

Violence Against Women Between Reality and the Perspective of Islamic Sharia

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ABSTRACT

Violence is among the first behavioral manifestations known to humanity, but recently it has become steadily increasing in all its various forms and manifestations, which has led to the planting of terror and fear within the segments of society.

Violence against women is a global phenomenon that varies from one society to another, due to prevailing customs, traditions and systems, in addition to technological progress and development, and the overlap of social and cultural changes that differ from one country to another, where it can be said that it is a problem that is not limited to a specific country or society, but rather a phenomenon prevalent in all countries of the world, including our Arab societies.

Women in Algerian society have witnessed distinction and brilliance in their status in all fields, and a group of factors have contributed to this that have enabled them to ascend to the highest ranks, professions and positions, and despite this, women are still subject to continuous male control and dominance by relatives, or work colleagues, and they still suffer from neglect and violence by segments of society despite the huge amount of laws enacted by the state to protect this being from this phenomenon that is foreign to our religion.

Keywords: violence against women, violence against women, socialization.

INTRODUCTION

Violence has accompanied human beings since their existence on Earth, as an innate impulse reflecting a tendency toward aggression. It is resorted to either to achieve goals imposed by nature or to confront its harshness. The resort to violence as a means of expressing or feeling power on one hand, and the trend toward more comfortable ways of living on the other, has made violence one of the undeniable realities of the present era. The world is now witnessing a wave of violence that threatens its security and destabilizes its stability, causing societies to live in anxiety and confusion in the face of this phenomenon, which reached its peak in the twentieth century and has continued into the beginning of the twenty-first century.

The twentieth century witnessed the most destructive wars and the most diverse forms of violence, while also marking the highest level of scientific and technological advancement, which was employed in the field of violence, making it more fierce and dangerous to humanity anywhere. Moreover, the beginning of the twenty-first century was marked by unrest, indicating that the world may not know the peace and security longed for by all of humanity.

Thus, violence may originate from an individual, a group, an organization, or even the state itself. It involves the direct use of both physical and moral elements of power. As previously mentioned, violence has become one of the undeniable realities of this era. The last decade of the past century witnessed an unprecedented level of international attention to the issue of violence against women, as the intensity and variety of such violence increased, posing a threat to women's security and their social and psychological stability. Through it, their humanity, dignity, and self-respect are violated.

Violence against women is considered a form of discrimination that seriously hinders, or may even eliminate, their ability to enjoy their rights and freedoms. It is viewed as a manifestation of the historical imbalance in power relations between men and women.

1- Definition of Violence:

- **Linguistically:** According to Lisan al-Arab, violence ('unf) is defined as severity in dealing with matters and lack of gentleness. A person is said to be violent ('anīf) if he is not gentle in matters that do not tolerate violence. A violent person is one who cannot ride properly, showing no gentleness in handling horses. A'nafa al-shay' means to seize it forcefully. It is said: 'anifa, yu'anifu, 'unfan, so he is 'anīf if he is not gentle in his actions.¹
- **Terminologically:** Violence is a form of behavior that involves action and includes harming others. It is usually accompanied by emotional tension, and like any other act, it must have a purpose whether it be to achieve a moral or material interest.

Violence may also be viewed as a social phenomenon composed of a series of actions by agents occurring within a specific environment, with a degree of continuity over a defined period of time. Violence is considered a form of behavior and one of the manifestations that have accompanied human beings throughout their existence on the surface of the Earth.²

- **Operational Definition:** Violence is any act that seriously interferes with another's freedom and attempts to deprive them of their freedom of thought and decision-making, ultimately leading to the use of force without justification. It is a direct or indirect act that may reach the level of destruction or cause harm to other individuals. This violence may be either physical or psychological.

