

A PRIMA FACIE CASE OF GENDER BASED VIOLENCE IN ISLAM? VOICES FROM THE MINBARS OF ACCRA

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Abstract: Imams play multiple roles in Muslim societies and through the minbar preach various aspects of Islam, including the religion's abhorrence for violence both in public and private spaces. In the family space the Qur'an expects marital harmony based on "mercy, love and tranquility." Paradoxically, the Qawama verse with its associated interpretive tensions, and to which Muslim men source their authority permits wife "beating" and conflicts the general principle of peace espoused by the Qur'an. This then raises the question: Is there a prima facie case of Gender-Based Violence in the Qur'an? Imams as celebrants of marriage and arbiters in marital disputes are entangled with the verse, and their understanding of it informs both teaching and practice thereof. I argue in this paper that whilst Imams display intuitive discomfort with the issue of "beating," they are defensive of the verse and fail to critically interrogate the text. Using mainly narratives of selected imams/scholars in the Accra metropolis, this paper seeks to analyse how Imams appropriate the verse in their practice and the challenges thereof.

Key Words: Qawama, Minbar, Gender-Based Violence, Imams, 'Symbolic beating,' Ghanaian Muslim Community

Introduction

When I was invited to do a presentation at the conference on Gender-Based Violence (GBV), one of the issues that came up was whether this had not been over flogged at all levels of Ghanaian society. But I soon discovered a niche in the activities of Imams, worthy of exploring for several reasons. First, as a scholar/activist, my interest in GBV) was aroused when a researcher on GBV in Dagban in 2003 commented on how some Muslim men used the *qawama* verse as justification to beat their wives.¹ In a nationwide survey on GBV, which showed a high prevalence of violence among Ghanaian Muslims, the involvement of

¹ A research conducted between 2015-2017 confirms that the phenomenon is still ongoing, as men confess to beating their wives in Dagbon. Cf. Mustapha Abdul- Hamid "Islam and Gender in Dagbon" (Ph.D thesis submitted to the Department of Religions and Human Values, University of Cape Coast, 2017).

Imams in conflict resolution was also noted.² Second the Muslim community in Ghana is blessed with a large number of Imams who operate at different levels or strata of the community and function with varying degrees of expertise and competences in the officiating of rites of passage, religious practices and conflict resolution among other things. But the complicity of Imams in wife beating,³ reprimanding of wives who had been violated rather than scolding husbands, and the justification of these violations⁴ through the use of the *qawama* verse cumulatively create the impression that for some husbands/men the Qur'an establishes a *prima facie* case of violence against women.

Nevertheless, Imams' condemnation of beating as un-Qur'anic and their intervention through state structures to seek justice for violated wives points to the interpretative tensions associated with the text. It further confirms Fulera Issaka's findings that show how Imams as religious authorities are entangled with the *qawama* text and the issue of GBV in Ghana.⁵ Against this background of involvement of Imams in this area of GBV, this paper is written to examine how Imams as de-facto preachers, teachers and counsellors appropriate the *qawama* verse in their practice and vocation.

This paper is written within the conceptual framework of "interpretative tensions" that create significant differences of understanding and practice. For instance, Khaled M. Abou el Fadl explains that whilst the interpretation of the Qur'an was basically concerned with the implications and significance of the text, the interpretative process that took place in the area of jurisprudence did not focus on the original intent of the text to service the text, but rather in order to service the socio-political reality through the use of the text⁶. This approach had serious implication

² Kathy Cusack and Takiyawa Manu, eds., *The Architecture for Violence against Women and Children in Ghana* (Accra: Gender Studies and Human Rights Documentation Centre, 2009).

³ In many instances aggrieved women who go to Imams to seek redress are turned into villains and rather chastised. For a classic case, cf the story of Madam X in Rabiatu Ammah, "Perspectives on the Qur'anic Verse on Wife Beating in the Ghanaian Muslim Community," In *Religion and Gender-Based Violence: West African Experience*, Rosemary Amenga-Etego and Mercy Amba Oduyoye, eds., Legon Theological Series (Accra: Asempa Publishers, 2014), 333-373.

⁴ One typical example is the postage on February, 21 of the *qawama* text on social media by Irbad Ibrahim, a 'self acclaimed,' Muslim scholar presumably to justify the beating of Habiba. The post was later deleted.

⁵ Fulera Issaka, "Gender-Based Violence in the Nima Muslim Community" (MPhil Thesis Submitted to The Department for the Study of Religions, University of Ghana, 2009).

⁶ Khaled M. Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (Oxford: OneWorld, 2001), 118.

for misogynistic interpretations by classical jurists who used authoritarianism “to doom all to death”⁷. Context then determined the meaning placed on the text. Asma Barlas⁸ posits that as a believing woman reading the Qur’an, she does not question the ontological status of the Qur’an as divine speech; rather she interrogates the legitimacy of its patriarchal readings and distinguishes between what God is saying and what God is perceived to be saying. For her, depending on who is reading the text there are bound to be conflicting tensions and issues, especially, concerning gender.

