

Semantic issues of hitting women in the Quran Methodology: Resolving reading discrepancies

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Abstract

Referring to the Quranic verse that allows physical discipline of women has caused embarrassment to the Sharia law, as many scholars, imams, preachers, and intellectuals have cited it. The term "hitting" has created semantic issues, especially when combining Quranic texts that promote good deeds and kindness, which fall under the objectives of building a stable family, with prophetic texts that explicitly prohibit mistreatment of wives and completely forbid hitting them. Furthermore, the actual actions of the Prophet do not demonstrate the use of hitting as a form of discipline. Can the tools of Islamic jurisprudence resolve this reading discrepancy?

Introduction

If we stop at the verse of nushuz (marital discord) as one of the solutions proposed by the Sharia to maintain the peace and stability of the Muslim household, we are confronted with the verse of hitting (hitting) and the controversy it has raised in terms of its various interpretations that seek to find a meaning that is consistent with the objectives of the Sharia. The allowance of hitting is closer to prohibition than to permission. It is a suggestion proposed by the Sharia for men under the conditions of respecting the cultural and customary components of women. It does not imply a requirement to use it, nor does it indicate its effectiveness in correcting the situation of women, who may become more rebellious and their behavior and character may deteriorate towards their husbands. It is sufficient for men to express their anger, reproach, and admonishment, rather than using hitting, especially if they are convinced that hitting, under its legal conditions, is not in their best interest. Here, the prevention of

harm, in the view of the Sharia, takes precedence over the attainment of benefits.

Faced with a wide range of verses and hadiths that urge and encourage kindness, goodness, love, and compassion, and in the face of a practical prophetic tradition that disapproves of physical punishment and denies its doer any virtue or goodness, the Muslim mind stands perplexed before the guiding verse and tries to search for tools of interpretation to resolve the ambiguities of meaning.

Focusing only on the literal meanings of words without considering the overall integrated structure of texts is one of the biggest mistakes that we make when dealing with the Quranic texts that swim in the broader context of overall goals, which aim to preserve the family entity and live in an atmosphere of kindness, mercy, goodness, and respect in a spirit of mutual participation and support between the parties.

First: The Problem of Research

- Why did the Quran mention hitting, and why did the Sunnah condemn it?
- The questioner wonders why the Quran mentioned hitting after preaching and urging, and why did the texts of the Sunnah indicate condemnation and disapproval?
- How did the Companions understand the word "hitting" during the time of legislation?
- And how can we reconcile Quranic permission with prophetic prohibition?

Second: The Importance of Research

- The research attempts to employ the principles of traditional and purposeful reading to solve the problems of reading the Quranic text that conflict with practical Sunnah and legal purposes.
- Understanding the lexical meanings of words while trying to look at the overall structure and contextual purpose of rulings.

Third: The Adopted Method.

used the analytical and critical approach in presenting the problem of reading and its conflict with the overall Quranic purposes, as well as its conflict with the prophetic action, which forms the interpretive approach to the Quran.

Fourth: Research Plan.

To address this topic, I followed the following plan:

Chapter One: The Reality of Hitting Before Legislation and the Prophet's Position Towards It 1- Hitting in the Arabian Environment 2- The Prophet's Disapproval of Hitting

Chapter Two: Tools of Usul al-Fiqh (Principles of Islamic Jurisprudence) and Resolving Interpretation Issues

1- The Conflict Between Permission and Prohibition

2- Permission to Hit is Restricted by Custom

3- The Ruler Restricts Permission by the Public Interest and Evidence Indicating Prohibition

4- The Term "Hitting" Between the Lexical and Contextual Meanings

5- The Context of Intent and Its Effect on Directing Meanings

Conclusion Results and Recommendations

First topic : The reality of physical punishment before legislation and the position of the Prophet Muhammad (peace be upon him) towards it.

In this topic, I will address the reality of physical punishment in the Arab environment and the position of the Prophet Muhammad (peace be upon him) towards it.

1- Physical punishment in the Arab environment.

It is recorded in Sahih that Umar ibn al-Khattab said: "We, the group of Muhajirun, used to dominate our women. But when the Ansar came, their women dominated them. So our women started learning from the manners of the Ansar's women.

