

The Phenomenon of Domestic Violence

By:

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Translated by

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دارالاصافي

ظاهرة العنف الأسري

The Phenomenon of Domestic Violence¹

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Shaikh Zaid ibn Muhammad al-Madkhali (may Allah have mercy upon him)

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¹ The source for this work is a lecture Shaikh Zaid al-Madkhali (may Allah have mercy upon him) gave and was later transcribed. The source for the transcription was taken from here: <http://www.atafreegh.com/index.php/tafreegh-almuhadhorat/muhadhorat-tarbiyah-wa-akhlaq/viewdownload/17-/25-#.WEIxOPkLIV>

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

All praise is due to Allah, the Lord of the Worlds. O Allah, send salah, peace, and blessings upon our Prophet Muhammad, and upon his followers, and Companions altogether.

The Cooperative office in the province of Saamitah requested from me to give a talk, in a short amount of time, on *The Phenomenon of Domestic Violence*. This topic is worthy of a reminder and clarification because it is a phenomenon which has occurred in both past and present societies. (عنف) means harshness and severity in other than its place. It produces evil effects which harm the individual, society, and nation. Its forms are many.

Its treatment differs among the people in accordance to their adherence to the religion or their lack of adherence to the religion of Islam. The countries which do not adhere to Islam nor rule by it, treat domestic violence through their laws which mankind legalize. The Islamic countries treat every mistake whether it is statement or ideology or belief. They treat it with the texts of the Quran and Sunnah according to the understanding of the Salaf.

So the source of treatment for domestic violence in the lands which rule by Islam is to take from the Noble Quran, the Sunnah of the Prophet (ﷺ), his pure biography, and by taking the Pious Predecessors as role models. Those who understood the texts of the Book, the Sunnah, understood the biography of the Prophet (ﷺ), his noble characteristics, and held themselves fast to taking him (ﷺ) as a role model acting upon the command of Allah:

لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ

Indeed in the Messenger of Allah (Muhammad) you have a good example to follow for him²

So what is important is that the phenomenon of violence and the causes of violence are many and varied in the Islamic lands. The source for the beneficial and successful treatment, as I mentioned to you, is by returning to the Almighty Book, the purified Sunnah, and the biography of the Prophet (ﷺ) as displayed throughout his life with those who were far and near. Also, by returning to what the Pious Predecessors were upon in terms of the upright guidance. Those who took the Noble Prophet (ﷺ) as a role model.

From the forms of domestic violence is what occurs within the foundations of the family between a man and woman. It is a form from the various forms of violence. The absolute mastery and domination of the man over a weak woman. This is in most cases. He (the husband) wants to impose upon her (the wife) authority/control which she cannot bear. If he returned to the texts of the Book and Sunnah, he would find what reprimands him from transgression against a weak woman. She is his bedding and clothing:

² (33:21)

هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ

They are Libas [i.e. body cover, or screen, or Sakan, (i.e. you enjoy the pleasure of living with her - as in Verse 7:189) Tafsir At-Tabari], for you and you are the same for them³

This does not prevent nor deny that a mistake [may] occur from the woman also. So this causes argumentation and quarrel. Perhaps it may lead to separation and perhaps the quarrelling between a man and women will affect their children, both male and female. Sometimes it will lead to the children running away from the house to the street and towards evil companions. So a generation grows up far away from the Islamic cultivation/upbringing, and thus a loss occurs.

If a good understanding is found between a man and his wife, along with good treatment, mutual respect, mercy, and then the boys and the girls of the family witness that, then it will create comfort in their souls. They will take as an example what they saw of the respect and mutual understanding between the mother and father and the love and compassion, and they will take nurturing from them. The family will become an Islamic family in reality and be upon a faith-based cultivation and upon a great character. If the family is nurtured upon this foundation, then the domestic violence will decrease. Perhaps it will make domestic violence fade away from a society which is characterized by this practice.

In the modern era, this violence has occurred and has come from the East and West, through the means which have reached the people and have entered their homes. They have seen things. They have fallen into means which have caused violence by way of the leader of the family. He has then influenced the children. Drugs, intoxicants, and games which distance the people from the Islamic cultivation have spread. They distance a child and challenge the Islamic nurturing which is necessary for him to grow up with. So that becomes from the causes for domestic violence to occur. It causes the splitting between the man and his sons and daughters. You often hear about women hiding or about the abnormality of some children as a result of what occurs from intoxicants and sitting with the people of evil. These things have lead them away from faith-based cultivation. So this is the phenomenon, the phenomenon of domestic violence.

