

Domestic Violence and the Islamic Tradition: A Book Review

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Introduction

Ayesha S. Chaudhry is a professor of Islamic Studies and Gender Studies at the University of British Columbia. She completed her Ph.D. in Middle East and Islamic studies from New York University, and holds a Masters degree in Near Eastern Civilizations and Women's Studies from the University of Toronto.¹ Her text *Domestic Violence and the Islamic Tradition* showcases the complexity and diversity of the Muslim intellectual tradition on the topic of marital violence.² Domestic Violence can easily be categorized as one of the most comprehensive works dealing with the interpretation of the Qur'anic verse 4:34, an often-cited verse that allegedly sanctions domestic violence.³ The book investigates the ways Muslims engage with Qur'anic text, the patriarchal Islamic tradition, and how a community of believers who value gender-egalitarianism addresses a concrete ethical problem – domestic violence.⁴ In this review, I will provide an overview of the book by briefly describing the contents of each chapter. After having outlined Chaudhry's major arguments and contentions, I will critically analyze the work by testing Chaudhry's observations and hypotheses through an examination of the politics surrounding the passage of the Punjab Protection of Women against Violence Act 2016 ('the PPWVA').

Overview of Domestic Violence

Chaudhry begins the book with the acknowledgement that no aspect of Islam is gender-neutral; everything is gendered, from sacred texts, theology, ethics, legal theory, jurisprudence to mystical expressions and the embodied experiences of believers.⁵ She expresses her discomfort with the verse Q. 4:34, which is used to justify violence against women. This uneasiness led her to conduct a detailed survey of exegetical and legal writings offering varied interpretations by Muslim scholars, spread over several centuries, starting from the earliest centuries of Islam to the seventeenth century, the twentieth and twenty-first centuries. The work is divided into two parts. The first part examines the interpretations offered by Muslim scholars and jurists in the pre-colonial era, and the second part deals with the interpretations provided in the post-colonial era. She explains that the reason for this division is the change in the Muslim discourse, especially with regard to gender, which came with the advent of colonialism. Chaudhry claims that the pre-colonial age represents the pinnacle of Islamic thought and the formation of a pristine and spiritually ascendant Islamic tradition. She further claims that one of the challenges faced by the post-colonial Muslim

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² Ayesha S. Chaudhry, *Domestic Violence and the Islamic Tradition* (1st edn, Oxford University Press 2013) 19.

³ Men are *qawwamun* (in authority) over women, because God has preferred some over others, and because they spend of their wealth (to maintain them). Righteous women are obedient and guard in (their husbands') absence what God would have them guard. Concerning those women from whom you fear *nushuz* (disobedience/rebellion), admonish them, and/or abandon them in bed, and/or *wa-dribuhunna* (hit them). If they obey you, do not seek a means against them, God is most high, great.

⁴ (n 2) 19-20.

⁵ Ibid 1.

scholars is that they must anchor their positions in the Islamic tradition, as breaking away from the tradition results in loss of authority in the eyes of the community.⁶

The foundational argument of *Domestic Violence* rests on the notion of ‘idealized cosmology’, which is explained as the representation of a perfect world, the vision of the world as it should be rather than what it is. In the case of the Muslim scholars under study, idealized cosmologies are visions of the universe as it would exist if all humans submitted themselves entirely to God’s laws.⁷ The book suggests that the scholars from the pre-colonial and the post-colonial periods adhere to competing idealized cosmologies that are fundamentally irreconcilable. Scholars from the pre-colonial era promote patriarchal visions of Islam while those from the post-colonial era support an egalitarian vision of Islam, making it difficult for contemporary Muslim scholars to promote a gender-egalitarian interpretation of the Qur’an without losing authority. Chaudhry argues that the idealized cosmologies shape the scholars’ expectations from the Qur’an and hence determine the meanings they derive from the verse Q. 4:34.

