



A *Fatwa* to Eliminate Violence against Women Raises *Shi'a* - *Sunni* Controversy



Muhammad Husayn Fadlallah
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Muhammad Al-Najimi

Al-'Arabiya reported yesterday that in celebration of the U.N. International Day for the Elimination of Violence against Women, the widely respected *Shi'a* religious leader *Muhammad Husayn Fadlallah*, who is known for his relatively liberal views on women, pronounced a *fatwa* decreeing that a woman once she has attained adulthood is independent and no person can act as her guardian. He explained that a man acting as a caretaker of a woman does not translate into reigning upon her. He also maintained that a woman is permitted in her own defense to counter sexual violence or other kind of violence with reciprocal violence and any other means at her disposal, including withholding sexual favors.

Fadlallah triggered a controversy declaring that this *fatwa* does not solely apply to the *Shi'a* but to all Muslims because it deals, as he puts it, with the humanistic dimension of an Islamic issue. That statement, which was seen as transgressing into *Sunni* territory, brought the immediate condemnation of the Saudi cleric *Dr. Muhammad Al-Najimi* who is a member of the counseling committee and of the Islamic *Fiqh* Academy. *Al-Najimi* argued that there is a distinction between violent beating with the purpose of physically harming the woman against which she can defend herself and disciplinary beating that has always been considered acceptable under the *Shari'a*. He said that a woman must accept such discipline without reciprocation or withholding her sexual favors. *Al-Najimi* also rejected *Fadlallah's* claim that a woman is ever independent and insists that a man must always act as her guardian.

Fadlallah, speaking with *Al-Arabiya*, explained that his *fatwa* on a woman's right to defend herself against her husband stems from the general rule which applies to all Muslims, regardless of gender, that every assaulted human being has the right to self-defense. He also stated that there is no specific religious law that allows a husband, father or brother to strike a woman. If this occurs, she has the right to defend herself.

On the matter of independence, *Fadlallah* adds that *Quranic* analysis of this issue shows that the relationship between a man and a woman is not one of master and a slave, but rather a matter of the man assuming the management of the household because of the financial responsibility that goes with it. *Fadlallah* added that once we study the marriage contract, we find that it does not impose obligations on the woman in the home. It is up to the man to provide her with shelter, food and medicine. God however wanted the woman to have the free will to provide services within the home based upon the marriage principles of love and kindness.

There is no doubt that *Fadlallah's* position commands substantial respect in the *Shi'a* community and his word will most likely be followed by the Arab *Shi'a* at least, including *Hizbullah*, because he is their spiritual leader. Judging by the large number of responses posted on *Al-Arabiya* [376 in 48 hours], however, the issue is generating much debate. While one would expect many *Sunni* men to disagree with *Fadlallah*, [PI Online's](http://www.alarabiya.net) initial analysis of the responses seems to indicate that a relatively large number of them actually agree with *Fadlallah*.

Thus, this debate may be emblematic of some positive movement on women's issues. Our preceding article [[PI 224](#)] on the showdown between the deputy speaker of the Egyptian People's assembly, *Zeinab Radwan*, and Islamic clerics regarding the official value of a woman's testimony in court is another example.

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