Amina Wadud, therefore, concludes that because exegesis is subjective no method of Qur’anic exegesis is fully objective since some details will reflect the subjective choices of the exegete and not necessarily the intent of the text.⁹ Because there are different interpretations of *qawama* propounded by traditionalists and modernists, Shahbaz Ahmad Cheema argues that it should be viewed as a foundation of discriminatory treatment of women in the social and legal spheres. Invariably, whilst the traditionalist approaches are incapable of responding to contemporary concerns, the modernist approaches, adopted by mainly feminist, also leave other interpretive questions unanswered and create others¹⁰.

Methodology

The paper is based on a qualitative research carried out in the Accra metropolis.¹¹ Fifteen (15) Imams were chosen from Muslim dominated areas in Accra, mainly Zongo Lane, Nima-Mamobi and Madina. Imams of the Ghana Muslim Mission and some recognized mosques, the Police and Military Chaplaincy¹² were also engaged in discussion. Data was garnered mainly through individual interviews and focus group

⁷ Khaled M. Abou El Fadl, *Confession of the Books: The Search for Beauty in Islam* (Lanham New York-Oxford: University Press of America, 2001), 53.

⁸ Asma Barlas, *Believing Women in Islam: Un-reading Patriarchal Interpretations of the Qur’an* (Austin: University of Texas Press, 2002), 19.

⁹ Amina Wadud, *Qur’an and Woman: Rereading the Sacred Text from a Woman’s Perspective* (New York: Oxford University Press, 1999), 1.

¹⁰ Shahbaz Ahmad Cheema, “The Concept of Qawama: A study of Interpretive Tensions,” in *Hawwa* 11, no. 2-3 (2014): 235-251.

¹¹ The research was conducted between July 2018 and October 2018

¹² The Police and Military chaplains were chosen because they have counselling Departments for Muslims with trained personnel to offer support for families.

discussions with the Imams who had been given prior information to enable them to prepare adequately.

Focus group discussions were held with Imams at the Islamic University College, Ghana¹³ and the Ghana Muslim Mission. All Imams had traditional Islamic education; and some possessed tertiary level of secular education. However, whilst some had well recognized mosques to practise their vocation, others did not have, but were recognized as Imams in their localities. As part of the research I listened to a sermon on “Wife Beating” and observed a demonstration of it by an Imam at the Ghana Muslim Mission Mosque, Korle Gonno.¹⁴ It is therefore the cumulative knowledge of the various texts on the subject and the narrations and experiences of Imams in their practice that has formed the basis of the analysis. It is noteworthy that this paper is not an exegesis of the controversial *qawama* verse, though I shall briefly discuss it and weave the many strands of the discourse. Rather, it is a modest attempt to explore and analyse the experiences of Ghanaian local Imams in relation to the *qawama* verse, particularly, the extent to which Imams consider the verse as establishing a *prima-facie* case of violence against women.

In this paper, I shall first present an overview of GBV in the Muslim community, with an illustration from the story of one Habiba, whose violation was publicized on Joy News, to highlight the extent of GBV in the community. Second, I shall discuss the *qawama* verse to highlight the interpretive tensions and then analyse the responses from selected Imams to appreciate their appropriation of the text in their practice and the challenges they encounter.¹⁵

Gender- Based Violence in the Muslim Community

There is the general acknowledgement of the prevalence of GBV and the different forms it takes among Ghanaian Muslims as indicated by

¹³ It provided the forum for the articulation of ideas by both Shiites and Sunnis.

¹⁴ According to the Imam three women of the organization had been physical abused by their husbands during the week, hence the need to educate the congregation on this Qur’anic text that, in his opinion, had been grossly abused by Muslim men.

¹⁵ Data garnered before Habiba’s incident was the main source of the analysis and the story only confirmed the issues of GBV and the reactions of Ghanaian Imams.

Rabiatu Ammah.¹⁶ Fulera Issaka also highlights how the different understandings of Islam have influenced gender relations in a specifically Muslim dominated area, Nima.¹⁷ Mustapha Abdul-Hamid's study in Dagbon, an Islamized community, reveals not only the phenomenon of wife beating but also its linkage with the *qawama* text on *idhribuhuna*. He states:

The issue of wife beating is a vexed question in Islam. The overwhelming position in Dagbon is that Islam endorses wife beating with the caveat that one should not seek to cause bodily harm to her. Out of 50 men who responded to the question of whether they beat their wives or not, 22(42%) responded positively while 30(58%) said no. On the issue of whether they believe that Islam sanction wife beating it was a statistical dead heat: they were equally divided.¹⁸