The first three chapters of *Domestic Violence* are devoted to explaining how the verse Q. 4:34 has been interpreted and expounded upon by the Muslim exegetes and jurists of the pre-colonial era. The first chapter in particular provides the textual, historical, and cosmological contexts of the verse, which Chaudhry argues, have profoundly influenced its meaning. Her approach towards the textual context can be explained through the various interpretations of Q. 4:34 when read with Q. 4:35.⁸ Together, the verses can be interpreted to mean that if a marital conflict cannot be solved through admonishment, abandonment and hitting, then a process of adjudication should be initiated.⁹ However, it can also be understood to mean that when faced with a conflict, rather than attempting to address the issue internally through punitive means, it is best to seek external adjudication.¹⁰ Chaudhry provides details of the occasions of the revelation of the verse. A woman named Habiba was reportedly hit by her husband, and she took her case to Prophet (SAW), who ruled in her favor and provided her retribution.¹¹ It is said that the verse Q. 4:34 was revealed at this time, forcing the Prophet to revoke his verdict.¹² Chaudhry holds that the discussion of Habiba’s story in the commentaries reveals that the pre-colonial exegetes spent their interpretive energies reconciling the discrepancy between the Prophet Muhammad’s (SAW) response and the divine decree in Q. 4:34, rather than on any ethical concern for Habiba’s welfare or protection. Chaudhry claims that despite variance on some technical points, the pre-colonial exegetes have consistently offered patriarchal interpretations of the verse. They have interpreted the terms like ‘*qawwamun*’ and ‘*faddala*’ which can have various meanings, to uphold the hierarchy of men over women, and the reason for this lies in their idealized cosmologies.

⁶ (n 2) 11.

⁷ Ibid.

⁸ Ibid 24. Translation as provided in *Domestic Violence* of Q. 4:35, ‘If ye fear a breach between them twain, appoint (two) arbiters, one from his family, and the other one from hers; if they wish for peace, Allah will cause their reconciliation: for Allah hath full knowledge, and is acquainted with all things.’

⁹ Ibid 28. This interpretation was adopted by the pre-colonial Muslim scholars.

¹⁰ Ibid.

¹¹ Ibid 32.

¹² Ibid.

The second chapter explores the ethical discussion on the procedures for disciplining the wives.¹³ The ethical discourse is centered around the terms ‘*khawf*’ (literally, fear), ‘*nushuz*’ (literally, to rise), ‘*fa-izhunna*’ (admonish them), ‘*wa-hjuruhunna fi al-madaji*’ (abandon them in beds) and ‘*wadribuhunna*’ (hit them).¹⁴ The interpretation of each of these terms has the potential to restrict or expand the privileges of a husband. Chaudhry points out that the term *nushuz* has also appeared in Q. 4:128 concerning *nushuz* by husbands. The pre-colonial exegetes, however, have interpreted wifely *nushuz* to mean four things: general disobedience, sexual refusal, rising out of one’s place, and hatred for one’s husband. In contrast, husbandly *nushuz* has been interpreted restrictively as ‘rising out of bed’, hatred for one’s wife or sexual withdrawal. The most common interpretation of *nushuz* in the pre-colonial era was a wife’s disobedience towards her husband. The majority of scholars understood it to be unqualified disobedience, expanding the range of behaviors for which a wife could be disciplined, while some limited it to sexual disobedience (described as a wife sexually refusing herself to her husband). Chaudhry illustrates the various meanings of admonishment and abandonment in bed as derived by scholars. Some understood admonishment as a strict warning or a threat, while others construed it as taking a loving approach with the aim of persuading the wife. Similarly, a range of explanations existed regarding abandonment in bed, varying from turning back on one’s wife to sexual abandonment, and to allowing the husband to have sex with the wife while shunning her in other ways. Chaudhry conducts a detailed examination of the term *wadribuhunna* which has been predominantly used in the debate on domestic violence. The pre-colonial scholars have unanimously interpreted *wadribuhunna* as hitting, striking or beating.¹⁵ The only disagreement among the scholars of that era was on the procedure and the extent of permissible hitting. The scholars held that the hitting should not be extreme. However, their definition of non-extreme varied drastically, ranging from hitting with a handkerchief to lashing the wife hundred or more times with a whip.¹⁶ The scholars only considered the prosecution of the husband in cases of excessive violence resulting in the wife’s death. Chaudhry concludes this chapter by pointing out that in spite of varied interpretations illustrating the interpretive flexibility available to the exegetes, they uniformly interpreted *wadribuhunna* to mean ‘hit them’.

The third chapter of *Domestic Violence* addresses the treatment of wife beating in the pre-colonial jurisprudence and explains the positions of the four major Sunni legal schools of thought: Hanafis, Malikis, Shafi’is, and Hanbalis. The discussion highlights that the Hanafi school instituted a husband’s disciplinary power over his wife with minimal legal accountability, while the Maliki position of making the husband liable for monetary compensation where the disciplining action results in damage or injury to the wife shows some concern towards regulating a husband’s power.¹⁷ The Shafi’is took the imperative as meaning that Q. 4:34 was permissive rather than injunctive and thus designated disciplinary action as a discouraged (*makruh*) act.¹⁸ Chaudhry’s study of the aforementioned positions reveals that the Sunni jurists were in agreement that husbands had the right to hit their wives if they committed *nushuz*. The beating should be non-extreme, and what constituted extreme

¹³ Ibid 57.