This text indicates that physical punishment was common and allowed for a group of people whose wives did not go beyond their chests in terms of harming or dishonoring them, and there was no innovation in family treatment. This is in contrast to the civil society where they considered it an assault on women and an insult to them. This is evidenced by the hadith in which Zaid bin Abi Zuhair and his daughter Habiba came to the Prophet with her husband Saad bin al-Rabee bin Umar , who complained to the Prophet that he had beaten her. The Prophet said to her, "Take revenge on your husband." She left with her father to take revenge on him, but then the revelation came down to the Prophet, and he recited the verse to them, and then said, "We wanted one thing, but Allah wanted something else, and what Allah wanted is better.

"The truth is that the two narrations mentioned demonstrate the social and cultural differences prevalent in civil society. Women in Mecca were more emotional and defensive than those in Medina.

Women in Medina were more open to knowledge and learning, and had a certain social behavior pattern. In a Sahih narration, Aisha (may Allah be pleased with her) said, "What excellent women were the women of the Ansar! Shyness did not prevent them from seeking knowledge in religion." The Ansari women had a boldness and independence in their personality."

2- Disapproval of the Prophet (peace be upon him) for hitting:

There is no wording, singular or collective, in the authentic hadiths that indicates urging or allowing hitting. Rather, the wording of the hadiths is directed towards prohibition, because prohibition is in line with the purposes and goals of the Qur'anic verses that indicate kindness and honoring towards the wife. If the purpose of marriage is chastity and protection, and intercourse is the means to achieve this, how can it be achieved with humiliation and harm? The Prophet (peace be upon him) expressed this beautifully when he said: "Could any of you beat his wife as a slave is beaten and then have intercourse with her in the last part of the day"

Second Topic: Principles of Islamic Legal Interpretation Tools and Resolving Semantic Issues.

In this topic, I will discuss the role of Islamic legal interpretation tools in resolving semantic issues where it is clear that the science of Islamic jurisprudence provides us with methods of inference and how to apply them in resolving conflicts between the lexical meaning of a word and its presence within a comprehensive contextual framework that considers the objectives of Islamic legal rulings.

1- Conflict between permissibility and prohibition:

The term "striking" in its Usul meaning does not imply obligation or absolute permissibility. This is clearly understood from the statements of the jurists who stated that striking is permissible if one is convinced or certain that it will correct the situation. Among these jurists is Imam al-Hatab al-Maliki, who said: "If one is convinced that striking will not benefit, then striking her is not permissible. It is also mentioned in al-Jawahir: "If one is convinced that she will not abandon rebellion except through severe striking, then punishing her is not permissible in principle." Ibn Arfa also stated this before him.

And I believe that this conditional permissibility is originally a license based on the principle of dislike.

So if this permission is conditioned on not causing harm, being certain of the benefit, and the woman being accustomed to it in her cultural and customary context, then fulfilling these conditions by the man is subject to doubt, not certainty. And if hitting is permissible in this conditioned manner, it turns from being an allowance to being disliked (Makruh) until its objectives are achieved. I believe that these

conditions will never be fulfilled in this way and the purpose for which it was legislated will not be achieved unless it is certain and realized. This is indeed what the great Tabi'i jurist 'Ataa ibn Abi Rabah indicated when he prohibited hitting, because he prohibited it due to the failure of achieving its purpose, as preventing harm takes precedence over bringing benefit. Judge Ibn Arabi reported that 'Ataa said: "Do not hit her even if you command her and she disobeys, but rather be angry with her. Many jurists have given priority to the verse that implies the disapproval of expressing discontent, and a group of scholars agreed with this interpretation and rejected the hadiths that permit hitting.

2- The permission is conditioned by the customs' connotations.

The beating mentioned in the text is not meant as physical punishment, nor whipping, nor harm, but rather as a way of expressing disappointment and reproach for what some societies and tribes use as a means of humiliation or insult, which does not carry in their cultural and environmental makeup as humiliation or degradation. Therefore, if the woman is in an environment where beating is not customary, then the custom is binding, and the customary constraints are the same customary constraints that the jurists have seen fit to impose on the generalities of texts relating to expenditure, dowry, breastfeeding, oaths, and others.