However, poor record keeping makes it difficult to ascertain whether the phenomenon is on the increase or not. But in a discussion with Sheikh Abban, the Secretary of Ahlu-us Sunna wa Jama' (ASWAJ) and Sheikh Armiyao Shuaibu¹⁹ of the office of the National Chief Imam, both indicated an increase in marital conflict and the phenomenon of GBV. Other Imams suggested otherwise and attributed it to more Islamic consciousness and the emerging trend of marital counselling. For instance, an Imam in Madina explained that his experience of GBV was mostly related to husbands who were into drugs. Invariably, all the Imams attributed GBV to the lack of appreciation of the institution of marriage as one based on mercy, love and tranquillity and the absence of effective marital counselling services to prepare couple for marriage in a sustainable manner.²⁰

The extent to which violations were based on the *qawama* verse is debatable, but the following story of Habiba, whose violation was given

¹⁶ Cf. Rabiatu Ammah, "Violence against Women in the Ghanaian Muslim Communities," in *The Architecture for Violence against women and Children in Ghana*, Kathy Cusack and Takyiwaa Manu, eds. (Accra: Gender Studies and Human Rights Documentation Centre, 2009), 159-191.

¹⁷ Fulera Issaka, "Gender-Based Violence." 43-46

¹⁸ Cf. Abdul-Hamid, "Islam and Gender in Dagban." 189.

¹⁹ These two personalities who are involved in the resolution of marital dispute in their outfit made these suggestions based on the experiences over the years. Indeed, Sheikh Abban's presentation at the Conference produced some figure to support his claim of GBV.

²⁰ Ammah and Khamis have recommended for the establishment of professional and formal pre-marital counselling centres to address the challenges of Muslim Family Life in the Muslim community; Rabiatu Ammah and Kauthar Khamis, "Filling the Pot Holes: From the *Aluwanka* to the Garden of Bliss," *Ghana Bulletin of Theology* 6 (2016), 118-121.

much publicity, and even the National Chief Imam and the National Imam of (ASWAJ) intervened, illustrates the issues at stake.

According to a news report of Joy FM²¹, during an altercation with the husband, Habiba was punched many times in the face by the husband, resulting in an intense bleeding from the eyes and bruises on the face. Habiba explained that although she covered her face to save her eyes, the husband continued to jab her with several ‘upper cuts’. Consequently, she reported the incident to the Police and the husband was arrested for prosecution. Feeling guilty, the husband sought refuge with the National Chief Imam to plead for intervention and to ask for the wife’s forgiveness. Afterwards, the remorseful husband went on air and advised other Muslim men to desist from beating their wives and claimed that his action was the work of the devil. Family members managed to withdraw the case from court for home settlement. Amid this traumatic situation, one self-acclaimed Muslim scholar Irbad Ibrahim’ posted on Facebook the *qawama* text to justify the action of Habiba’s husband.

Irbad Ibrahim’s postage of the contested verse on social media, presumably to legitimize and justify this act by Habiba’s husband seemed to have generated a big debate. It also infuriated a large segment of both Muslims and non-Muslims who presented various responses. The spokesperson of the National Chief Imam and a respondent in this research, Sheikh Armiyao Shuaibu criticized the manner in which Irbad Ibrahim had acted in the wake of the brutality meted out to Habiba and without any proper clarification and commentary of the verse. This, for him, was dangerous and created the impression that wife battering was morally right and sanctioned by the Qur’an.²² Habiba then followed up to seek justice at the office of (ASWAJ) and the husband was ordered to pay compensation to her.²³ Habiba’s story and responses thereof portray people’s understanding of the text and how it has been appropriated in the Muslim community including Imams.

²¹ This story was telecast on JoyNews on February 11, 2019.

²² Sheikh Armiyao Shuaibu on JoyFM Midday News, 22nd February 2019.

²³ According to my source when the issue was sent to ASWAJ the arbitrators scolded Habiba’s husband and told him that the only reason they would not send him for prosecution was because the family had already withdrawn the case from court. They, then, asked him to compensate his wife in line with the Shariah.

“Dancing” with Qur’an 4:34

Imams contented that the *qawama* verse should not be seen in isolation but rather understood within the general context of marriage which is “the union of two natures or two souls which are one in their essence”²⁴ mainly for companionship among other objectives. It is a divine institution, and an act of worship. The importance of marriage is echoed in the Hadith of the Prophet Muhammad (SAW) which suggests that any Muslim who reaches a marriageable age should marry; because it perfects half of his/her religion. In the Qur’an, marriage revolves around the principles of “love, mercy, compassion and permanence” (Qur’an, 30:21). Within this context of husband-wife relations, there is a delineation of roles and responsibilities. For the Imams, authority (*qawama*) is vested in the husband with corresponding responsibilities. As explained by Zainab bint Yousuf:

The life of Prophet suffices as the ultimate example of *qawâma*, reflecting strength with compassion, firmness with gentleness, authority with empathy, and responsibility to be carried out without an attitude of arrogance or superiority. It is to this standard which all Muslim men must hold themselves in order to exemplify the true essence of masculinity. Thereby, they may live up to the potential that was created in them and which is recognized by their Creator as the highest expression of masculinity.²⁵

It is, therefore, because of this authority that the husband is permitted to discipline his wife as stated in the Qur’an:

Men are the protectors and maintainers of women because Allah has made one of them excel over the other, and because they spend out of their possessions (to support them). Thus, righteous women are obedient and guard the rights of men in their absence under Allah's protection. As for women of whom you fear rebellion, admonish them, and remain apart from them in beds, and beat them. Then if they obey you, do not seek ways to harm them. Allah is Exalted, Great (Qur’an 4: 34).