Its treatment is:

One: Returning to the Book of Allah by having concern for its recitation, its verses, understanding its meaning, what is in it of rulings, and advises. And then transmitting this good to those young in age, to the male and female youth, and cultivating them upon it. This is due to the statement of the Prophet (ﷺ):

³ (2:187)

كُلُّ مَوْلُودٍ يُوَلَّدُ عَلَى الْفِطْرَةِ، فَأَبَوَاهُ يُهَوِّدَانِهِ أَوْ يُنَصِّرَانِهِ أَوْ يُمَجِّسَانِهِ

Every child is born with a true faith of Islam (i.e. to worship none but Allah Alone) and his parents convert him to Judaism or Christianity or Magianism⁴

So if the good cultivation is found in the family, with the sons and daughters, they will be raised upon good. The family will be upon a good upbringing and live a blessed life. If guidance is missing from those responsible for cultivating the children, due to their lack of concern for the Noble Quran, the purified Sunnah, the biography of the Messenger, and biographies of the pious predecessors, then there is no concern for the Legislated sciences. Then this ignorance will lead to grave errors, from them which is domestic violence.

If people return to the great resources of the religion and comprehend the Book of their Lord, the Sunnah of their Prophet (ﷺ), study the biography of the Prophet (ﷺ), his honorable manners, and apply that knowledge as it is obligatory upon them and required from them, then they will live a good, blessed life. This phenomenon, which the people of the world complain about, will disappear from their families.

So there is no treatment in the Muslim lands except by returning to the Islamic jurisprudence and practically applying it because Allah rectifies whom He will, from those who come with the means of guidance from the individual, the society, and the Ummah.

Violence is countered with mercy and kindness. This is the characteristic fo the Islam:

الرَّاحِمُونَ يَرْحَمُهُمُ الرَّحْمَنُ ارْحَمُوا مَنْ فِي الْأَرْضِ يَرْحَمَكُم مِّنْ فِي السَّمَاءِ

The merciful are shown mercy by Ar-Rahman. Be merciful on the earth, and you will be shown mercy from the One who is above the heavens⁵

So this is the opposite of violence, severity, and harshness in other than its place.

Allah described His Prophet (ﷺ) with compassion and mercy:

لَقَدْ جَاءَكُمْ رَسُولٌ مِّنْ أَنْفُسِكُمْ عَزِيزٌ عَلَيْهِ مَا عَنِتُّمْ حَرِيصٌ عَلَيْكُمْ بِالْمُؤْمِنِينَ رَؤُوفٌ رَّحِيمٌ

Verily, there has come unto you a Messenger (Muhammad) from amongst yourselves (i.e. whom you know well). It grieves him that you should receive any injury or difficulty. He (Muhammad) is anxious over you (to be rightly guided, to repent to Allah, and beg Him to pardon and forgive

⁴ Bukhari (no. 1358-1359) and Muslim (no. 2658)

⁵ Reported by Trimdhi in his Jami (no. 1924). He said: It is Hasan Saheeh and it was authenticated by al-Albani

your sins, in order that you may enter Paradise and be saved from the punishment of the Hell-fire), for the believers (he is) full of pity, kind, and merciful⁶

His ummah follows him (ﷺ) in that. It is obligatory upon them to be like he was:

رَوْفٌ رَّحِيمٌ

Full of pity, kind, and merciful

A person of compassion and mercy. Not a person of harshness and severity upon the believers. Verily severity and harshness is towards the enemies of the religion:

وَلْيَجِدُوا فِيكُمْ غَظَّةً

And let them find harshness in you⁷

And Allah says:

وَاعْظَمُوا عَلَيْهِمْ

And be harsh against them⁸

As for the Believers, then the Prophet (ﷺ) was merciful to them. Allah, the Exalted said that He is merciful to the believers:

وَكَانَ بِالْمُؤْمِنِينَ رَحِيمًا

And He is Ever Most Merciful to the believers⁹

The Messenger was compassionate and merciful to the believers as well. Allah ordered him (ﷺ) with that so that his Ummah follows him and becomes from the people of compassion, mercy, kindness, and affection between themselves. So that love will prevail, the good will spread, and the next generation will grow upon what their fathers and ancestors were upon. Those who were raised upon what the Quran called to of etiquette. So like that, the believers will obtain the pleasure of their Lord, the Exalted, and His mercy in the worldly life, Barzakh, and Hereafter

