragically ranging from sexual assaults, threats to life, other domestic problems and abuse cases.²⁸

²⁶ JL Postmus, SB Plummer, S McMahon, NS Murshid, and MS Kim, 'Understanding economic abuse in the lives of survivors'. *Journal of interpersonal violence*, [2012] (27) (3)411-430 <https://www.academia.edu/download/45416925/Understanding_Economic_Abuse_in_the_Live2_0160506-12552-1gsku4r.pdf> accessed on 3 September 2023

²⁷ AL Ganley, 'Understanding domestic violence'. Improving the health care response to domestic violence: A resource manual for health care providers [1995]15-42.

²⁸ SB Bolaji, 'Lagos records 5624 domestic violence cases in one year' *Punch News* (Lagos, 1 September 2023) <https://punchng.com/lagos-records-5624-domestic-violence-cases-in-one-year/#google_vignette> accessed on 3 September 2023

Similarly, Lagos State DSVAs disclose that 340 male reported incidences of domestic violence perpetrated against them by their wives between September 2022 and July 2023.²⁹

It is pertinent to state that Nigeria strongly disapproves of domestic violence and has established a comprehensive legal framework to combat this issue. The VAPP Act, 2015 stands as the key legislation that addresses various forms of violence, including domestic violence.³⁰ Additionally, the Criminal Code Act and Penal Code Act criminalize physical violence,³¹ and the Child Rights Act protects children from abuse.

Nigeria's National Gender Policy promotes gender equality and addresses violence against women, while the Administration of Criminal Justice Act (ACJA) ensures efficient handling of criminal cases, including domestic assaults and violence.³² The country also has laws addressing human trafficking and regulations for marriage and divorce. Despite these concerted efforts, challenges in implementation and awareness persist, and ongoing actions are required to effectively enforce the laws and support victims of domestic violence nationwide.

4.0 EXEGESES AND JUXTAPOSITION OF SURATU-N-NISAI AYAH 34 VIS-A-VIS THE SCOURGE OF DOMESTIC VIOLENCE

During the time when Islam emerged, violence was a prevailing norm not only in Arabia but also across the various civilizations in the globe at the time.³³ Vulnerable groups such as the weak, needy, orphans, widows, slaves, and servants had no clearly defined rights in this harsh world. Islam's advent establishes justice and compassion amidst such cruelty, unequivocally forbidding any oppressive conduct. The Qur'an emphasizes the worth of all individuals, irrespective of their race, ethnicity, gender, or social class. This revolutionary approach transformed the status of women during that era, as Islam critically assessed and reformed and influence the reformation of numerous global and local customs and traditions related to gender relations.³⁴

During that period, one of the most heinous forms of abuse inflicted upon females was female infanticide, where men, feeling ashamed of having daughters, resorted to burying them alive. The Qur'an took a firm stand against this barbaric practice, abolishing it entirely. Allah in Suratun-Nahl verse 58-59 provide thus:

²⁹ O Akoni, 'Domestic Violence: 340 husbands beaten by their wives in one year – Lagos govt' *Vanguard News* (Lagos, 16 November 2023) <<https://www.vanguardngr.com/2023/11/domestic-violence-340-husbands-beaten-by-their-wives-in-one-year-lagos-govt/>> accessed on 23 November 2023

³⁰ See sections 12, 14, 16, 19 and 46 of the VAPP Act, 2015

³¹ Section 316 of the Criminal Code Act and 221 of the Penal Code Act

³² Section 88 of the ACJA

³³ Allawi Ali A., *Crisis of Islamic civilization* (Yale University Press, 2009)

³⁴ Haddad Yvonne Yazbeck, and John L. Esposito, *Islam, gender, & social change* (Oxford University Press, USA, 1998).

