

Violence against Women

In the Q & A session at a recent conference, a woman asked, "How can a woman who is a victim of domestic violence talk to someone and get help without disturbing the peace in the family?" Everybody was shocked. So was the colleague who had been asked the question. She said, "But domestic violence itself implies that the peace in the family is disturbed, doesn't it?"

This incident finally gave me a starting point for this lecture on Violence against Women. Before that, I simply had no idea where to start on such a complex subject. For more than 30 years, counselling and mediating has been a regular part of my professional life. Perhaps you can imagine that, with regard to different kinds of violence, I came across about anything between emotional blackmail, physical violence in the home, and war crimes.

One of the problems is terminology. Violence is very often automatically understood as physical violence. But in fact that may be the tip of an iceberg and sometimes the last explosive expression of a long problematic relationship. In a wider sense, there is psychological and sexual abuse as well as verbal, economic, and structural violence that we must consider. All of the latter cause severe harm but are less obvious than a black eye, broken bones, or even the death of a victim.

What we are discussing here is the special category of more or less obvious violence against women, that is, where women and girls are the victims. Then there are the perpetrators. We often think of men: husbands, fathers, rapists, enemy soldiers. This does apply in many cases but I wish it were that simple! What about the women involved in FGM? What about the mother who uses threats or emotional blackmail to press her child into an unwanted marriage? What about female members of an extended family treating their new daughter-in-law like a slave? What about the child-molester who, in turn, was a victim of sexual abuse? And, coming back to my initial remark: what about the women who, either in order to avoid a confrontation that could "disturb the peace", or due to an extremely low self-esteem that causes a woman to find all the faults in herself, silently suffer along with all injustice that is going on?

Then there are the circumstances: the pressure of poverty that causes parents to sell their daughters; laws that prevent women from making use of their potential and from taking part in decisionmaking; artificial barriers consisting of phrases like "girls/women don't do that in our society" or "what would people say"; situations that make women feel unwanted in specific places; fears that an active committed girl (or consequently her siblings) might not find a suitable spouse; the omnipresent haunting concept of gender segregation in public meetings as a safeguard against "moral corruption"; vague suspicions against women who are known for their public activities; the lack of female role models that leave girls left to struggle with rules and prohibitions without any positive orientation.

Still another question is that of how to deal with violence against women. This is an uncomfortable subject. Well, there are laws against crimes like rape or sexual abuse, but then the burden of proof lies on the accuser - with the result that the victim, as a key witness, is suffering even more. Recently forced marriage was declared a punishable offense in Britain. Well - you certainly don't want to be under physical or subtle pressure to marry that particular individual, but would you want to get your parents into jail? With regard to punishment, there is also the question whether you can actually overcome violence with violence. There are programmes for victims that provide care and support like women's shelters and trauma therapy. Research in psychology tries to clarify the causes for violent behaviour and measures to diminish it. Much has been said and written about all those different aspects of violence against women. At the same time, dealing with it in everyday life very often means crisis intervention and fighting on many fronts - and numerous women are active both sociological and psychological research and in social work and care.

So far, this applies to women everywhere disregarding their religious affiliation. In fact, I frequently exchange experiences and thoughts with Jewish or Christian colleagues and secular social workers. Of course, as a Muslim theologian I mainly have to do with cases within my own community. Then, of course, I use the language of my tradition, be it to comfort, advise, support, encourage and empower actual or potential victims, be it in order to deal with those who use religious arguments in order to justify violence

against women, or be it for describing ways to bring about changes for oneself and others.

One way could be just to disregard "public opinion" and similar barriers, to simply do what has been recognized as right even if it is unconventional, somewhat like Pippi Longstocking. It takes what I would describe as "tawhidi courage": no authority except one's conscience; no judgment except the Ultimate! At best, this is a lonely path that might trigger healthy discussions and lead to gradual changes, at least temporarily. As we observe with women's attempts in Saudi-Arabia to disobey the prohibition against driving, there is always a risk to be considered too provocative: you may be hassled or ostracized or taken to account for braking a written or unwritten law. Such reactions may also eventually start up a process of discussion and change but only after a more painful confrontation.

But beyond such fire brigade activities, a process of more holistic rethinking is necessary that considers the background and context of our tradition in order to reconstruct it in a way that is more in accordance with its original spirit and suitable for human society in the future - or that can at least prevent misuse and extremes. After all, religion came about as a way of educating human beings towards security, justice and peace. I do not have any readymade instructions or suggestions but would like to discuss some points of my work that I find important in order to empower Muslims, especially women, to make their own informed decisions and their contribution to a meaningful education, the development of ethics and law, and to the training of future religious leaders and educators.