Allah ordered the Prophet (ﷺ) to be kind and humble to the believers:

⁶ (9:128)

⁷ (9:123)

⁸ (9:73)

⁹ (33:43)

وَإِخْفِضْ جَنَاحَكَ لِمَنِ اتَّبَعَكَ مِنَ الْمُؤْمِنِينَ

And be kind and humble to the believers who follow you¹⁰

So there is no harshness between the believers. It is only love, mercy, and compassion as the Prophet (ﷺ) said:

مَثَلُ الْمُؤْمِنِينَ فِي تَوَادُّهِمْ وَتَرَاحُمِهِمْ وَتَعَاطُفِهِمْ مَثَلُ الْجَسَدِ إِذَا اشْتَكَى مِنْهُ عُضْوٌ تَدَاعَى لَهُ سَائِرُ الْجَسَدِ
بِالسَّهْرِ وَالْحَمَى

The believers in their mutual kindness, compassion and sympathy are just like one body. When one of the limbs suffers, the whole body responds to it with wakefulness and fever¹¹

So if this lofty, Islamic character occurs between the believers in their societies, then they would avoid domestic violence and its causes. The treatment for this phenomenon is in the texts of the Book and Sunnah. Its application is a practical application in real life.

No doubt from the forms of domestic violence is what has occurred in terms of the deviation of the youth. Their deviance from the traditions of truth and from obedience to Allah, His Messenger, and obedience to parents. These means have come from the enemies of Islam. the spread of drugs, intoxicants, and the means of amusement which blind the hearts, and make a young man a follower of his desires and one who is lead by his devil.

There is no treatment for this phenomenon in the Islamic societies except by the call to adopting the etiquette Legislated by Islam for the individual, family, society, and Ummah. Whoever lives underneath the shade of the Islamic legislation, both the Book and the Sunnah, then he will be free from the afflictions and deviations which have spread in these societies.

It is necessary to give a reminder to the people in the Islamic lands to turn towards understanding the religion with a sincere concern and truthful resolve. This is in order for them to apply their knowledge. If Allah orders an affair, it is obligatory to perform it and if He prohibits something which is harmful for the Ummah in their religion or their worldly life, then it is obligatory to prohibit the Ummah from it. If Allah, the Exalted rules with a ruling it is obligatory to consider the Divine ruling which has come with the Noble Prophet (ﷺ). With Allah is: the truth and just rulings. If the Islamic Ummah applied the knowledge of their religion in the correct form, then no doubt this evil phenomenon will disappear and the good will spread between the people in their societies. The society and the Ummah cannot do without constant reminders about what will rectify their affairs in the religion and the worldly life.

¹⁰ (26:215)

¹¹ Reported by Bukhari (no. 6011) and Muslim (no. 2586)

This is does not exist except in the Book of Allah, the authentic Sunnah of His Prophet (ﷺ), his pure biography, great character, and the biography of the Pious Predecessors. Those whose societies flourished with good, knowledge, sittings of knowledge, the spreading of it, and the recording of it, as it has reached us in this time period.

So what is important is that utmost affair and purpose is to have concern for the Legislated knowledge and a good intention to apply this knowledge with a practical application. It [this concern for the Legislated sciences] will counter evil and repel it. It will allow good to increase and spread in the societies and the Ummah. It will make [the people] happy under the shade of the Legislation, the honorable Legislated rulings, what is in them of mannerisms, and good character which the Quran and Sunnah call to. Through it the biography of the Prophet (ﷺ) will be paid attention to, as well as the biography of his Companions, those who came after them from the favored generations, and everyone who treads this correct path, which is called the straight path (الصراط المستقيم)

And Allah, the Exalted and Most High, Knows Best.



Questions

Question (1): A woman accompanied another woman in going to one who will perform ruqyah. Is it a condition that a mahram be present?

Answer: “If they are gathering in the neighborhood, then there is no harm in a woman going with another woman. However, if the both of them are going to a Raaqi, then it is necessary to have conditions:

1. The absence of seclusion with them by having his family present
2. The Legislated Hijab
3. That he does not extend his hand to the one who is sick and needs the ruqyah. He only performs the ruqyah without touching her with the Legislated Hijab [being worn]. There is no harm in that”

Question (2): Is it allowed for me to purchase a house or land in non-Muslim lands? And what is the meaning of [the Hadith]: “**Their fires should not be visible to one another**”¹²?