*When news is brought to one of them, of (the birth of) a female (child), his face darkens, and he is filled with inward grief!*³⁵

*With shame does he hide himself from his people, because of the bad news he has had! Shall he retain it on (sufferance and) contempt, or bury it in the dust? Ah! what an evil (choice) they decide on?*³⁶

Furthermore, women were tragically viewed as men's possession during that time and were generally excluded from inheritance and treated as part of the estates to be shared. As soon as she gets married, she was no longer considered as a natural member of her father's family, but considered as a property of the family to whom she married to. For instance, if a man passed away, his brother could automatically "inherit" the deceased man's wife and claim her as his own without her consent. The rationale being that they were considered weak and unfitting to defend the family at war front.³⁷

Allah (SWT) in abolition of the above practice revealed Suratu-n-Nisai ayah 7 stating that: *There is a share for men and a share for women from that which was left by parents and those nearest relatives...* Later on, the verses of Suratu-n-Nisai ayah 11 and 12 were revealed giving detail on shares of each heir.

Notwithstanding the above exposition about Islamic reformations and its inherent aversion to harm towards women, there have been attempts to justify domestic violence based on the misinterpretation of Qur'an verse 4:34. This misinterpretation is perpetuated not only by those who misinterpret the verse but also by orientalist who preach views contrary to the legislative intents of Qur'an provisions.

The verse outlines a three-step procedure for a husband to address his wife's egregious or defiant behaviour. Initially, he is advised to verbally counsel her and correct her mistakes by admonishing her of her religious marital responsibilities which includes obedience, good relationships with others.³⁸ If this does not yield positive results, he should express his disapproval by abandoning her bed. Only if these measures fail to resolve the issue, the final step involves what has been translated as a symbolic gesture of physical discipline.

Upon an initial reading of this verse, many readers in the guise of human and women rights often feel frustrated with the apparent allowance for a husband to physically discipline his wife.³⁹ Due to this complexity, scholars advise

³⁵ Suratu-n-Nahl verse 58

³⁶ Suratu-n-Nahl verse 59

³⁷ Mashood Adebayo Oniye, *The distribution of Estate in Islam: The Law and Practice* (Kewudamilola Publishing Ventures, Ilorin, 2021).

³⁸ ZA Alwani, 'Domestic violence: Islamic perspective.' [2017] <<https://www.karamah.org/wp-content/uploads/2020/04/%E2%80%9CDomestic-Violence-Islamic-Perspective%E2%80%9D-by-Zainab-Alwani.pdf>> accessed on 7 January 2024

³⁹ Devos Siel, and MA Near, *The feminist challenge of Qur'an verse 4: 34: An analysis of progressive and reformist approaches and their impact in British Muslim communities* (MA Thesis, SOAS, University of London 2015).

laymen against seeking legal conclusions solely from the Qur'an without expert interpretation and contextualization.

In fact, the majority of Muslim sects and school of thoughts agree that proper understanding of Qur'an verses necessitates various considerations including their nexus with other verses, the Prophetic traditions, as well as the interpretations and legal rulings of knowledgeable Muslim scholars.⁴⁰ It is these scholars who not only deciphered the intended meaning of this verse but also established the potential consequences if a husband mistreats his wife in any manner, whether physically or emotionally.

To comprehend this, as well as any other Qur'an verse, it is essential to grasp the sources and methods of Qur'an interpretation employed by scholars. The primary approach used is intra-textual reading, known as *Tafsir al-Qur'an bil Qur'an*, which allows the Qur'an to interpret itself.⁴¹ Therefore, it becomes pertinent to understand Suratu-n-Nisai ayah 34 within the context of the Qur'an's overall gender paradigm.