3- The permissibility is limited by the principles indicating prohibition
As long as the ruler relies on explicit principles in the Shari'a that forbid harm in all its forms and manifestations, there are hadiths in the Sunnah that indicate this. The Prophet (peace be upon him) said in his farewell sermon: "Shall I inform you about the believers? They are those whom people trust with their wealth and their lives. As for the Muslim, he is the one from whose tongue and hand the people are safe

Al-Tabarani reported in his *Al-Mu'jam Al-Kabeer* from the hadith of Ismaa'eel ibn Malik Al-Khatmi, "The believer is like a protected fortress, except for a right that is due to others." Al-Bukhari also reported in his *Sahih* in the chapter "The believer is like a protected fortress, except for a right and a claim." Al-Hafiz Ibn Hajar followed up in his explanation of the hadith that the "fortress" refers to the believer who is protected from harm, and the "right" or "claim" means the prohibition of harming him, except through a legal punishment or disciplinary action. Based on this basis, it is permissible for the ruler to limit this permissibility and prevent husbands from hitting their wives, especially in cases of misuse. The Shari'a has allowed the ruler to impose punishment on the husband if he causes harm to his wife. It is well-known that the Shari'a has entrusted the ruler with limiting the permissible actions for the sake of public interest, and it is preferable for this limitation to be based on legitimate considerations and to prevent any potential harm.

4- The word (hitting) between its lexicographical meaning and its contextual meaning:

If we trace the meanings of the word (hitting) in the Quran, we find that it has many meanings that exceed seventeen. It can mean striking something against something else, as well as separation and differentiation, clarification, and other meanings. In this article, I will try to mention some Quranic verses that some modernists have interpreted as meaning separation and differentiation, and they have attributed this meaning to the verse of "nushuz" (disloyalty). They have assumed that all the meanings of the root of " hitting " (hitting) have the same connotation, without considering their context, their reasons for revelation, and their legal context. This is, in fact, one of the biggest errors we make in directing the meanings of words. If we are to be accurate, this would be a deviation from the true intended meaning of the words.

The verse says: "And We inspired Moses, saying, "Take away My servants by night, for you will be pursued. And leave the sea as a dry path ; indeed, the sea is a permanent barrier for them." The intended meaning of the verse is not to differentiate between water and dry land, but rather the meaning of "strike" or "make", as in the expression "gold was struck into dinars.

The meaning of paradox is not a true meaning of the word in the verse, but rather a necessary meaning for it.

And Allah says, "For the poor who have been restricted in the way of Allah, unable to move about in the land, and who cannot find a way to escape." (Surah Al-Baqarah 2:273) This means being separated and far away from home.

Allah's saying, "So He separated them with a barrier and struck between them a partition, means that He separated them with a barrier and erected a wall between them, indicating the concept of trade. The nature of a merchant is to travel to buy and sell, and therefore he strikes the ground with his feet or his mount. The meanings of the word "strike" in the previous verses indicate striking something with the hand, stick, sword, and others. Allah says, "So strike [them] upon the necks and strike from them every fingertip, and "And when you travel throughout the land, there is no blame upon you for shortening the prayer." We have noticed that those who have attributed the word "strike" to separation and distance are doing so without evidence, and also confining it to a meaning not familiar to the Arabic language, exceeding the actual meanings and necessary meanings. Therefore, they apply the meaning of separation to the verse on disobedience, saying, "Admonish them, and leave them alone in the sleeping-places and strike them." The verse indicates abandoning them in the bed and withdrawing from them. If a woman

does not treat her husband well and her situation does not improve, he may strike her , meaning he may abandon her and distance himself from her.

Although the word "hitting " (darb) is a common term that carries multiple meanings, we must resort to context as one of the interpretive tools and as a means of preferring one meaning over another. The word cannot be defined outside its context and its building structure, which is mentioned in it. We cannot read the partial context of the verse outside its overall context and its integrated building structure that directs its meaning.