First: Explore Problematic Text Passages

True to its name, the Qur'an (lit. that which is to be read) is most likely the book that is read most often. This notion fills many Muslims with pride and may upset those who feel that their scriptures have at least an equally great importance and influence. At the same time, however, this has a considerable disadvantage: we tend to think we know it all. In fact, seen through our familiar lens of our particular well-established traditional methodology, we may know quite a lot. But especially then, in order to avoid becoming a prisoner of our own otherwise useful thought patterns, I find it essential occasionally to be open to unusual perspectives and interpretations that may trigger one or the other new insight or at least question, as it happens frequently in inter-disciplinary or even interreligious work or in a dialogue with readers on a journey of discovery - not necessarily in search for answers and instant solutions but in order to explore dimensions of the text itself.

The "Classics" in this context are a number of verses that read almost like paragraphs in a law book and are often treated as such:

- * Surah 4:3 that deals with polygamy.
- * Surah 4:11-12 that explains inheritance for male and female family members.
- * Surah 2:282 that speaks about contracts and witnesses.
- * Surah 4:34 that is often understood as giving a man the right to hit his wife, that is, as a justification for domestic violence.
- * Surah 24:2-5 that suggest punitive measures for adultery and slander.

Most of these texts seem to imply inequality of men and women (I don't know how often they have already been presented and discussed in this circle), and this understanding is further emphasized by certain translations and interpretations. On the other hand there are verses, often emphasized by Muslims speaking and writing about "Women in Islam" that indicate the equality of men and women:

- Surah 4:1 that points out that men and women are from the same source and ontologically equal.
- Surah 33:35 that lists the same ethical values and religious obligations for men and women (among them e.g. humility, truthfulness, devotion, fasting).
- Surah 9:71 that emphasizes a shared and balanced responsibility for men and women in the world and in creation ("they promote what is good and prevent what is evil").

At first sight, this seems to constitute a logical contradiction within the Qur'an. Well, not quite: these latter examples do not sound like paragraphs in a law book but rather like philosophy. They look descriptive rather

than prescriptive and are therefore often disregarded when "law" is discussed.

We have neither time nor space here to analyze these texts in detail (except for a passage that we'll have a closer look at during the text study workshop later on in the programme). The basic tools for that would be a) language, at least the essential key terms, b) the history of revelation (asbâb an-nuzûl, the "Occasions of Revelation" and beyond). I would like to point out the useful work that has been done, for modern readers, by Amina Wadud (Qur'an and Woman), Asma Barlas ("Believing Women" in Islam), and Farid Esack (Qur'an, Liberation and Pluralism), as well as, in German, by Rabeya Müller. It would be good if such research results had more publicity.

But this is not all. I do think that the aforementioned legal statements must be seen not only in the light of the history of revelation but also in the light of the rest of the text. The Classical scholars have made a difference between general and specific statements and between principles and explanations. Today, the specific legal-sounding verses are often considered principles and the general, almost philosophical statements are read, if at all, as edifying explanations. What if it is vice versa: the general statements about ontological status, human responsibility, and ethical values are the principles that give a direction to our thoughts, while the specific examples are there to illustrate how they can be implemented under the circumstances, e.g. in the society of the Prophet's contemporaries, in order to achieve a balance, in this case gender justice? This may sound unconventional, an interesting hermeneutical challenge, but it may very well give us the insights that we need today.

By the way, the same should apply to hadîth literature. Hadîth texts, even more than verses from the Qur'an, are often used out of context and immediately translated into instructions for action. The term hadîth, however, means report: something that the Prophet said or did was handed down to us - sometimes as a complete narrative, but very often as a single statement without any indication when he said that, to whom, and under what circumstances, mentioned among others that, at first sight, fit into a specific subject but detached from its place in actual life. And average Muslims today are blissfully unaware of the huge volumes of hadîth commentaries that deal with questions of authenticity and try to reconstruct the sunnah, the actual life-practice of the Prophet that is supposed to present a model for us and is the next important source after the Qur'an.

One more thought with regard to exploring text: religion is more than ethics and law. It is therefore worthwhile to take a closer look at narratives both in the Qur'an and in tradition - not as history but as didactic stories that touch upon essential human experiences and help us to educate ourselves morally and spiritually and to develop a perspective that is more than a mere reaction to challenges: a women's vision.

Again a reminder: in the early generations, women have been involved in the development of law and theology. They must get involved again - not only for the sake of gender justice but for the benefit of humankind and creation. They should therefore get familiar with the tools and get support for their self-esteem to do so.

Second: Reconsider Guiding Principles and the Purpose of Law

With regard to law, more needs to be done than just patchwork measures to either selectively scrap "sharî'ah" (perhaps even without a clear idea of what it means), or to mend individual rules and regulations that have derailed or lost their meaning. We need ways to express our ethical and legal norms in keeping with our time.