A careful and open-minded perusal of the numerous verses that govern marital relations in the Qur'an reveals that the Islam advocates for both partners to treat each other with respect, justice, and mercy.⁴² These verses include but not limited to the locution of Allah in Suratu-r-Room ayah 21 that reads: *And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect.*⁴³

Similarly, there are various traditions of the Prophet on harmonious marital relations that every believer should emulate, it was narrated by his wife that, *"Allah's Messenger (Allah bless him and give him peace) never struck anything with his hand unless he was struggling in the cause of Allah [jihad], nor did he ever strike a servant or a woman."*⁴⁴ It was also narrated that the Prophet Muhammad stated, Allah's Apostle said, *"Treat women nicely, for a woman is created from a rib, and the most curved portion of the rib is its upper portion, so, if you should try to straighten it, it will break, but if you leave it as it is, it will remain crooked. So treat women nicely."*⁴⁵

The above underlines Islam's perspective on harmonious and equitable interactions between spouses. In Suratu-s-Sad ayah 44 where Allah SWT cautioned prophet Ayub regarding his dealing with his wife is a relevant example. Allah in the Qur'an provides that:

⁴⁰ ZK Kamaruddin, RA Abdullah, & IR Ramzy, 'Managing Domestic Violence.' *Journal of Dharma*, [2015] (40) (2)189-210.

⁴¹ ZA Alwani, 'Domestic violence: Islamic perspective.' [2017] <<https://www.karamah.org/wp-content/uploads/2020/04/%E2%80%9CDomestic-Violence-Islamic-Perspective%E2%80%9D-by-Zainab-Alwani.pdf>> accessed on 7 January 2024

⁴² Suratul Baqarah ayah 187 where Allah refers to couples as garments

⁴³ Suratu-r-Room ayah 21

⁴⁴ Ash-Shama'il Al-Muhammadiyah 347 <<https://sunnah.com/shamail:347>> accessed on 7 January 2024

⁴⁵ Sahih al-Bukhari 3331 <<https://sunnah.com/bukhari:3331>> accessed on 7 January 2024

*And take in your hand a bundle of thin grass and strike therewith (your wife) and break not your oath.*⁴⁶

According to the Mufasiruun, the verse was revealed for Ayyub (peace be upon him) who got angry with his wife and was upset about something she had done, so he swore an oath that if Allah healed him, he would strike her with one hundred blows. When Allah healed him, how could her service, mercy, compassion and kindness be repaid with a beating? So, Allah showed him a way out, which was to take a bundle of thin grass, with one hundred stems, and hit her with it once. Thus, he fulfilled his oath and avoided breaking his vow. This was the solution and way out for one who had Taqwa of Allah and turned to Him in repentance.⁴⁷

By applying the method of interpretation earlier described, which involves interpreting one provision of the Qur'an in light of another provision, an understanding of Suratu-n-Nisai ayah 34 in conjunction with Suratu-s-Sad ayah 44 clarifies the intention of the lawgiver, emphasizing a non-harmful form of correction or 'slight beating' as the intended meaning.

The second most significant source utilized by exegetes to interpret the Qur'an is the example of the Prophet (peace be upon him). His life, words, and actions are considered a living commentary on the Qur'an and provide the framework for *tafsir* (interpretation). This mode of interpretation is known as *Tafsir bil-ma'thur*, which involves drawing on interpretations transmitted through Prophetic traditions or hadith.⁴⁸

Examining this verse in light of the Prophet's traditions, it becomes evident that he consistently condemned domestic violence both in his deeds and words. As a result, it becomes clear that this verse does not condone domestic violence but, in fact, denounces it. To highlight some of the traditions of the Prophet that emphasize just and fair treatment of wives, one such narration is found in Muslim, where Sulaiman bin Amr bin Ahwas said:

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

⁴⁶ Suratu-s-Sad ayah 44

⁴⁷ Muḥammad Aḥmad Qurtūbī, *Tafsir al-Qurtubi: al-jami li-ahkam al-Quran* (Dar wa-Matabi al-Shab, 1999)

⁴⁸ ZA Alwani, 'Domestic violence: Islamic perspective.' [2017] <<https://www.karamah.org/wp-content/uploads/2020/04/%E2%80%9CDomestic-Violence-Islamic-Perspective%E2%80%9D-by-Zainab-Alwani.pdf>> accessed on 7 January 2024

dislike to enter your houses. And their right over you is that you should treat them kindly with regard to their clothing and food."⁴⁹