The truth is that the endeavor of both sides to prevail one meaning over another is, in my opinion, a methodological error that the fundamental system does not accept. The system that has established for us the rules of sound reasoning in the connotations of words and how to direct their meanings. Those who denied the " hitting " and directly moved to distancing and distinction made a mistake in denying the real meanings that were revealed according to the customary language of the Arabs and how they understood it. The indications of the Sunnah, which defined " hitting " in its real meaning after restricting it to being not brutal, suffice.

Therefore, carrying the word " hitting " on distancing and distinction and canceling its original meaning is a methodological bypass and an infringement on the real connotations and taking them out of their context and limiting them to meanings that the indications do not lean towards. As for the group that directed the word towards its true meaning, they exaggerated in defending the true concept as if the matter was obligatory or excluding it from the family reform system is considered disbelief in the pillars of the believer's faith who abandoned compliance with the commands of God .

The truth is that this view is incomplete and flawed by cutting the word out of its intended and judgmental context, which creates a conflict between the comprehensive induction of the purposes of the verses that call for good relations, good treatment, and also the comprehensive induction of the prophetic traditions that forbid striking. Moreover, the most important thing is to invest in the practical Sunnah, which is the best explanation of the words of the Quran.

I will try to conclude with this important topic, which indicates the importance of the intended context in directing the connotations of the word when meanings are diverse.

5- The Contextual Meaning and Its Impact on Directing Meanings.

What does Al-Shatibi mean by " the purposive indication " and how can he consider purposes as a guide to direct the meanings of words when their meanings vary?

I will attempt to summarize Al-Shatibi's ideas on this topic. He believes that the individual words of the Quran and Hadith should be interpreted according to their apparent meaning in language, as this is the most understandable to the reader. However, if it is difficult to understand the intended meaning, then one should refer to other words, because the individual meaning may not be sufficient if the compound meaning is understood without it. Al-Shatibi considers the purpose or goal behind the text, known as " the purposive indication," to be a guide to help direct the meanings of words when their meanings vary.

With this step, I see that Al-Shatibi is indicating that the intention's significance is controlled by linguistic forms and styles, which is an apparent factor that highlights the elements of stability in the fundamental structure. By doing so, he is targeting anyone who wants to interpret the text ideologically, as Abd al-Majid al-Saghir said, missing the opportunity to testify to his choices.

The most important step that Al-Shatibi spoke about is the regulation of the compositional meaning. If we apply this purpose to the meaning of the term "hitting" in its compositional concept through all the narrations that contain explicit prohibition of it, and considering his practical tradition as evidence that he did not use hitting with the existence of grounds for disobedience from his wives, and the existence of something more severe than disobedience, which is the accusation of Lady Aisha and people circulating the incident of the false accusation. Also, considering the goals of the verses indicating good treatment and kindness towards the wife, then he does not care about the term "hitting" in its individual concept because it cannot be achieved according to the conditions specified by the jurists and indicated by the actual and verbal evidence in the prophetic texts. Thus, Al-Shatibi directs the expression towards the entire meaning, starting from the general, without falling into the partial explanation, which may deviate from the whole and miss the intended purpose.

Conclusion:

Our efforts to correct misconceptions deeply rooted in the mindset of a society that regards the text as the most important guide for its actions in life, make us strive first to liberate Muslim minds from the shackles of their environmental behavior and what they are accustomed to in their cultural makeup. We should clearly distinguish between what the Shariah dictates and the limits of their understanding of the legal texts. It also requires us to expand our view of the Shariah system as a whole, which is an integrated system and

not a fragmented one. It is strange to resort to a family system with its goals related to the overall purposes of the Shariah, and to stop at a lexicographical word that we intentionally isolated from its context and its appearance in the Quranic verse.

- Quranic indications, as well as the Prophetic narrations, both statements and actions, are sufficient in illuminating the way for the world, for humanity, and for that European and American woman who is subjected to the crime of violence. We say to those who do not understand the spirit of our legislation that the Shariah indeed honored women and forbade their beating, and beating in its true sense meant nothing but reprimand and anger.