¹⁴ Ibid 58.

¹⁵ Ibid 80.

¹⁶ Ibid 83.

¹⁷ Ibid 108, 116.

¹⁸ Ibid 124.

or non-extreme was legally ambiguous.¹⁹ Chaudhry highlights that there was no discussion by these jurists on the legal recourse available to wives in cases where the severe beating did not result in broken bones or wounds. The majority of them held that a husband was only liable for retribution (*qisas*) in the case of his wife's death.²⁰

The fourth chapter deals with what Chaudhry claims to be a transformed discourse on wife beating in the post-colonial era. This is the longest chapter of her book where she illustrates how a refashioned idealized cosmology has led the Muslim scholars of this era to understand the mere permission to hit wives as increasingly controversial, and has divulged the disparate approaches these scholars have taken to resolve this issue.²¹ Chaudhry has divided this chapter into four parts, discussing the approaches of four different groups: traditionalists, neo-traditionalists, progressives, and reformists.

The traditionalists hold onto the patriarchal idealized cosmology of the pre-colonial times but add a modern spin to their arguments. They justify the husband's rank above the wife in a marriage due to his greater physical strength and intellectual capacity.²² They expand the definition of *nushuz* to include carelessness, dishonesty, obstinacy, rudeness, disrespectful behavior, disregard for marital obligations, sexual lewdness, rejection of reasonable requests, sexual disobedience, going outside the house without the husband's permission, refusal to purify herself after sex/menstruation, and the abandonment of religious obligations.²³ The traditionalists restrict the kind of beating available to the husbands, and interpret the imperative 'hit them' as permissive in case of necessity and as a last effort to save marriage.²⁴

The chapter then goes on to examine the position of the neo-traditionalists and claims that they are in the unenviable position of trying to balance the authority of the patriarchal tradition with gender-egalitarian values.²⁵ It is further claimed that the interpretation of *wadribuhunna* as 'hit them' is emblematic of the position of the neo-traditionalists who, while heavily supporting egalitarian cosmology, have managed to create an ethical space for husbands to hit their wives.²⁶ The neo-traditionalists hold that the hitting is meant to be symbolic rather than punitive. They restrict the definition of *nushuz* to either manifest indecency or the ill will of the wife. The neo-traditionalists distinguish between physical disciplining and violence, and condemn domestic violence. Chaudhry aptly points out their failure to provide grounds for this delineation.

Chaudhry then moves on to discuss the position adopted by the progressive scholars. She asserts that to claim authority, the progressive scholars desire to maintain a relationship with the pre-colonial tradition. They achieve this by representing minority opinions in traditional sources as dominant, and presenting them in such a light that they support their gender-egalitarian understanding of Islam. Moreover, they interpret *nushuz* to mean 'sexual

¹⁹ Ibid 131.

²⁰ Ibid.

²¹ Ibid 135.

²² Ibid 145.

²³ Ibid 149.

²⁴ Ibid 154.

²⁵ Ibid 157.

²⁶ Ibid 158.

infidelity and disloyalty’ and hold that this applies to both, the husband and the wife.²⁷ The progressive scholars offer alternative meanings of *wadribuhunna*, arguing that it might mean ‘and have sex with them’ after a period of separation or ‘turn away from them.’²⁸ They firmly believe that there is no room for husbands to hit their wives.

Finally, the chapter discusses the approach adopted by the reformists. The approaches of the reformists and the traditionalists lie on the opposite ends of the spectrum. The reformists claim not to be bound by tradition as it was created by men who were but subjects of their historical and social contexts. They interpret *nushuz* in the same manner as the progressives. They also offer unprecedented and non-violent interpretation of *wadribuhunna* to mean ‘separation’. Chaudhry concludes this chapter by observing that the struggle in the modern discussions is not so much with the Qur’anic text as with the tradition of interpretation that attributed patriarchal meanings to the Qur’an.²⁹ She argues that this diversity in the contemporary thought in many ways parallels the pre-colonial scholarship on topics unrelated to gender.