²⁴ Maulana Muhammad Ali, *The Religion of Islam* (Lahore: Ahmadiyya Anjuman Isha'at-e-Islam, 1990), 447.

²⁵ Cf. Zainab Bint Yousuf, “The essence of Masculinity,” <https://aljumuah.com/qawama-the-essence-of-masculinity-part-2/>

Invariably, the idea of *qawâm* focuses on the responsibility and commitment of the husband to ensure the protection and wellbeing of wives and in cooperation with them and not to destroy or harm her.²⁶

“I Like One Thing but Allah Wants Another.”

The cultural context was the Makkan/Madina Patriarchy where the *ja-hiliyya* customary practice of beating women was the norm. Specifically related to this text was the report by an abused woman to the Prophet for redress. The Prophet intended to ask for retaliation for the woman as he awaited a ruling from God, but the verse was revealed to reverse the Prophet’s decision. So, whilst the Prophet liked one thing, Allah wanted another. As noted by Zainab bint Yousuf, the verse was revealed not as a rebuke to the woman, but to the husband who had struck his wife. She suggests that the verse immediately sets out the correct method of resolving marital disputes and that their position of authority is not one that automatically gives them the right to act in accord with their spur-of-the-moment emotions.

Accordingly, within this cultural context where the wife had publicly brought attention to their marital dispute, possibly the husband was not in a positive emotional state and therefore expected to set aside his strong feelings in order to embody the meaning of *qawama*: a man of calmness, steadfastness, with a persistent commitment to justice as defined by Allah, one who approaches his wife with honor and respect. “Instead, they are required to hold back on their immediate reactions and follow a system of justice laid down by the Most Just”.²⁷ Several issues come up: was it procedural to address a customarily practice or an attempt at reforming the customary practice gradually? Was it normative, universal or relative and how did the Prophet explain the verse?

Dubbed the ‘dancing verse’,²⁸ it is considered as the most controversial verse on gender relations in Islam. Scholars have exhibited interpretive tensions in the various ways all three operative words contained in the verse have been contested. What constitutes *qawama* (authority) *nushuz*

²⁶ Qur’an points to the complementarity of the spouses. The Prophet is known to have said that women are the ‘twin halves’ of men.

²⁷ Cf. bint Yousuf, “The essence of Masculinity.”

²⁸ Mustapha Kuyate, a Lecturer with the Islamic University, calls it the ‘dancing verse’ as a result of the tensions and conflicts associated with the interpretations.

(rebellion, recalcitrance) and *idribuhuna*? ('to beat')²⁹ The issue of *idribuhuna* translated as beat then raises precarious questions as to whether a husband is permitted to beat his wife; and what are the implications for the gentleness enjoined by Allah and the Prophet towards the wife? Are not there several Qur'anic verses and hadith on justice as defined by Allah that bring to the fore parallel readings? Other important issues are: what was the reason for the revelation of the verse?

Uncertainty over how the verse should be understood has persisted to the extent that some women have been socialized to accept the literal translation and to be beaten as evident in a position of Women of Hizb ut-Tahrir Australia, a radical Islamic group, when it posted a video on Facebook³⁰ in which two *hijabi* women claimed the Qur'an permits men to hit disobedient wives gently, using small sticks or pieces of fabric. One woman stated during the discussion that: The husband is permitted-not obliged, not encouraged to hit his wife and it should not cause pain and should also not be harsh. For these women the beating was also considered as a 'beautiful blessing'.³¹

The term *idribuhuna* is fluid and has been translated variously as; beat, strike, withdraw, travel out, to set up, to give example, to ignore, to condemn, to rebuke, to censure, to seal, to explain, etc; Yet, it is more often understood and translated literally as 'beat' or 'strike,' in classical *Tafasir* and *fiqh*³² and therefore given rise to "unconscionable violations" of Muslim women.³³ The inclination towards literal translation finds some legitimacy in the Prophetic traditions that purport to show the way the beating could be done. As a result, jurists stress the mode

²⁹ Cf. Khaled M. Abou El Fadl, *Confession of the Books: The Search for Beauty in Islam*: University Press of America (Lanham, MD: Rowman & Littlefield, 2001). Cf chapters 41 and 42 that discuss the contested verse.

