

Al-Qādī, Shaykh 'AbdusSalām Burjis

(*rahimahullāh*)¹

WIFE BEATING AND DOMESTIC VIOLENCE²

Many non-Muslims in the West are confused about Islām over this point as they do not understand it, or some of them understand it yet they wish to accuse Islām and distort its image. However, I will explain this as what we say is that Islām holds that when a wife is recalcitrant with her husband, alongside what has been mentioned prior, **it commands the husband to rebuke the wife and to remind her that he has the right to enjoy her company and it is not permissible for her to leave him so that he goes to that which is impermissible.**

¹ Our Shaykh and teacher, the Qādī, 'AbdusSalām bin Burjis Āl 'AbdulKareem (*rahimahullāh*) died in 2004 in a car accident while travelling back from Qatar to Saudi, the Shaykh was in his late thirties. We were with the Shaykh the week prior to the accident and we prayed over him at the Mufti's Masjid in Riyadh and many of the 'Ulama were at the Janāzah such as the Mufti, 'Abdul'Azīz Aali Shaykh, Ma'ālī Sālih Āli Shaykh and many other scholars, students and notables, may Allāh preserve them.

The Shaykh (*rahimahullāh*) visited Brixton Mosque in London [Masjid Ibn Taymiyyah] on many occasions from the mid-1990s onwards. At Brixton in 2003, he delivered a number of beneficial lectures, lessons and question and answer sessions and some of these audios are available for download at: www.salafimanhaj.com.

The Shaykhs teachers include: Imams Bin Baz and Uthaymīn and Shaykhs Ibn Jibrīn, 'Abdullāh ad-Duwaysh, Sālih al-Atram, 'Abdullāh al-Qu'ūd, 'Abdullāh al-Ghudayyān, 'AbdulKarīm al-Khudayr and many others. The Shaykh was a Qādī in Riyadh and authored over twenty five books and critically edited and studied over 20 works by the Hanbali scholars of Najd, such as: *Tārīkh Tadwīn al-'Aqīdah as-Salafiyyah* [The History of the Codification of the Salafi Creed]; *Mu'amalat ul-Hukkām* [Dealing with the Rulers]; *al-Ahādīth an-Nabawiyyah fī Dhamm il-'Unsurīyyah il-Jāhiliyyah* [Prophetic Hadīths Censuring Racism], introduced by al-'Allāmah Sālih al-Fawzān; *al-Qawl ul-Mubīn fī Hukm il-Istihzā bi'l-Muminīn* [The Clear Word on the Ruling of Mocking the Believers], introduced by Imam Uthaymīn, etc. May Allāh shower His Mercy on Shaykh 'AbdusSalām, forgive him, bless him and grant him Jannah, āmīn.

² This lecture was given in summer 2003 CE at Masjid Ibn Taymeeyah (Brixton Mosque), London. Translated by 'AbdulHaq al-Ashanti.

So if this admonishment and gentleness does not benefit, **and this reproach and tenderness may have even been over the course of a number of days, weeks or months, it does not mean that this admonishment and tenderness only occurred over two minutes and then after that he takes it to the next level, no!** It is not permissible to go to level two before having gone through level one, so he must begin with admonishment.³

So if admonishment is of no benefit and there is no response to the reprimand then Islām entitles the husband to resort to the next level, level two, which is abandoning the wife. In this way he abandons the wife by not remaining with her in the same place and some scholars say that he should stay out of the home, yet most of the scholars say that the abandoning actually takes place within the home, by abandoning sleeping within the same bed without having to actually leave the house. Meaning: he sleeps in another room other than the room that the wife is sleeping in. **If this does not affect the situation in any way for the woman to return (to obedience), Islām brought forth Allāh’s saying,**

﴿وَأَضْرِبُوهُنَّ﴾

“...and (finally) strike them.”⁴

{*an-Nisā* (4): 34}

Now the issue of ‘beating’ as come, is the meaning of ‘beating’ wrongdoing and insulting the wife? **Neither does Islām wish for this nor is Islām pleased with this.** However, this issue of ‘beating’ is something which the non-Muslims have used in order to confuse the image of Islām and the Glorious Qur’ān. **The Divinely Legislated beating is not the same ‘beating’ that people immediately imagine like the beating of a killer or a bloody beating or even a beating that hurts.** Sometimes people when their patience has been exhausted will beat his child with his hand in a manner in which the child will realise that it should not do any wrong, this is an important matter.⁵ **Admonishment does not benefit, abandoning does not benefit, so now**

³ **Translator’s note [TN]:** Thus, the process may even have to take days, weeks and months, as opposed to just a matter of minutes.

⁴ As a last resort. It is unlawful to strike the face or to cause bodily injury.