In a narration, the Prophet actively supported a victim of domestic abuse, Habeeba bint Sahl, the wife of Thabit bin Qays and the neighbour of the Prophet Muhammad, by helping her leave the abusive relationship. When Thabit struck Habeeba, she turned up at the door of the Prophet Muhammad. After telling him about her situation, she said, "Thabit and I can no longer be married." The Prophet then summoned Thabit, settled their financial affairs, and ensured that Habeeba was able to safely return to her family.⁵⁰

In addition, the Prophet Muhammad took proactive measures to ensure that women would not be married off to harmful men. It was narrated that the Prophet approached Fatima bint Qays to inquire whether she was ready to get married. She had received proposals from Mu'awiyah, Abu Jahm, and Usama ibn Zayd. In order to help her make the correct decision, the Prophet advised her, "As for Mu'awiyah, he is a poor man without money [and cannot sufficiently provide for you]. As for Abu Jahm, he is a man who habitually hits women. [Therefore] I advise you to marry Usama."⁵¹

The limitations and restrictions of applying the last resort of women's light beating, as shown above, and bearing in mind the Qur'an example of Suratus-Sad ayah 44 crystalizes that Allah's limits should not be violated. Therefore, any individual Muslim who does not adhere to these limits must be punished. Ibn `Abbas and several others said that the Ayah refers to a beating that is not violent.⁵² Al-Hasan Al-Basri said that it means a beating that is not severe.⁵³

To buttress this, Islam allows an abused wife to claim compensation under *daman* (torts) and *ta'zir* (discretionary corporal punishment). The 19th-century Syrian jurist bn Abidin said *ta'zir* is mandatory for a:

*...man, who beats his wife excessively and "breaks bone", "burns skin", or "blackens" or "bruises her skin".*⁵⁴

It is pertinent to note that, all Muslim jurists opined that the beating referred to in the Qur'an must not result in violence, or cause injury to the wife. To guard that, Scholars submit that the light beating should be carried out in a symbolic manner such as using a toothpick or a *miswak* (a teeth-cleaning twig).

It is essential to note that Islamic law, like every and any legal system, is dynamic and subject to various interpretations and schools of thought. In

⁴⁹ Sunan Ibn Majah Vol. 3, Book 9, Hadith 1851 <<https://sunnah.com/ibnmajah:1851>> accessed on 7 January 2024

⁵⁰ Narrated by al-Darimi

⁵¹ Narrated by Ibn Majah

⁵² SK Kausar, SH Hussain, & MM Idriss, 'Does the Qur'an condone domestic violence?.' In *Honour, violence, women and Islam* [2010]104-121

⁵³ MM Marin, 'Disciplining wives: A historical reading of qur'an 4: 34.' *Studia Islamica*, [2003]5-40.

⁵⁴ Mogahed Dalia and others, 'Islam And Violence Against Women; A Critical Look at Domestic Violence and Honor Killings in the Muslim Community' (A Conference on Crimes Against Women, MacArthur Crossing, United States, Yaqeen Institute for Islamic Research, 2017).

many Muslim-majority countries, laws have been reformed to address issues of gender equality and women's rights, and the interpretation and implementation of Islamic law may vary based on these reforms. A very apposite example of this is evident in Nigeria. The provision of section of 55 (1)(d) of the Penal Code Act which provides thus:

“By a husband for the purpose of correcting his wife such husband and wife being subject to any native law or custom in which such correction is recognized as lawful.”⁵⁵

The aforementioned subsection implies that, in marriages governed by native law or custom that recognize such practices, a husband may resort to physical chastisement as a means of correcting his wife.