In the final chapter of her book, Chaudhry illustrates the selective use and different interpretations of the Qur’anic texts and the Prophetic reports by Muslim scholars to justify their interpretations of the Qur’anic texts. She provides various examples, most notably, the verse Q. 30:21. This verse states, ‘And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts); verily in that are Signs for those who reflect.’³⁰ The progressives and the reformists use this verse to establish the basis of an ideal relationship and as a challenge to physical disciplining, whereas the pre-colonial scholars have never mentioned Q. 30:21 in their exegetical and legal reflection on Q. 4:34.³¹ Similarly, Chaudhry argues that according to a *hadith*, the Prophet (SAW) prohibited men from hitting their wives like slaves and then sleeping with them on the same evening.³² The pre-colonial scholars interpreted this *hadith* as distinguishing the beating of wives from the beating of slaves since husbands might desire intimacy with their wives. Meanwhile, the progressives and the reformists understood it to mean that there was an outright prohibition against hitting one’s wives, holding that Prophet (SAW) instructs Muslims not to beat their wives as they would beat a slave.³³ Finally, Chaudhry concludes her book by reiterating that the readers and their expectations determine the meaning of any given piece of the Qur’anic text.

Analysis

Domestic Violence is an accessible piece of work, making it easier to grasp the nuanced reality of the interpretations of Q. 4:34 offered by various scholars. Chaudhry’s extensive examination of the position of traditional and contemporary scholars with respect to the other Qur’anic verses and Prophetic reports shows the thoroughness of her research. The

²⁷ Ibid 179.

²⁸ Ibid 182.

²⁹ Ibid 195.

³⁰ Ibid 202.

³¹ Ibid.

³² Mansur ibn Yunus Al-Buhuti, *Irshad uli al-nuha li-daqa iq al-Muntaha: hashiya ala Muntah al-iradat* (vol 2, Dae Khidr 2000) 1133; *Muwaffaq al-Din ‘Abd Allah ibn Ahmad Ibn Qudama, al-Mughni li-Ibn Qudama* (vol 10, Hajr, 1982) 1261-62; Mari ibn Yusuf Al Karmi, *Ghayat al-muntaha fi al-jam’ banya al-Iqna wa-al-Muntaha* (vol 2, al- Mu’assasa al-Sa’idiyya, 1981) 92; (n 1) 218.

³³ (n 2) 218.

incorporation of interpretations offered by female Muslim scholars is another commendable feature of her work. Her discussion of the influence of one's idealized cosmology on one's interpretation of primary sources is particularly insightful. It lays bare the extent of maneuvering by scholars, while interpreting the sources, in reaching their desired conclusions. The book is well-structured and the arguments are clear and well-presented. Even if the readers, without knowing her thesis, were to read some extracts of her book dealing with diverse interpretations offered by scholars, they would probably arrive at the same conclusion.

Chaudhry's work has special relevance for Pakistan, particularly with reference to the recent passage of the PPWVA by the Punjab Government that has sparked debate on the link between domestic violence and Islam. As the name suggests, the PPWVA was meant to provide protection to the women of Pakistan, which has been ranked as the third most dangerous country for the women to live in.³⁴ Section 2(r) of the PPWVA describes violence as 'any offence committed against the human body of the aggrieved person including abetment of an offence, domestic violence, sexual violence, psychological abuse, economic abuse, stalking or a cybercrime.'³⁵ The fact that the Act attempts to criminalize domestic violence has caused much controversy. While the legislation was welcomed and celebrated in some quarters of the country for being a step in the right direction, others, particularly the right wing religious parties and the Council of Islamic Ideology (CII), vehemently opposed it and declared it un-Islamic.³⁶ They opined that the law is a threat to the family as a social institution and is contrary to the teachings of Islam and Sharia, and hence to the Constitution of Pakistan.³⁷ The CII also claimed that the law decreased the powers of husbands in a marriage and oppressed them.

Following this, the CII has recently proposed an alternative Women Protection Bill. Among the various propositions, the most relevant for the purposes of this review is the advisory body's proposal that 'a husband should be allowed to lightly beat his wife if she defies his commands and refuses to dress up as per his desires; turns down demand of intercourse without any religious excuse or does not take bath after intercourse or menstrual periods.'³⁸ It has suggested that beating is also permissible if a woman does not wear *hijab*, interacts with strangers, speaks loud enough that she can easily be heard by strangers, and provides monetary support to people without her spouse's permission.³⁹ In a press release, the CII sought to clarify what it meant by 'lightly beating', suggesting that a husband 'hit her with light things like [a] handkerchief, a hat or a turban, but do not hit her on the face or private parts. And the beating should not cause any kind of physical damage or even scratches. Resort to light stuff, nothing serious.'⁴⁰ This proposition by the CII has brought to

³⁴ Asian Human Rights Commission, 'PAKISTAN: World's third most dangerous country for women, A statement on the International Day for the Elimination of Violence against Women' *AHRC News* (24th November, 2015).