⁵ [TN]: The Shaykh (*rahimahullāh*) here is not advocating that men should go and beat their wives he was merely saying what Islām actually says upon such matters. The Shaykh (*rahimahullāh*) also mentioned the case of the Spanish Imām who was fined for mentioning the verse that men can beat their wives. This was Muhammad Kamāl Mustaphā who was the Imām of a *masjid* in the southern Spanish resort of Fuengirola. A court in Barcelona sentenced him to fifteen months in jail and also fined

the nip-in-the-bud has to come, meaning: **“Pay attention! Be careful! Reflect! You are on a path that is incorrect!”** For this reason, some of the Salaf said that any beating should be done with a *siwāk*, and as for the *siwāk* you all know it, and they used to beat with it.⁶

However, if the beating caused pain and affected, and it may cause some degree of pain but if it also *injures* then the issue is that the husband is answerable for affecting his wife in this way. From this angle the scholars (*rahimahumullāh*) have some disagreement regarding whoever beats his wife and injures her in such a way that she becomes bruised or bloodied, some scholars have noted that the man is answerable or not and the scholars who say that indeed the man is answerable for this highlight that he must pay the woman some form of compensation or the judge (Qādī) must punish him due to this beating! This is the correct opinion and this is applied by us in the law courts of Saudi and from the cases that came to me personally in Riyadh was that of a man who beat his wife, injuring her thighs and caused injury, making her skin become blue or red due to the beating. It is known that this will clear up after some time so the judge ruled that the man should be whipped fifteen times as a punishment for him. Why is this beating confronted with such a punishment? The document about this legal case is found with us, and I know of the case well as I read about it and then published it, it is a case that I would say is not common or widely spread as some disbelieving Westerners imagine and spread, no!⁷ However, I merely mention this legal

him \$2700, the court also told him to study the Spanish constitution for sixth months and the declaration for human rights!? Mustaphā authored a book entitled ‘*Women in Islam*’ in which he noted that beatings should be administered to the hands and feet so as not to leave any bruising. France also deported an Imām, Abdul-Qādir Booziane, for similar remarks on French national television in October 2004 due the non-Muslims there not adequately understanding the issue on top of their enmity against Islām and the Muslims there, and maybe due the lack of lucidity of these Imāms in explanation of the issue.

⁶ [TN]: The *siwāk* is a small stick that is used for cleaning the teeth it is akin to a twig in size and weight.

⁷ [TN]: Some non-Muslims in Europe revel in pointing the finger at Islām and the Muslims, sweeping their own problems neatly under the carpet whilst doing so. They therefore attempt to shift blame to minority communities or ‘immigrants’, opting at times to refer to their own domestic violence problems as “*crimes of passion*.” In Spain, murders are committed against women at a rate of one every four days. In 2003, more than 73 women were killed by their husbands (three-quarters of whom had never made any official complaint), a figure 34% higher than that for 2002. In 2010, 73 women died at their homes at the hands of their husbands, roughly one every five days, which was an increase from 55 in 2009. Over 11% of women aged over 18 have been victims of domestic violence, a total of 2 million. It is estimated that in Spain 100 women are murdered a year due to domestic violence with 30,000 reports of domestic violence per year. In 2004, the country’s leader, Zapatero, described their situation as “the

worst shame” and an “unacceptable evil” (Kate Adler, BBC, April 27 2004). The problem was so bad for the Spaniards that they had to introduce new legislation to deal with the issue and implement a ‘zero tolerance’ crackdown on the problem. The Spanish magazine *Expatica* noted that Norway had the highest domestic violence death rate in Europe at one stage.

In France, six women per year are thought to be murdered due to domestic violence and in Switzerland 20% of women claim to suffer physical and psychological abuse. As for the UK, a woman every three days is killed by her partner and one in every four women experiences domestic violence. A report in *Time* magazine in August 2003 noted a 2002 survey by the *Women's Council of Moscow State University* which indicated that 18% of Russian women suffer “regular and cruel physical treatment” at the hands of a husband or lover. Many abused women turn to the *Russian Association of Crisis Centers for Women*, rather than to the police, for help. Some 96,000 did so in 2002. In an article on domestic violence by Mr Ignacio Ramonet published in "*Le Monde Diplomatique*" (a French newspaper) in 6 July 2004, it was noted that in Portugal 52.8% of women claim to have been subjected to violence by their husband or partner. In Germany, women are murdered by the men with whom they are living at a rate of three every four days, so the total is almost 300 a year.

