



2528-9705

**Örgütsel Davranış Araştırmaları Dergisi**  
Journal Of Organizational Behavior Research  
Cilt / Vol.: 3, Sayı / Is.: S2, Yıl/Year: 2018, Kod/ID: 81S2352



## **VIOLENCE AGAINST PREGNANT WOMEN FROM LEGAL AND JURISPRUDENTIAL PERSPECTIVES**

Reza FANI<sup>1</sup>, Roghayeh DARGAHI<sup>2</sup>, Hossein SHIRDEL<sup>3\*</sup>

<sup>1</sup> Assistant Professor, Theology and Islamic Teachings Faculty, Law Department, Azarbaijan Shahid Madani University, Tabriz, Iran,

<sup>2</sup> Obstetrics and Gynecology, Ardabil University of Medical Sciences, Ardabil, Iran,

<sup>3</sup> MA, Department of Law, Tabriz Branch, Islamic Azad University, Tabriz, Iran.

**\*Corresponding Author:**

**Email:** Shirdel2008@gmail.com

### **ABSTRACT**

*Violence against women includes any sort of gender-based cruel behavior causing injury or accompanied by physical, sexual and affective likelihood or women's suffering. The present study aims at investigating the violence against pregnant women. The present review study has been carried out within the format of library research in a time span from 1992 to 2013 as well as based on searches in information databases and international websites using such keywords as violence, pregnancy, wastage of right. The formal articles and publications by World Health Organization and UN as well as authentic jurisprudential resources and the results of holy Quran's content analysis were also utilized in this regard. The present study findings pertain to three groups, namely factors and outcomes, prevalence in Iran and world and violence and human rights. All in all, the predisposing factors of violence and domestic cruelty in pregnancy, absence of social stability, unhealthy lifestyle and health problems were found amongst the primary causes of violence against pregnant women. According to the AHADITH and holy Quran's AYAT, violence against women is not justifiable at all. Violence against pregnant women occasionally exerts irreparable influences on the neonates and cases of resultant fetus death have even been documented.*

**Keywords:** Violence, Pregnancy, Women, Law

### **INTRODUCTION**

Family is the most original nucleus of every society and the focal point of health protection that plays an important role in the formation of children's roles. Violent treatment of women is a familial phenomenon that endangers the family foundation (Behnam HR, 2008).

Violence against women incorporates any gender-associated cruel behavior that causes injuries or is accompanied by the possibility of physical, sexual and affective damage or women's suffering (WHO, 2002). Domestic violence is the most common type of violence against women that has engaged about 45% of the women worldwide. Although the domestic violence rates differ in the various regions of the world in a range from 15% to 70%, the highest rates of the violence against women are exercised by their spouses (Koski et al., 2011). Such behaviors can be conducted by threatening, absolute deprivation of freedom or options in a covert or overt manner. Due to the mortality and pathogenicity of violence against women, the phenomenon is enumerated amongst the important problems of healthcare and legal systems of every country and it is an acute social problem that causes such difficulties as pain,

depression, intercourse diseases, higher likelihood of AIDs transfer, suicide and a vast spectrum of psychological diseases (Dolatian and Hesami, 2008; Crowell and Burgess, 1996). Nutritional disorders, anemia, delinquency, alcohol and drug abuse, sleeping problems and chronic fear syndrome are higher in women experiencing domestic violence (Records, 2007). Generally, domestic violence exerts long-lasting effects on health and, besides putting health at risk, it can cause decline in the quality of life as well as a more frequent use of healthcare and treatment services (Faramarzi, 2005). Violence against women also brings about reductions in self-confidence and socioeconomic participation of the women in the society that eventually leads to the decrease in the society's welfare (Carillo, 1992). According to a UN report, exertion of violence against women hinders achievement of equality, development and peace (Ghazizadeh, 2005). The present article adopts a comprehensive approach to pregnancy domestic violence to explore the issue from the perspective of Islam and laws.

## **MATERIALS AND METHODS**

The present review study was undertaken using library research. At first, using such keywords as violence, pregnancy, wastage, rights and violence against women, in separate or combined, all of the articles related to conventions and documents in such databases as Magiran, Iran Medex, Google Scholar and PubMed were searched. The formal articles and publications by international organizations and WHO and UN were also investigated. The review of the documents was conducted for the articles printed in the time span between 1992 and 2013. All of the documents were investigated for the determination and selection of the relevant titles by the authors. The main study inclusion criterion for the women was their being pregnant. In a preliminary search based on the aforesaid keywords, 147 articles were found. After performing reevaluations, English and Persian articles were selected and all of the repeated articles and the ones the complete text of which was unavailable were discarded. In the end, 33 articles and 4 authentic jurisprudential books were extracted following the investigation of the research sources according to the abovementioned concepts in the electronic and written means in respect to Iranian culture and civilization and use was also made of the Holy Quran's AYAT.