It would be an injustice to cite the above section without making reference to sub 2 of the section where the law provides that:

“No correction is justifiable which is unreasonable in kind or in degree, regard being had to the age and physical and mental condition of the person on whom it is inflicted; and no correction is justifiable in the case of a person who, by reason of tender years or otherwise, is incapable of understanding the purpose for which it is inflicted.”⁵⁶

Premised on the above, it is submitted that considering the provisions of the Qur'an and the relevant traditions of the Prophet, domestic violence has no place in the Shari'ah. In fact, the majority of scholars concur that an aggressive or harmful husband should be subject to *Doman* punishment by *Ta'azir*. Thus, any Muslim, husband or wife, who engages in domestic violence violates the teachings and fundamental principles of Islam. Indeed, Islam prohibits all forms of harm or violence towards people on the ground of gender, race, and ethnicity and emphasizes the importance of treating spouses with respect, justice, and compassion.

5.0 RECOMMENDATION AND CONCLUSION

It is imperative to emphasize that Islam does not in any way support or condone domestic violence. As a religion founded on peace and compassion, Islam advocates for harmony and mutual respect in all spheres of human life, including marital relationships. The misinterpretation of Qur'an verse 4:34 to justify domestic violence represents a distortion of Islamic teachings and contradicts the fundamental values and principles of the religion. It is essential to recognize that such misinterpretations not only misrepresent Islam but also perpetuate harm and injustice. Therefore, it is recommended that the interpretation of the locutions of Allah and the practice of *Ijtihad* be entrusted to *Mujtahids* and scholars well-versed in Islamic jurisprudence. This ensures that interpretations are grounded in a deep understanding of religious texts and principles, thereby promoting accurate and contextually appropriate interpretations.

⁵⁵ Section of 55 (1)(d) of the Penal Code

⁵⁶ Section of 55 (2) of the Penal Code

The nature of the Qur'an itself requires expertise, as it is not authored by mankind but revealed in piecemeal to the Prophet Muhammad (PBUH) through Angel Jibril. Historically, upon the death of the Prophet, the interpretation of the Qur'an was not restricted to the companions alone. The criterion for selecting interpreters of the Qur'an relied on the principle of *ijtihad*, characterized by deep knowledge and understanding of Islamic jurisprudence. Ultimately, such individuals had to be *mujtahids* possessing comprehensive knowledge of Shari'ah. An illustrative incident during the caliphate of Umar (RTA) underscores the importance of this expertise. When Umar misinterpreted a provision in Suratu-n-Nisai ayah 20, specifying the amount of dowry to be paid, an ordinary woman from the audience challenged his interpretation saying Allah endows us a right but you are taking it. Umar, recognizing her insight, acknowledged her correction, demonstrating the importance of humility and openness to diverse perspectives in interpreting religious texts.⁵⁷ Therefore, it is crucial to entrust the interpretation of the Qur'an to qualified scholars who possess the requisite knowledge of Shari'ah and demonstrate the ability to engage in rigorous *ijtihad*.

Additionally, similar to how judges in common law jurisdictions utilize canons of interpretation to discern legislative intent, scholars of Islamic jurisprudence employ specific methods for interpreting the provisions of the Qur'an. These methods are *Tafsiru-l-Qur'an bi-l-Qur'an* and *Tafsir bil Ma'thur*. These methods of interpretation serve as essential tools for ensuring that the provisions of the Qur'an are understood and applied correctly. They provide a structured and systematic approach to Qur'an exegesis, safeguarding against misinterpretation and distortion. As such, it is recommended that scholars and interpreters of Islamic scripture adhere to these established methods when deriving legal rulings and ethical guidelines from the Qur'an. By so doing, they can uphold the integrity of Islamic teachings and promote a deeper understanding of the faith among believers and non-believers alike. Additionally, fostering awareness and education about these interpretive methods within Muslim communities can further enhance their effectiveness in preserving the true spirit and intent of the Qur'an.

⁵⁷ Muḥammad Aḥmad Qurṭubī, *Tafsir al-Qurtubi: al-jami li-ahkam al-Quran* (Dar wa-Matabi al-Shab, 1999)