Romania seems to be one of the European countries with the most serious problem in terms of domestic violence against women, an annual average of 12.62 per million Romanian women are killed by their male partners. In Finland, 27 women a year on average die as a result of violence inflicted by their partner; in Austria, violence against women is the reason cited for half of all applications for divorce; in the Netherlands, a fifth of women have been subjected to physical violence by a companion or former companion. 6.58 per million Norwegian women are killed in the home, compared to 5.56 per million in Luxembourg, while the figure for Denmark is 5.42, Sweden's rate is 4.59, followed at the bottom of the scale by Italy and Ireland. 42.4% of women in Lithuania say that they have been subjected to physical or sexual violence by their partner. Only 10% of the victims have reported the most serious incident to the police; 38% of women in the Czech Republic say that they have been subjected to conjugal violence. (*Parliamentary Asssembly, 'Campaign to combat domestic violence against women in Europe'*, 16 September 2004, *Committee on Equal Opportunities for Women and Men*). The polytheists of India also have around 7000 dowry-related deaths per year and over 140,000 reports of domestic violence per year.

In saying all of the above, Muslim countries, due to the spread of ignorance, poverty and lack of education, have very high rates of domestic abuse in the world. A 2013 Human Rights Watch report reported that 85% of women reported facing it, and having a female suicide rate higher than that of men. There is no doubt that ignorance widespread in the country, along with it being steeped in rigid Hanafi Madhhab parochialism is no doubt a contributory factor to such ignorance. Afghanistan in 2014 also amended a criminal prosecution code which bans relatives of n accused from testifying against them!?! In Afghanistan was the case of Sahar Gul a young girl who married and was chained, starved, burned, whipped and beaten by her in-laws. According to a UN study, the World Health Organisation argued that in Bangladesh 40% of women claimed to have experienced domestic violence. There is also a high rate of domestic abuse during pregnancy in Bangladesh. In Egypt, a 2010 study found that 85%

document as I know about it exactly, **therefore this is Islām's correct ruling concerning the issue of 'beating' not the mere claims of some men who beat their wives if they are blamed of something and then ascribe this as being Islām.**⁸

of women had experienced sexual harassment, and a 2012 UN study found that 33% of women had experienced domestic violence. In 2007, a WHO study found that there were over 25,000 reported cases of domestic violence, husbands beating their wives in most cases, but also in-laws beating wives. According to a Pakistani government report in 2011, 80% of women have suffered from domestic violence. In Morocco, between 1984 and 1998 there were 28,000 reported cases of domestic violence. A 2009 study conducted by the Turkish government found that 40% of women had experienced domestic violence from their husbands.

Yet the countries which have the highest rates of domestic violence in the world, according to surveys and statistics, are not just the Muslim countries: the USA, Barbados, Canada, New Zealand, Switzerland, India, Latina American countries and South Africa have high rates of domestic abuse and violence.

⁸ [TN]: For example, also in relation to what was mentioned in the above footnote about Muslim countries and domestic violence, some of the extremist and violent actions that many ignorant Muslims commit which can include condemning Muslim men and women based upon scant evidence that opposes the Qur'ān and sunnah; chopping off the noses and ears of women; gauging out women's eyes; burning women alive; honour killings and beatings. What is strange is that the ignorant Muslims who commit such actions try to claim that Islām allows them to do this even though they have never referred the issue to qualified Muslim scholars who have knowledge of the sunnah and may have never even read the Qur'ān!? Some Muslim countries, as we have seen above with the case of Afghanistan, even report to have a domestic violence rate of nearly 90%!

As a result of such ignorant Muslims committing these atrocities, Western 'human rights' agencies have to go into Muslim countries, as the Muslims are inactive in opposing such evils and do not refer to the Qur'ān and sunnah in dealing with their families. Moreover, if the da'wah to the Qur'ān and sunnah was not repressed in certain Muslim countries these atrocities would not take place in the first instance. Then after all of this there arises so-called "Islamic reformers" who have then try to lay the blame at the feet of the Muslims who emphasise a return to the Qur'aan and Sunnah, the Salafis, as being the main cause for such atrocities against women in Muslim lands.

Then there is the phenomenon, which exists in the UK for example, of women fabricating cases against husbands all in order to render the man in prison and then assume custody of any children from their relationship, the welfare state will then support the women with sizeable state benefits while the man ends up with nothing. This has led to male pressure groups emerging such as *Fathers for Justice* and trying to get "fathers' rights". Unfortunately, many Muslim women in the UK also resort to such false allegations which are borne out of pride, arrogance, deceit, chicanery, self-interest and weak faith. And due to the rates of domestic violence in African and Asian countries, some Muslim women in the West, somewhat simplistically, regard men who have origins from African and Asian countries as being intrinsically misogynist and thus not suitable for marriage over men of European origins?! In many of

such cases, personal interests, seeking to dominate the spouse and greed are also reasons for such simplistic and prejudicial views of men of African and Asian origins.