³⁰ "Hitting Wives a Beautiful Blessing from Allah," <https://www.dailytelegraph.com.au/news/nsw/hitting-wives-a-beautiful-blessing-from-allah-says-sydney-muslim-womens-group/news-story/3f7ba05642ed2d399edd>

³¹ Kelly Burke, "Hitting Wives is Illegal, not 'a Beautiful Blessing' says Top Cop," *The Daily Telegraph*, April 13, 2017. <https://www.dailytelegraph.com.au/news/nsw/hitting-wives-a-beautiful-blessing-from-allah-says-sydney-muslim-womens-group/news-story/3f7ba05642ed2d399edd979d9624bfd>

³² Cf. Sadiyya Shaikh "Exegetical Violence: Nushuz in Qur'anic Gender Ideology," *Journal of Islamic Studies* 17 (1997), 49-73.

³³ Cf. Dalia Mogahed, Tesneem AlKiek and Jonathan Brown, "Islam And Violence Against Women: A Critical Look at Domestic Violence and Honour Killings in the Muslim community" *Yaqeen Institute for Islamic Research*, Paper Presented at the 12th Annual Conference on Crimes Against Women, 2017. <https://1pjhft3ggnei4el40qfi16ch-wpengine.netdna-ssl.com/wp-content/uploads/2017/05/Domestic-Violence.pdf>

of beating³⁴ and other restrictions in Shariah.³⁵ Mohammed Mahmud considers the juristic approach as a limitation strategy to reduce the embarrassment caused by God's 'instruction to beat wives', or a method to limit the manner and intensity of beating in order to make it more acceptable and to humanize it.³⁶ Other scholars like Khaled M. Abou El Fadl argue that it does not make it better to mitigate the violence with these objects as it only rationalizes subordination. But it also promotes violence, oppression, and injustice. I therefore agree with Khaled M. Abou El Fadl whose complex analysis suggests that if, *idhribuhuna* is taken literally as 'to beat', then, it is ugly because of its associated intuitive discomfort. He states:

...by our very nature, we cringe at the idea that God empowers any husband to beat his wife.... As evidence of this intuition, we are troubled by the idea that verse 4:34 permits this type of behaviour, and so verse 4:34 is not what we normally share with friends or strangers. We are troubled by it so we say things like, "Yes, but the beating cannot cause injury or pain" or we say, "A husband can strike his wife only on the shoulder with a small twig or a feather or the like." We cite the Prophet's traditions that prohibit striking the face or the traditions that state that men with superior character do not strike their wives.³⁷

As Mustapha Abdul-Hamid posits, it will be against the grain of justice if men were allowed to beat or strike women as a result of disloyalty³⁸, more so as the Qur'an (4:128) grants women analogous rights (2:228) to deal with disloyalty from men which does not include beating or striking

Prophetic Model

Though several *ahadith* indicate a literal understanding of the word *idhribuhuna*, which must be done in a special way, the Prophet

³⁴ Any 'strike' or 'beat' should not cause any pain or inflict harm on the wife.

³⁵ According to several traditions of the Prophet, wives could be beaten lightly with objects such as *Miswak* (toothbrush), feather, handkerchief, etc.

³⁶ Mahmud Mohammed Mahmud, "To Beat or not to Beat. On the Exegetical Dilemma of Qur'an 4:34," *Journal of American Oriental Society* 126, no. 4 (2006): 537-550.

³⁷ Khaled M. Abou El Fadl, *Conference of the Books: The Search for Beauty in Islam* (Lanham, NewYork-Oxford: University Press of America, 2001). 181

³⁸ Abdul- Hamid, "Islam and Gender in Dagbon," 67.

nevertheless discouraged beating of wives.³⁹ As stated by several scholars⁴⁰, there is also no evidence that the Prophet beat his wives. Rather he withdrew from them during marital-conflict situations. This scenario then brings to the fore another meaning of the word *idhribuhuna*. In an analysis of the many occasions where the Prophet had to deal with husbands beating their wives (though he abstained from doing so), Ayesha Chaudhry suggests a certain level of ambivalence especially because he did not stop husbands from doing so. Therefore, whether the Prophet's practice of withdrawing in this case is exemplary or exceptional is crucial to the understanding of the subject. Her contention is that, if his practice is an exception, "then his disapproval should not be universalized since he unambiguously upheld the permissibly."⁴¹ According to her depending on who is reading the text, either the verse is sanctioning violence against wives, or prescribing a peaceful strategy for resolving marital conflict within the home setting.⁴²

Cringes from the "Minbars" of Accra

As noted by Khaled M. Abou El Fadl, majority of women or men would find being beaten, at the very least, detestable or if not intolerable.⁴³ It was observed that the demeanours and reaction of Imams as I explained the research and whether the *qawama* verse establishes a *prima facie* case of violence against women was "cringy". Though the responses of the Imams were varied, almost all of them exhibited intuitive discomfort. One Imam cringed, when I introduced the subject, and another literally walked out on me; he did not take part in the discussion. This was probably due to the embarrassing and awkward nature of the subject matter. For instance, in the focus group discussion at the Ghana Muslim Mission, Imams had varying opinions and debated the term amidst differences of opinion and interpretative conflicts and tensions.