2- Definition of Violence Against Women:

- **Terminologically:** From a social perspective, violence against women is defined as the practice of gender-based discrimination between women and men, including deprivation of education and employment, forced early marriage, or committing acts that are inhumane and contrary to fundamental principles.³
- **According to the United Nations:** The 1993 Declaration on the Elimination of Violence Against Women states that violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to

women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life. ⁴

➤ **Violence Against Women:**

- **Terminologically:** Violence against women is a behavior or act characterized by aggression, committed by an individual, a group, a social class, or even a state, with the aim of exploiting or subjugating another party within an unequal relationship. This results in causing material, moral, or psychological harm to the woman. ⁵

Violence against women includes any behavior that leads to harming a woman. This behavior may be verbal, involving simple forms of verbal assaults such as threats, or it may be physical, such as severe beating, rape, burning, or murder. It may also involve both types and may result in physical or psychological pain, injury, suffering, or all of the above. ⁶

- **Operational Definition:** Violence against women can be defined as any act that expresses aggression toward a woman through any type of violence whether physical, sexual, verbal, etc. and is committed by a man, whether he is a husband, fiancé, ex-husband, boyfriend, or any other unrelated person.

3- Causes of Domestic Violence Against Women:

There are multiple reasons that drive perpetrators to commit acts of violence against their wives. They can be summarized as follows: ⁷

1- **Disobedience of orders by the wife**, suspicion regarding her behavior, and stubbornness. This is considered one form of disobedience and family conflict, as the man feels that his authority within the family is being threatened, which leads him to resort to violence as a method of protection and control within the household.

2- **Miserable social and economic conditions** experienced by the family. Work-related conditions, life pressures, unemployment, family conflicts, and low family income combined with a large number of family members contribute to the spread of this phenomenon within households.

3- **Social upbringing and its various institutions** during the child's development stages from early childhood may contribute to the spread of this behavior. The discrimination between male and female within the same family, where the female is always ranked second after the male, is not only genetic or symbolic but also manifests in tangible material forms that are perpetuated throughout life.

4- **Some societies believe that the reputation of the kinship group** depends more on the behavior of the female and her adherence to moral principles than on the behavior of the male. The female is considered the "honor" of the kin group, and this is strongly linked to her behavior, especially her sexual conduct. Hence, it is deemed necessary to raise her using violence so that she does not bring shame to her family.

5- **Girls are subjected from childhood to a strict and violent upbringing** that demands gentleness, softness in speech, and lowering the voice when laughing, whereas boys are granted freedom of speech and are trained to be brave and strong without crying. Girls are conditioned to be passive and weak.

6- Girls are subjected to secrecy and restraint, being forbidden from expressing their feelings and desires lest they become the subject of public gossip. Therefore, they are confined to the home as a preventive measure to protect them from potential sin.

From this, we can say that the accumulation of negative aspects in cultural heritage concerning the treatment of women in daily life has often led women to accept these conditions and situations as givens, believing that they reflect the true status they are supposed to occupy and the place they deserve.

4- Forms of Violence Against Women:

The forms of violence directed against women vary and include economic and physical violence, among others. In reality, it is sometimes difficult to categorize these forms, as they often overlap. On the other hand, reports and studies show that the perpetrator who is often the husband is not always from poor or uneducated backgrounds. In fact, there are teachers, engineers, and even university graduates from various fields among them. Likewise, many of the wives are also university degree holders.

Among the most significant forms of violence against women are the following: ⁸

1- Psychological and Emotional Violence:

Psychological and emotional violence is considered one of the most dangerous forms of violence, as it is intangible and lacks visible effects. It is widespread across all societies and has devastating consequences for women's mental health. Its danger lies in the fact that it may not be legally recognized and is difficult to prove.

Women within the family whether as wives, daughters, or sisters often suffer from psychological violence committed by male family members. This includes insults, neglect, contempt, verbal abuse, vulgar language, denial of their right to choose a partner, and interference in their personal matters, such as restricting when they can go out or return home, and dictating what clothes they may wear.

Psychological violence is highly prevalent due to cultural and traditional values that shape the social upbringing of women, making them submissive from early childhood. Cultural norms legitimize male behavior and give men the right to control women, as "men are guardians over women." Violence is often associated with masculinity and manhood, and women are treated within the family as weak and obligated to submit to the male members. Thus, insults, humiliation, forced service, and denial of personal rights are matters that must not be questioned or opposed.