³⁵ Protection of Women against Violence Act 2016, s 2 (r).

³⁶ Dr. Inam Ullah, Chief Research Officer CII, Press Release, 5th April 2016 <<http://cii.gov.pk/pressreleases/PressRelease050416.pdf>> accessed 14 June 2016.

³⁷ *Ibid.*

³⁸ Obaid Abbasi, 'Women Protection: CII Tells Members to Finalise Bill' *The Express Tribune* (26th May, 2016) <<http://tribune.com.pk/story/1110571/name-protection-cii-bill-proposes-curbs-women/>> accessed 13 June 2016.

³⁹ *Ibid.*

⁴⁰ Sardar Sikander and Aroosa Shaukat, "'Gentle Beating' of Wife is No Violence, says CII Chief" *The Express Tribune* (27th May, 2016) <<http://tribune.com.pk/story/1111222/nothing-serious-gentle-beating-wife-no-violence-says-cii-chief/>> accessed 13 June 2016.

the forefront a highly debated issue – does Islam condone domestic violence? Is Islam not a religion of peace? What does it mean to say that men have authority over women? Does Islam not promote egalitarian principles? What exactly do the terms *nushuz* and *wadribuhunna* in the verse Q. 4:34 denote?

Using Chaudhry’s analytical framework to examine the Women Protection Bill proposed by the CII, it appears that the CII’s proposal to make lightly beating one’s wife permissible has more to do with an interpretation of the verse Q. 4:34, which is influenced by their patriarchal world view, rather than by what Islam or the Qur’an represents. The opponents of the PPWVA claimed that it was an attempt to make men insecure. As a result, it was unsurprisingly to protect the privileges and powers of men that the CII responded with its own version of the Act, allowing husbands to lightly beat their wives for the commission of *nushuz*.⁴¹ Viewing the CII’s position through the lens of Chaudhry’s idealized cosmologies helps one place the CII on the spectrum of the pre-colonial and the post-colonial scholars. The CII seems to fall in the category of the traditionalists among the post-colonial scholars with its expansive definition of *nushuz* and restrictions on permissible beating available to husbands. It also helps one understand the basis of the CII’s arguments and the selective picking and choosing by it of the Qur’anic verses and the Prophetic reports. This gives one a tool to engage in constructive evaluation of the position adopted by the CII rather than blatantly discarding its position without grounds to supports one’s stance.

Chaudhry believes that it was the experience of colonization by the West that brought about changes in the traditional Muslim discourse. She refuses to provide a specific date for colonization since different regions experienced it at different times. It can be argued that Chaudhry fails to take into account the periods during which colonization actually occurred and to provide how and on what grounds the discourse was changed, as she only ends up discussing the earliest centuries of Islam till the seventeenth century, and then fast forwards her discussion to the twentieth and twenty first centuries. She also fails to address other pertinent questions: Would there have been no change in the discourse if not for colonization? Is it correct to assume that the West espoused egalitarian values during colonization when it was itself struggling with issues like the women’s suffrage movement? What about the position of the Muslim scholars who were in the regions that were not colonized? Her stance fails to provide reasons for evolution in the Muslim discourse. She needed to address these questions to provide a better understanding of the actual reasons for the change in the Muslim discourse which she claims resulted from colonization. Moreover, the influence of the West on Islamic thought in particular has to be examined critically because of the attitude of the majority of the Muslim scholars, especially in our part of the world, who see the West as a threat. There are scholars who are not ready to engage with any thought that has been influenced by the West. Some opposition to the PPWVA was rooted in the belief that the Act was a conspiracy by the West to undermine Islam and dominate the Muslim culture. Fazl-ur-Rehman, a cleric and leader of the party Jamiat Ulema-e-Islam (F), said, ‘[T]his law is an attempt to make Pakistan a Western colony again.’⁴² This is one of the reasons for which the Islamic tradition is defended vehemently, and in order to derive

⁴¹ ‘CII Rules Women’s Protection Law ‘un-Islamic’ *The Express Tribune* (3rd March, 2016) <<http://tribune.com.pk/story/1058773/top-pakistani-religious-body-rules-womens-protection-law-un-islamic/>> accessed 14 June 2016.