³⁹ For instance the Prophet advised that no Muslim man should ever hit one of God's female servants. cf. Abu Dawud, Book 11, hadith 2141.

⁴⁰ Cf. Khaled M. Abou El Fadl, *Conference of the Books*, 187. The author states that all the successors to the Prophet never hit their wives after their conversion.

⁴¹ Ayesha Chaudhry, *Domestic Violence and the Islamic Tradition: Ethics, Law, and the Muslim Discourse on Gender*, Oxford Islamic Legal Studies (Oxford: Oxford University Press), 203.

⁴² Ayesha Chaudhry, "I wanted one thing and God wanted Another: The Dilemma of the Prophetic Example and the Qur'anic Injunction on Wife Beating," *Journal of Religious Ethics* 39, no. 3 (2011): 416-439.

⁴³ Khaled M. Abou El Fadl, *Conference of the Books*, 181.

Similarly, Shiite Imams of the Islamic University College debated their Sunni counterparts and adopted the main Shiite doctrinal position of the term *idhribuhuna* as “to withdrawal. One Imam disputed the claim that the verse establishes a prima-facie case of violence because for him the verse is not about violence. In his view it is unacceptable to use an alien “western concept” of GBV to pass judgment on such an Islamic model. Imams acknowledged however, that, the experiences in the Muslim community are tantamount to GBV and contrary to the Qur’anic position and procedure for disciplining a recalcitrant wife. So, whilst Imams acknowledged the prevalence of GBV, it could not and should not be attributed to the Qur’anic text on *idhribuhuna*. Practice of GBV by Muslim men should rather be attributed to ignorance. But how does this explain Irbad’s action and justification of Habiba’s battery.

Knowledge of Subject

Imams had knowledge of the *qawwama* text and whilst some quoted it verbatim in Arabic, others read from the Qur’an and tried to explain to me. Undoubtedly, some Imams had deep knowledge of the text and engaged in some analysis of the contested issues. However, there were also confessions about inadequacies on the part of some Imams who did not know particularly the context of the revelation of the verse and therefore could not properly engage. Apparently for these Imams, *idhribuhuna* as a revealed procedure had become normative and not subject to human interrogation. The fact that the text recommended (light) beating as the last in the process of disciplining a recalcitrant wife was not contestable. One Imam tried to mitigate the embarrassment when he suggested that the verse is addressed to “professional husband beaters” within the Arab cultural milieu and not the generality of husbands. An Imam explained the gradualist process by stating that because all women are not the same, it takes different strokes to discipline wives; hence the different procedures.

Obviously as some Imams have suggested, it is acceptable to strike or beat a woman when she transgresses certain contested boundaries. According to the Imams some husbands believe that because of their authority they are in absolute control over the wives; some wives even deserved beating to be brought back on track. An Imam even suggested

that some women glorify beating which for them (women) is a sign of the husband's love.⁴⁴

An Imam of the Ghana Muslim Mission recalled how another Imam had attempted to implement the text when an aggrieved man came to complain about the wife's recalcitrance. The Imam advised him to go back home and counsel the wife. When he returned because the wife had paid no heed to the counsel the Imam requested the husband to refuse to share the wife's bed. But after this had also failed to yield positive results, the Imam told him to go and beat her. Despite the inability of the Imam to remember the outcome, the story gives an idea of the mentality of some Imams and the various ways the verse has been applied.

Imams defended the verse and argued that it does not command husbands to beat their wives; and if beating/ striking takes place, it must be attributed to improper understanding of the verse and/ or total disregard for it. Imams averred that by virtue of marriage and the payment of the *mahr*, husbands had been given "control" over wives. On the basis of this, husbands are permitted to discipline recalcitrant wives. Imams were quick to add, that, the text must be read in conjunction with the Sunnah of the Prophet who is the model for interpreting and implementing Qur'anic teachings. Many of the Imams subscribed to 'symbolic beating' and emphatically stated that the beating was not to hurt or scar the wives. All of them quoted or used different *ahadith*, such as, using the scarf/ feather to support their positions.

Coincidentally, in a visit to the Ghana Muslim Mission mosque at Korle Gonno, Accra to perform jumah, the Imam demonstrated the manner of beating during the *khutba*, which was on "wife beating". According to the Imam, he focused on the theme because of the way husbands had abused the text and battered their wives. Thus, in order to teach from the *minbar*, he decided to demonstrate symbolic beating that should be understood *viz a viz* the Prophet's reaction to Aisha when he had asked Abu-Bakr to lead the prayers and she had shown resistant to it. The Imam explained that how the Prophet raised his voice at Aisha, with the

⁴⁴ This finds expression in Ghanaian culture where the belief is that husbands may beat their wives. Interesting, some women have been socialized and expect to be beaten by their husbands. Cf. Adomako Ampofo Akosua and Mansa Prah, "You may beat your wife but not too much: The Cultural context of violence against Women in Ghana" in *The Architecture for Violence*, 93-128.

associated sternness to show a reasonable level of authority and control over the matter, constituted symbolic beating.