2- Economic Violence:

One of the manifestations of economic violence is the seizure of the working wife's income and the denial of her right to economic independence. It includes preventing her from working, taking control of her personal funds obtained through inheritance, and failing to provide for her financially while simultaneously prohibiting her from working.

3- Physical Violence Against Women:

This is a widespread phenomenon across all social classes, and it is often socially accepted—even by the wife's own family under the pretext that a man has the right to exercise control over his daughters, wife, or sisters within the family. It is regarded as a form of necessary discipline practiced

by the husband to ensure that the wife remains obedient, as she is seen as subordinate to him and fully under his control.

Some studies conducted in 1999 indicated that 24.2% of violence victims had been subjected to physical assault. The perpetrator often punches the woman, pulls her hair, twists her arm, and sometimes resorts to using sharp objects like sticks. The beating can be severe, leaving bruises, wounds, or even fractures. In many cases, the motive behind the violence is to seize money the woman earned from work, punish her for speaking in a tone the husband disapproves of, force her to give up an inheritance or land she owns, or for delays in completing tasks demanded of her.⁹

Physical assault has profoundly negative effects, as it causes the woman to feel guilt and humiliation, diminishes her dignity, and leads to both psychological and physical harm. It often results in the deterioration of the human relationship between man and woman, threatens family unity, and leaves lasting psychological effects on the children.

4- Sexual Violence:

Sexual violence is defined as sexual abuse, such as sexual harassment, indecent assault, abduction, prostitution, and deviant sexual practices. It is considered one of the most dangerous forms of violence faced by women, yet it often remains concealed, particularly in cases of sexual harassment and other similar types of abuse.

5- Social Violence:

This form of violence is manifested in the exclusion of women from family decision-making, denying them the opportunity to express their opinions or desires, depriving them of the right to object or refuse, and restricting their personal freedom through various means and methods.¹⁰

EXAMPLES OF VIOLENCE AGAINST WOMEN IN SOME COUNTRIES:

1- Violence Against Women in India:¹¹

Cultural practices in India that discriminate against girls and women reflect not only hatred but also lead to the death of an unspecified number of women. From early childhood even while still in the womb girls face a hostile environment. Modern technology that allows parents to determine the sex of the fetus often leads many mothers to abort the fetus once they learn it is female.

If a girl is fortunate enough to avoid abortion and is born, she experiences discrimination from an early age, particularly in terms of food, which is often less than what is given to male children. Butter and milk are reserved for the boys. While boys go to school, girls usually stay at home to help with household chores. Even those who attend school are still expected to help with cleaning and laundry at home.

Most girls in India marry between the ages of 16 and 20, sometimes even younger. Marriages are arranged by parents or brothers, and the Indian bride is expected to obey her husband and his family, refrain from discussing personal matters with outsiders, and learn that an ideal wife sacrifices her life for the honor of her husband and his family name.

Marriage, inheritance, and divorce laws in India are based on religious principles and traditions, and any attempt to achieve gender equality is met with strong resistance. For example, in Hindu caste

society, boys and girls do not have equal inheritance rights, and women have no legal claim to the family home, allowing the husband to evict her from the house.

Rape is also widespread within families, but it is rarely reported, as it is seen as a source of shame for the girl and her family. If a girl reports being raped to the police, she and her family often become the subject of ridicule. In regions like Punjab and Kashmir, rape cases against women are widespread, and the law offers them no protection.

2- Violence Against Women in South Africa: ¹²

a- The Status of Women in South Africa:

Oppression in South Africa is based on the intersection of gender, class, and race. The conservative South African society places women in a position inferior to men within the family and the community. The oppression of Black women in South Africa is rooted in the denial of their civil and political rights, meaning that women occupy the lowest rung on the social ladder.