In fact the scholarly men and women in the first generations and in the Classical age knew quite well that the Prophet did not come with a pre-conceived system but with a vision of islah - a balanced order as a foundation for peace. So far, nobody, not even an inspired prophet, came up with a patent recipe of how to live once and for all - simply because human beings are not machines. That is why it is so inappropriate to treat the Qur'an (or any other scripture) as a manual that you look up for quick troubleshooting. Revelations came as a source for organic thought and action. The scholars therefore soon developed ways of expressing theological insights and a methodology to develop practical norms. The latter is called usûl al-fiqh, the Roots of Thorough Understanding (of principles and norms). Sharî'ah is literally the Road to Lifegiving Water - it

becomes muddy if it is stagnant. If you want to get an impression what it implies to revive it for our time and age with regard to gender justice, Khaled Abou El Fadl's *Speaking in God's Name* is a useful book.

Besides, a notion of general direction for the development of law was described as *maqâsid ash-sharî'ah*, the purposes of law. It was understood that it is not God but humans who need rules and principles in order to function in a way that leads to "happiness in both spheres", the material and spiritual wellbeing (see the Qur'anic allusion to "the good in this world and the good in the life to come"). General key values were identified, e.g. "life, property, and honour" as sacred values for the individual, based on the Prophet's farewell sermon, as well as values that promote the quality of life and the community.

The mystical traditions gave attention to individual self-education to build up characteristics as mentioned before: truthfulness, devotion, honesty, generosity, chastity, patience, humility etc. - in men and women as stated in the Qur'an. Today I often get the impression that such notions are sidelined as a mere "philosophical superstructure", something for people who can afford such luxury. But in fact, such self-education could strengthen a human personality and help to look beyond one's garden fence. Such a training might even help to get the proportions straight - for example between the one who disturbs the peace through violence and the one who speaks up in order to achieve changes from which everyone benefits.

I don't want to complain too much, but aren't we our own worst enemies by denying our heritage - the whole wealth of concepts, experiences, and methodological tools - and then complaining of intellectual, cultural and spiritual poverty and social helplessness? Rather, Muslim men and women should make a joint effort to replant its beauty in today's world in order to cultivate fruits for the future.

Third: Contemplate the Theological Background

The purpose of law is actually linked with the creation of human beings who, according to the Qur'an, are nothing less than God's trustee on earth with extraordinary abilities and a corresponding responsibility. The human relationship with the divine is considered based on a primordial covenant. Law and theology are therefore closely linked.

Officially Muslims are today rather reluctant to speak about their concept of God - it might come too close to making an image. Well - in the past there were quite heated debates between anthropomorphists who took Qur'anic terms like "God's hands" literally, and rationalists who tried to unlock the metaphors, but such discussions are unusual today. What we hear besides the obligatory phrase, "In the Name of God, the Beneficent, the Merciful", are, however, references to God as the Lawgiver or the Judge, and surveys have shown that young Muslims are under a considerable fear of God's anger and punishment. It seems that the concept of God among Muslims today is rather power-ridden; one could almost speak of a male image through the back door. This fear, in turn, reflects on the way that ethics and law are handled: the results tend to be strict and sometimes even destructive and oppressive rules - a system that makes it difficult to feel encouraged to study and question, not to mention reevaluation and renewal. Already the early scholars knew that the key to a person's ethical motivation is the theological perspective: perceiving God more as an All-Powerful Ruler would induce fear that would prevent bad actions, the emphasis on God as a Merciful Sustainer would trigger the hope for a reward that would encourage to do good actions.

Tradition tells us that there are, symbolically, "Ninety-nine Most Beautiful Names" or attributes. They are taught verbally through revelation. But they also become manifested in creation and can be experienced, e.g. God's mercy through the mercy of a mother, God's knowledge and wisdom through the knowledge and wisdom of a teacher etc. Here, the emphasis of God's oneness is less on uniqueness but on integrating comprehensiveness - it includes attributes like "the Hidden" and "the Manifest", "the First" and "the Last", and others that are ordinarily perceived as logically contradictory. Perhaps they can best be illustrated in the symbol of yin and yang. It gives plenty of space for the diversity in creation that is so often pointed out in the Qur'an, including the polarity e.g. of day and night - not as mutually exclusive entities, not like an on/off switch, but merging into each other and in a dynamic relationship. It leaves me wondering why we would then, on a practical level, treat the male and female aspects of life as separate "boxes". I would rather understand it as indicating a variety of valid different ways of relating both to each other as women and men, as diverse human beings of "different languages and colours", and to the Creator in a live relationship.

Beyond fear and hope, it would rather inspire love. I could perceive this dynamics as a condition for establishing a balance - not in yet another ideology but in a constant dialogue between scholars and non-scholars, between old and young, between men and women, between preservers of well-established traditions and documents and people with fresh challenging new ideas - and in prayer and meditation as a constant dialogue between the human and the divine.