On the other hand, Imams especially the Shiites, for whom *idhribuhuna* means ‘to withdraw’, based their position on the Prophet’s practice, when he left the home and deserted the wives after conflict with the hope that they would return to their senses and repent. But as one Shiite Imam who was inclined to the interpretation of withdrawal questioned: how does one resolve a marital conflict through beating or violence?

On Confessions of Imams...

Habiba, had not been “symbolically beaten” in accordance with the traditions of the Prophet. On the contrary, the manner of beating had defied the Islamic procedure and rules and confirmed the perceptions about wife beating in Islam. To this extent, the ASWAJ asked for compensation for her in line with the Shariah. Similarly, three Imams confessed to ever physically beating their wives. In the first instance, an Imam who doubles as a headteacher with postgraduate degree in Islamic studies narrated how as a result of what he called insubordination flogged his wife. According to him, at the time of the incident, he had no knowledge of the intricacies of the *qawama* verse, which he later came to understand as a recommendation and gradual approach to resolve marital disharmony without causing harm to the wife. Now armed with adequate Islamic knowledge, he pleaded for Muslims and especially Imams to properly contextualize the text for better understanding. Another Imam recounted how even though he had read Amina Wadud’s books, he responded with a slap after the wife had ‘misbehaved’ on several occasions. According to him, the wife later begged for forgiveness and never disrespected him again. He however emphasized that his action was not based on *idhribuhuna*, but rather on the lack of anger management.⁴⁵

In the third instance, a well acclaimed Imam and a trainer of Imams in the Nima-Mamobi area was forthright and said with pride that he beats his wife and keeps a cane in the house for that purpose. It was amazing the confidence and excitement (and without any inhibitions) with which the Imam argued. He said, “You can mention my name that I said it”

⁴⁵ It is unclear why he mentioned Amina Wadud; presumably it was to create the impression that he was sympathetic to the Islamic feminism and his attitude was not based on male chauvinism.

This shows clearly the pride some men take violating women.⁴⁶ In the view of this trainer of Imams, there was no ambiguity about the permissibility for husbands to beat their recalcitrant wives, and he demonstrated the manner of beating by slapping his face. He quickly added that husbands should be ready to pay compensation to their wives for ‘wife battery’ should they contravene the Shariah provisions of beating. The Imam, however, categorized women when he reiterated that whilst Zongo Muslim women may be beaten because they are ‘very disrespectful’ and ‘illiterate’, educated Muslim women will not be beaten because they “know how to apologize and say sorry.” The response of this trainer-of -trainers is daunting for Muslim women because of its implication in terms of knowledge impartation and applicability.

The engagement with Imams, especially, those from Zongo Lane brought out critical issues of concern with serious implication for the intellectual development of Imams. When asked about their view of the *qawama* verse as it related to the beating of women, one Imam grudgingly stated, “Madam as for we Muslims we don’t think. Everything is in the Qur’an and Sunna.” Whether it was a language or communication problem was difficult to ascertain. However, in a different conversation with postgraduate students in Islamic studies, it was noted that these expressions are widely used in Ghanaian traditional Islamic Studies circles. Invariably, most Ghanaian Imams base their ideas on the position of classical jurists. For this Imam, the operative word *idhribuhuna* had been explained and accepted as “to beat”; by classical jurists. Therefore, he had no other options.

As Mustapha Abdul- Hamid puts it, “This way of interpreting what is apparently a Qur’anic sanction for men to beat their wives has come down from the traditional interpreters of the Qur’an which the men of Dagbon for instance are merely regurgitating.”⁴⁷ The response by this Imam, and to a large extent, Ghanaian Muslim scholars, suggests that some leaders or Imams are unqualified in Islamic scholarship; they simply parrot literal translations they have picked up without interrogating them.

Fulera Issaka identified this issue in her research on Nima when she noted how Saudi trained Imams had been influenced by Wahabi

⁴⁶ This was after I had explained at the focus group discussion that all information would be treated with absolute confidentiality.

⁴⁷ Abdul-Hamid, “Islam and Gender in Dagbon,” 190.

doctrines and mentalities with a corresponding reflection in the general negative attitude towards Muslim women in the Nima Muslim community.⁴⁸ This resonates with Robert Lacy's conclusion that students who go to Saudi Arabian Universities "imbibe the canon of received knowledge without question, not to learn how to think critically or otherwise and certainly not how to re-order the world."⁴⁹ Mustapha Abdul Hamid is right when he suggests in his thesis on Dagbon that "Majority of Afanema do not attempt at independent reasoning beyond what has already been stipulated by traditional schools of Sunni Islamic thought... they do not just engage in authoritarian hermeneutics as espoused by Khaled M. Abou El Fadl, but they engage in jurisprudential hermeneutics."⁵⁰ It can be inferred that some Imams, like Afanema, find it difficult to think "outside the box".⁵¹