Rural areas are among the poorest in South Africa, with very few job opportunities—most families live off agriculture, and only a few work in mines. In this context, women play a central role, yet they live in extreme poverty. The few fortunate ones find employment in the garment industry or work as domestic servants.

b- System, Progress, and Ethnicity:

Women in South Africa have made several attempts to claim their rights. Numerous workshops have been held one of the most notable took place at the University of the Western Cape, where women from different political affiliations, professions, and social classes gathered to primarily discuss women's status and essential role. This movement began in 1991 under the banner of women's rights.

During that gathering, women discussed various problems they were facing at the time, including rape, labor issues, and women's unions. The leadership of the conference was particularly focused on rural women, whose lives are governed by traditional customs.

The issue of women's oppression was not limited to women alone; other political parties also raised concerns, referring to it as the enslavement of women. Topics such as traditional customs in South Africa that place authority in the hands of men within the household were discussed, along with the possibility of reforming these customs. The gathering also called for equality in fundamental rights between men and women.

3- Violence Against Women in Iran: ¹³

In the second half of the 19th century, women in Iran began their struggle for rights by establishing girls' schools and publishing women's newspapers, despite the fact that religious scholars denounced these schools and called for their closure. However, women resisted strongly and stood firmly against such demands.

In 1963, women gained more rights: unilateral divorce by men was abolished, and women were granted child custody. However, men retained the right to prevent their wives from traveling or working.

After the Islamic Revolution in 1979, the Family Protection Law was repealed, and divorce once again became the exclusive right of men. Ayatollah Khomeini declared that the legal marriage age for girls was 9 years, and that the girl, once menstruating, belonged to her husband, not her father.

Women were not allowed to marry foreigners without written permission from the Ministry of the Interior, and wives could not work or travel without written consent from their husbands. Men were allowed to marry up to four wives, and an unlimited number of concubines (what the right hand possesses). The wife was required to fulfill her husband's sexual desires at any time; refusal would result in her losing the right to housing, food, and clothing from him.

A husband, father, or brother could kill his wife, daughter, or sister without punishment by the government if he found her in a sexually inappropriate situation “with someone other than her husband.” At the beginning of the revolution and during the process of ideological purification, many female employees were killed. Khomeini and the Ayatollahs insisted on the intellectual and physical inferiority of women, claiming it disqualified them from holding certain positions.

According to the Ayatollahs, a woman's primary role is marriage and childbearing. The strict gender segregation led to the closure of many girls' schools due to the shortage of female teachers and declining educational standards, especially in rural areas—ultimately depriving many women of education.

4- Violence Against Women in China: ¹⁴

The population issue is one of the most complex problems in China, and due to certain circumstances, the current trend in China is to diminish the status of women and deprive them of the right to choose. According to a report by The New York Times, the ideal woman, “Mrs. Yang,” in a Chinese village, did not get a job because her husband earns a high income, and she spends her time playing mahjong or watching one of her three televisions.

One of the clearest indicators of inequality in the modern era is the opposition to women in the workforce. A study showed that a woman's ability to remain employed determines her survival and status in society. Many studies also indicate that the number of working women is only half that of men, and their representation in managerial positions ranges from 01 to 09, in favor of men. While male participation in professional fields continues to rise, the increase in female employment is mostly concentrated in agriculture and clerical services. This is due to high dropout rates among girls, as educating them is perceived as a poor investment.

Some female writers, including Zhenzhe Daiya, describe the condition of women in China, stating: “How hard it is to be a woman.” In her book, she details the frustration and humiliation faced by working women, including sexual harassment in the workplace. In her series *The Chinese Woman*, Daiya King describes the harshness of a society that treats rape victims as if they are damaged goods. Zhenzhe also recounts the case of a groom who routinely divorced his bride on the wedding night if she was not a virgin.