Answer: “The meaning of “**Their fires should not be visible to one another**” is the obligation of migration from the lands of the disbelievers to the lands of Islam. Staying away from the enemies of Islam and abandoning being neighbors with the disbelievers. This is an affair Allah mentioned in the Quran. It is not permitted nor allowed for a Muslim to remain in the lands of the disbelievers except if he is not capable of moving. So with that, he should have the intention and resolve that when it is easy that he will migrate. He should not remain the lands of the disbelievers. As for him purchasing a house to live in, then there is no harm in that”

Question (3): Is repentance accepted from the one who repents then returns [to the deed] then repents again deceitful in his repentance? How does one interact with this type [of person]?

Answer: “Whoever admits a sin and repents from it to Allah truthfully, in terms of stopping the sin, having remorse for what he did, and resolve not to return to it, then Allah will accept his repentance as long as it is not a right of a human, such as money and the likes. If he returns to the same sin or to another sin, then repents from it, then Allah will accept it.

What is important is that he repents truthfully. As for if he repents and he is not truthful, but only in front of the people and he is resolved to continue the evil action, then this is not one who repented. Allah, the Exalted will deal with him due to what he committed and what his hands have earned”.

¹² Graded Saheeh by al-Albani in Saheeh Sunan Abi Dawood (no. 2645)

Question (4): Is it allowed for a woman to supplicate to Allah that her husband does not marry (another wife)?

Answer: “This supplication is not from the righteous ones. This is from transgression in supplication. However, if he is capable of that and she is capable of having a second and third wife with her, then that is a favor of Allah. If she is not capable of that and she sees that her rights will be lost by a second or third wife, then it is upon her to seek a separation and not supplicate with that supplicate”.

Question (5): How does a woman wipe her head in wudu?

Answer: “A woman wipes her head in wudu like how a man wipes [his head]. From the beginning of the head until the neck, then she returns her hands to the place where she began”

Question (6): A man works in a company as a transport driver. However, the buses of the company have advertisements for intoxicants. The workers have advised the owner of the company, however, it is to no avail. Is there sin upon the driver in that?

Answer: “Yes because he is supporting a companion of disobedience upon disobedience. So it is upon him to advise him if he will respond to the advice. Otherwise he should leave it and find another work until Allah replaces for him clean, halal work which does not include any support of disobedience”

Question (7): What are the conditions for combining two prayers in relation to a woman? If we reach maghrib and isha and it is raining and we combine in advance. Then when the time for Isha comes, the rain stops. Do we need to repeat the isha prayer?

Answer: “The prayer is not repeated. If the combining of the prayers was in the vicinity of the masjid between maghrib and isha due to the presence of rain that will wet the clothes, then the rain stops and the Isha prayer comes in, then there is no repeating required from them. An obligatory prayer is not repeated twice in one day. If he prays in the house then it suffices because he prayed with an excuse”.

Question (8): We hope from your eminence an advice for some of the male and female students of knowledge from those who are negligent in taking care of their children with the argument of being busy with seeking knowledge?

Answer: “The Prophet (ﷺ) said:

كُلُّكُمْ رَاعٍ، وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ

All of you are shepherds and each of you is responsible for his flock¹³

So it is not allowed for the shepherd to waste his folk and he is responsible for them in front of Allah. So a person must combine between seeking knowledge and taking care of those whom it is obligatory for him to take care of. There is no excuse for wanting to seeking knowledge and wasting those whom he is to take care of from sons, daughters, and the likes”.

Question (9): What are the conditions for marrying a woman from the People of the Book, even if she committed zina before and then repented?

Answer: “If she is a free, chaste woman from the People of the Book and she does not continue to commit zina, then it is allowed for a Muslim man to marry her. There is no harm according to the correct opinion. Perhaps it may be a cause for inviting her to Islam and her accepting Islam”

Question (10): I said to my wife: “It is haram that I touch you for the duration of three months”. After that I came to her, is this considered divorce or *dhibbaar*? And what is the expiation for that, knowing that my intention was not to have intercourse with her?

Answer: “It is in accordance to his intention. If his intention is not to have intercourse [with her], then the meaning is that it is an oath. The expiation is the expiation of an oath and there is nothing upon him [beyond that]”.

سُبْحَانَكَ اللَّهُمَّ وَبِحَمْدِكَ، أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا أَنْتَ أَسْتَغْفِرُكَ وَأَتُوبُ إِلَيْكَ

How perfect You are O Allah, and I praise You. I bear witness that None has the right to be worshipped except You. I seek Your forgiveness and turn to You in repentance



¹³ Agreed upon

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