⁴² ‘Pakistan Religious Leaders Slam Women’s Protection Act’ *Al Jazeera* (4th March, 2016) <<http://www.aljazeera.com/news/2016/03/religious-leaders-slam-women-protection-act-pakistan-160303160705361.html>> accessed 12 June 2016.

authority, Muslim scholars have to provide a basis for their position in the tradition. Chaudhry's claim that it was the influence of the West that brought about change in the discourse just feeds into the fears and insecurities of the Muslim scholars and strengthens their monopoly over what constitutes a tradition.

As pointed out earlier, the book starts with Chaudhry's acceptance that every aspect of Islam is gendered. She moves on to question Islam's stance on gender equality. The book attempts to address this question by surveying how different scholars interpreted the Qur'an and at the same time shedding light on how those scholars handpicked the verses and the Prophetic reports that favored their interpretations. Chaudhry's approach leaves the question open-ended and invites the reader to challenge the credentials of an 'egalitarian' approach of the contemporary Muslim scholars, especially in the final chapter where she sheds light on the failure of these scholars to address verses or the Prophetic reports that blatantly disfavor their stance. An instance of this is the Prophetic report where the Prophet (SAW) prohibited men from hitting their wives saying, 'Do not hit the maidservants of God' but he later retracted his ban on hitting wives in the following words: 'hit them.' However, when married women complained to Prophet Muhammad (SAW), he censured those who had hit their wives, saying, '[T]hey were not best of the men.'⁴³ The post-colonial scholars ignore the part of this *hadith* that gives permission; they draw on the first and the last portions of the *hadith*.⁴⁴ Similarly, Chaudhry gives an example from the Prophet's farewell sermon when the Prophet gave important instructions for moral, ethical and upright behavior while summing up his prophetic message. He enjoined believers to hit their wives in a non-extreme manner only if they allowed those whom their husbands disliked into their beds or if they openly committed lewd acts.⁴⁵ However, the post-colonial scholars who claim that physical violence is prohibited, regardless of whether the nature of beating is extreme or non-extreme, simply discredit the authenticity of this *hadith*.⁴⁶ Hence the debate whether or not Islam promotes equality, which was initiated rather enthusiastically by Chaudhry with her personal account, is left unattended. This raises two questions (or confusions) in the reader's mind. Does Chaudhry believe that there can never be a clear answer to the issue and hence obscures the discussion in her conclusion by pointing out that Q. 4:34 will always have multiple meanings?⁴⁷ Or is Chaudhry, who believes in gender-egalitarianism, shying away from acknowledging that Islam itself is inherently patriarchal? It would have been interesting to have a clear answer from Chaudhry on the issue, given that she was aware of the gaps in the arguments presented by the scholars and their maneuvering to reach the conclusions they wanted to derive based on their idealized cosmologies.

Conclusion

Despite its shortcomings, *Domestic Violence* offers readers a means to constructively engage with the explanations provided by various Muslim scholars concerning controversial social subjects. It effectively illustrates the influence of the idealized cosmology-driven expectations on the selection and interpretation of primary resources through an extensive

⁴³ (n 2) 211.

⁴⁴ Ibid.

⁴⁵ Al Khazin al Baghdadi, *Tafsir al-Khazin: al musamma Lubab al ta'wil fi ma'ani al tanzil* (Maktaba al-Muthanna 1975) 375; Abd al Rahman al-Tha'alibi, *Tafsir al-Tha'alibi, al-musamma bi-l-Jawahir al-hisan fi tafsir al-Qur'an* (vol 2, Dar Ihya al-Turath 1997) 230-1; (n 1) 213.

⁴⁶ (n 2) 214.

⁴⁷ Ibid 224.

study of the diverse interpretations of the verse Q. 4:34.⁴⁸ The traditional Muslim scholars, from a period of uncontested reign of patriarchy, interpreted *wadribuhunna* as meaning that husbands could hit their wives. None of them believed it to be unacceptable or forbidden for husbands to hit their wives.⁴⁹ It goes on to show that the modern Muslim scholars, belonging to an age where patriarchy is being challenged by gender-egalitarianism, provide multiple interpretations of *wadribuhunna*, with some scholars interpreting it to mean that husbands may not hit their wives at all.⁵⁰ By engaging with the criticism of both the traditional Muslim scholars and the modern Muslim scholars, the book allows readers the creative space to challenge those scholars sitting in various councils and asserting religious authority, by surpassing the boundaries of the framework set by those scholars.

⁴⁸ Ibid 220.

⁴⁹ Ibid.

⁵⁰ Ibid 221.