THE POSITION OF ISLAMIC SHARIA ON VIOLENCE AGAINST WOMEN:

Here, we refer specifically to the issue of striking women. Islamic Sharia has granted women rights that no other legal system has provided. Islam organized the relationship between spouses and established peaceful foundations and methods for building a cohesive family. The husband has the right to discipline his wife, and this right is based on the words of Allah Almighty:

(واللّٰتِي تَخَافُوْنَ نُشُوْرَهُنَّ وَاهْجُرُوْهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوْهُنَّ فَاِنْ اَطَعْتَكُمْ فَلَا تَبْغُوْا عَلَيْهِنَّ سَبِيْلًا) (Surah An-Nisa, Verse: 34), and the saying of the Prophet MOHAMED in the Farewell Sermon: ((واستوصوا بالنساء خيرا فإتما هن عندكم عوان ليس تملكون منهن شيئا غير ذلك إلا أن يأتين بفاحشة بيّنة فإن فعلن فاهجروهن في المضاجع واضربوهن ضربا غير مبرح، فإن أظعنكم 15 فلا تبغوا عليهن سبيلا)).

At first glance, it may appear to the reader that the religion permits severe physical punishment of women an interpretation that is inaccurate, though commonly held by a large segment of the general public. As a result, some men find justification for practicing various forms of violence against women, while overlooking the saying of Allah Almighty: ((وَاعْشِرُوْهُنَّ بِالْمَعْرُوْفِ)) and the statement of the Prophet MOHAMED: ((لا تضربوا إماء الله)) as well as his words regarding women: ((وَأَنْ تَطْعَمَ إِذَا 16 أَطْعَمْتَ وَتَكْسُوَهَا إِذَا اكْتَسَمْتَ، وَلَا تَضْرِبَ الْوَجْهَ وَلَا تَقْبِحَ وَلَا تَهْجُرَ إِلَّا فِي الْبَيْتِ)).

They also ignore or choose to overlook the words of Allah Almighty

(وَالَّذِيْنَ يُؤْذُوْنَ الْمُؤْمِنِيْنَ وَالْمُؤْمِنَاتِ بِغَيْرِ مَا اكْتَسَبُوْا فَقَدِ احْتَمَلُوْا بُهْتَانًا وَإِثْمًا مُّبِيْنًا) (Surah Al-Ahzab, Verse: 58). 17

This verse refers to those who harm believing men and women, whether through words or actions, without any wrongdoing on their part they bear a clear slander and a manifest sin. A husband is not entitled to discipline his wife unless she commits a transgression for which no specific legal punishment has been prescribed. Islamic Sharia clarifies that the first method of disciplining the wife is through kind admonition, which refines the soul and brings the wife back to what pleases Allah and His Messenger.

Islam calls for self-restraint and the suppression of anger. The Prophet MOHAMED forbade a husband from striking his wife in moments of anger, to ensure that the act of hitting does not become a form of emotional relief which would be unjust. Punishment in Islam must not be driven by revenge. Therefore, a husband's use of his right to discipline by striking must align with the wisdom behind its legislation, which is correction. If the motive is criminal such as revenge, harm, or coercion toward disobedience—then the husband cannot invoke this right. 18

From the above, we conclude that the means of disciplining a wife in Islamic Sharia are three: admonition, abandonment in bed, and striking ordered in terms of permissibility as previously explained. This means that a husband is not allowed to strike his wife unless he has first resorted to admonition and then to abandonment. If there is any effective alternative to striking, then it is not permissible to resort to it.

CONCLUSION

Combating violence as a human condition and a social phenomenon is a comprehensive process that requires the integration of legal legislation, judicial protection, and cultural and social frameworks. The state apparatus and civil society, through their active institutions, must work together to eradicate violence through intellectual, educational, and economic projects. This begins with raising women's awareness of their rights, how to defend them, and rejecting tolerance, complicity, or silence in the face of their violation.

The Algerian state has adopted a set of laws and legislations in line with international standards to protect women and to prevent all forms of violence practiced against them.

The measures taken in favor of women to ensure they fully enjoy their rights in society are a clear indication of the importance the state places on this vital component in building the generation we aspire to one that defends the nation and is faithful to its role. This cannot be achieved without caring for women and protecting them from all dangers that threaten them.

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