Bibliography

The hadith narrated in the Sahihain states: "We, the people of Quraysh, used to dominate over women, but when we arrived in Medina we found a people who were dominated by their women. Our women began learning from their women. My home was in Bani Umayyah ibn Zaid, and one day I became angry with my wife. She began to argue with me, and I denied her the right to argue with me. She said, 'Do you deny me the right to argue with you? By Allah, the wives of the Prophet argue with him and even leave him until the morning.' So I went to Hafsa and said, 'Do the wives of the Prophet argue with him?' She replied, 'Yes.' I asked, 'Do they even leave him until the morning?' She again replied, 'Yes.'" (Reference: Muhammad Fuad Abdul Baqi, *Al-Lu'lu' Wal-Marjan Fi Ma Ittafaqa Alayh Al-Shaykhayn*, Cairo, Dar Al-Hadith, Vol. 2, p. 117

"He was a leader among the leaders of the Ansar, and his wife Habiba bint Zaid had an issue with him."

Al-Zayla'i, *Takhrīj al-Āhādīth wal-Āthār al-Wāqī'ah fī Tafsīr al-Kashshāf li al-Zamakhsharī*, Riyadh, Dar Ibn Khuzaymah, edited by Abdullah bin Abdul Rahman bin Saad, 1st edition, vol. 1, p. 312.

The Hadith was narrated by Hisham bin Urwah from his father from Abdullah bin Zama'ah who said: "The Messenger of Allah (peace be upon him) said: 'Can any of you beat his wife as he would beat a slave, and then lie with her in the evening?' In another narration by Sufyan bin 'Uyainah, the Prophet (peace be upon him) gave a sermon to the people about women and said: 'How does anyone of you beat his wife as he beats the stallion camel and then embrace (sleep with) her in the last part of the day?' This Hadith is narrated in Sahih Al-Bukhari by Muhammad bin Yusuf Al-Farabi and in another place by Al-Humaidi and others from Sufyan bin 'Uyainah, and it was also narrated by Muslim in another way from Hisham, Hadith no. 14546. Al-Bayhaqi also narrated it in his Sunan Al-Kubra, vol. 7, p. 305, Hadith no. 14557.

Al-Hattab, *Mawhiba al-Jalil*, vol. 4, p. 15.

Ibn Shas, *Iqd al-Jawahir*.

I was able to arrive at this conclusion by linking the particulars to the universals. Sheikh Muhammad Rashid Rida has also addressed this particular issue in his tafsir, saying: "And your good choices will not harm

you, so what resemblance is there between this license and the prohibition?"

Ibn Arabi, *Ahkam al-Quran*, Dar al-Kutub al-Ilmiyah, vol. 1, p. 536.

Narrated by Imam Ahmad in his *Musnad* and Ibn Hibban in his *Sahih*.

Surah Taha, Verse 77.

Many later interpreters understand the word "darb" to mean "distance" when it is meant to refer to the separation between water and dry land, which is a meaning that is not intended nor apparent. Rather, the meaning intended is to "make" a path for the servants through the sea to dry land. Ibn Ashur, in *"At-Tahrir wa at-Tanwir"*, Volume 16, Page 269.

In Surat Al-Baqarah, verse 273, "and striking/knocking on the ground" is a metaphor for trade, because the nature of a merchant is to travel in order to buy and sell, so he strikes the ground with his feet or his animal's feet. This is explained in *"At-Tahrir wa Tanwir"* by Ibn Ashur, Volume 3, page 74.

Surat Al-Anfal, Verse 10

Surat An-Nisa, Verse 101

can have different meanings and connotations depending on its context

The verses that indicate the importance of good treatment towards one's spouse include Allah's saying: "And live with them in kindness. For if you dislike them - perhaps you dislike a thing and Allah makes therein much good." (Surah An-Nisa, 4:19) and also His saying: "And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy." (Surah Ar-Rum, 30) and His saying: "And women shall have rights similar to the rights against them, according to what is equitable." (Surah Al-Baqarah, 2:228)

Narrated by Abu Huraira, the Messenger of Allah (peace be upon him) said:

"A believing man should not hate a believing woman. If he dislikes one of her characteristics, he will be pleased with another." (Sahih Muslim)

Al-Shatibi, *Al-Muwafaqat*, Vol.2, p.87.