Challenges of Imams and Counsellors

Most Imams explained that because husbands are ignorant of the teachings in the Qur'an and Sunna, they violate their wives when they should rather love and protect them as the *qawama* text portrays. For them, 'symbolic beating' must come as a last resort. They stated categorically that wife battery is inconsistent with the general principles of peace which Islam espouses and referred to the objectives of marriage in the Qur'an. For the Imams, Islam's strictness is seen in the way it cautions Muslims not to promote violence against any party, but rather aim to resolve conflict without recourse to violence.⁵²

Shahbaz Ahmad Cheema's argument that within these interpretative tensions, the generic ethical message in the Qur'an, along with the Prophet's exemplary attitude, should provide a framework for ameliorating the adverse implications of the verse is appropriate and highly commendable. Also the conclusion that an inclusive perspective, which accords due reverence to the normative status of verse 4:34 of the Qur'an, ought to be adopted, without sacrificing contemporary realities is justifiable.⁵³

⁴⁸ Issaka, "Gender-Based Violence," . 44-46.

⁴⁹ Cf. Robert Lacy, cited in Mustapha Abdul-Hamid, "Islam and Gender in Dagbon," 178.

⁵⁰ Mustapha Abdul-Hamid, "Islam and Gender in Dagbon," 178

⁵¹ Ibid., 179

⁵² Qur'an has mainly verses on reconciliation including 4:35 which makes it imperative for couples to resort to arbitration during marital disputes.

⁵³ Cheema "The Concept of Qawama," 235

Therefore, though Muslim wives have been battered on many occasions, as in the case of Habiba and the wives of some Imams, it is not based on any prima-facie case in the Qur'an. Rather, this must be considered as GBV and referred to state authorities for prompt prosecution.

Most Imams hardly preach the *idhribuhuna* part of the *qawama* verse in the mosque and other fora. Because of the intuitive discomfort, they rather incorporate it in the general preaching and teaching on family life, the responsibilities of spouses and the need to live harmoniously as in Qur'an (cf. 30:21).

A Shite Imam lamented during the focus group discussion at the Islamic University College, Ghana how several attempts to discuss women's issue and the topic, in particular, were met with accusations by his fellow Imams and colleague lecturers on the pretext that he was using the *khutba* to do advocacy for women who must always be under the control of men. Similarly, another Imam of the Ghana Muslim Mission narrated how his attempt to preach on the topic was misconstrued as justifying beating of wives and then reported to his Senior Imam. Ironically, it was this Imam in his capacity now as a Senior Imam who preached the sermon on "wife beating" with the demonstration as stated earlier.

Most Imams acknowledged their shortcomings of overemphasising doctrines and rituals from the Minbars, to the neglect of contemporary social issues such as GBV that affect human dignity. As absolute morals values, these divine rights must be upheld in accordance with the Muslims' portrayal of God as just, is uncompromising. This affirmation is corroborated by Hussein Iddris Ibrahim,⁵⁴ who identified numerous problems in the practice of Imamship in Ghana. Citing nomination and election procedures, training and knowledge issues as stumbling blocks for effective delivery and other matters as fundamental challenges to the practice of Imamship, absence of good content and methodology, he concludes that lack of professionalism has contributed enormously to the inefficiencies and ineffectiveness of Ghanaian Imams.

⁵⁴ Hussein Iddris Ibrahim, "Preaching in Muslim Communities in Ghana: Mandate, Challenges and Prospects" (Ph.D. Thesis submitted to the Department for the Study of Religions, University of Ghana, 2013), especially Chapter 6.

Conclusion

The phenomenon of GBV cuts across all societies. In Muslim societies, this phenomenon is intricately linked to the Qur'anic text 4:34 that is traditionally interpreted to mean that husbands have *qawama* (control and authority) over wives. Traditional classical jurists have concluded that husbands may beat recalcitrant wives because the Quran recommends that as a last resort. Whilst some Ghanaian Muslims including Imams have subscribed to this view and practised it, others including Imams themselves have condemned this practice and adjudicated on such marital conflicts to bring the harmony Islam expects in family life. It was against this background that the paper set out to examine how Imams in Accra appropriate the *qawama* verse in their vocation. Their involvement in marital conflict resolution, preaching and teaching etc. presupposes adequate and sound knowledge of Quran and Sunna and the intricacies of interpretation.

Undoubtedly, Imams have knowledge of the verse which for them is not a *prima facie* case of violence against women. This is unsurprising, as Imams have imbibed the authoritarian classically formulated jurisprudence without question. Unable to interrogate issues, there is no indication of renewed thinking; and to think outside the box. Imams are stuck with “beat but symbolically” to defend the text which must be reviewed in contemporary times to enable newer interpretations. No doubt Imams are trying to reduce the incidents of GBV among Muslims through marital counselling in some communities. Yet, because this *qawama* verse is not openly preached from the *minbar*, Muslims are not well schooled about the critical issues entangled in the verse. This being the case, Imams must re-learn and re-train to critically interrogate issues and impact better in the community.

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