## **DISCUSSION**

The present study has attempted to deal with the factors and outcomes of violence thereby to investigate violence in countrywide and worldwide in terms of legal and jurisprudential considerations:

Factors of violence have been recognized in pregnancy as a highly risky period for physical, mental and sexual abuses and over one third of women referring to the healthcare and treatment systems for domestic violence have been found to be pregnant (Rohi and Kashanian, 2010). Violence against women is quite common in all social classes though some experts are of the belief that it is more prevalent in lower socioeconomic classes (Delahunta and Tulsy, 1996). The physical harm prevalence by the husband in pregnancy is reported in a range from 0.9% to 20% (Kaplan and Sadock, 1999).

Violence against pregnant women is the result of the interaction between individual, familial and social factors (Ahmad, 1992). In individual level, these factors are childhood experience of



violence, existence of violence in family, absence of father in the family and alcohol and drug abuse; in familial level, it embraces spouse incompatibilities. Patriarchal family is a strong predictor of violence against women (Crowell and Burgess, 1996). In social level, the factors that cause violence in the family are poverty, unemployment, lack of support and isolation from the other family members, society's welcoming of violence against women and patriarchy's being considered as a norm (Koss et al., 1994). Generally, violence against women is more frequently found occurred to the women whose husbands are addicts, poor, alcoholic, imprisoned and less educated. There is a negative relationship between the domestic violence and individuals' level of education and this is a very important factor in prevalence of violence (Ellsberg et al., 2001). The existence of addiction in the family is a string factor giving rise to domestic violence. It has been proved in the majority of the studies that economic instability can lead to family's shakiness and violence increase (Smillk, 1999). Factors like having no correct understanding of one's situation, social isolation, depression and abuse of the victim's rights are effective in domestic violence (Brown, 1992). The other factors contributing to domestic violence in families are low levels of job and income, addiction and criminal conviction of the spouse, families' insufficient support of the spouses, giving inadequate dowries to the grooms, youngness of the wives (Naved and Persson, 2008), spouses' religion and wives' addiction to smoking (Karaoglu and Celbis, 2005). All in all, the predisposing cruelty and spouse violence factors during pregnancy can be categorized into three groups:

- 1) Absence of social stability that is per se comprised of the following factors: divorced women or the women who live apart from their husbands; low education level, unemployment, young marriage age and unwanted gestation.
- 2) Unhealthy lifestyle: it includes such nutritional factors as improper nourishment, alcohol abuse, smoking and use of impermissible drugs and affective problems of different types
- 3) Physical health problems: it includes acute and chronic ailments and use of various medicines (Cunningham et al., 2007).

According to amnesty international organization, violence against women in families more than cancer and car accidents causes death or physical disability of women ranging in age from 16 to 44 (Tiber and Tamadon, 2010).

The effects of violence on pregnant women is a critical subject amongst the violence victims because, besides being accompanied by physical and psychological outcomes for the pregnant women, influences the health of the conceived fetus and that of the later children (Salehi and Mereolian, 2006). Unwanted pregnancy, delay in taking prenatal cares, unfavorable weight gain, abortion, early delivery, placenta decollement, low birth weight, growth fetal mobility reductions are the other disorders of violence against women (Garcia-Moreno, 2005).

Violence against pregnant women can directly cause fetal death due to placenta decollement, fetal membrane (amnion and chorion) rupture as well as preterm contractions or indirectly endanger fetal health or even cause fetal death due to its being followed by stress, drug abuse and so forth (Koenig et al., 2006). Normally, the women experiencing violence do not feel the required social support from the family side and have inappropriate socioeconomic statuses all of which impede their reception of pregnancy services in a proper and timely manner hence early delivery and low fetal weight are quite common amongst them. These factors seriously threat the fetal health (Saunders, 2000). The most important risks of violence during pregnancy are preterm delivery, consecutive hospitalization of the mother for various reasons



(psychological marchant), stillbirth and abortion, urinary tract infections and pelvis girdle chronic infections (Cohen and Maclean, 2004).

#### ***Violence Prevalence in Iran and World:***

Essentially, there are not reported exact statistics of violence against women (VAW) in Iran (Salehi and Mereolian, 2006). According to the large number of evidence, it seems that a great many of the pregnant women referring to healthcare-treatment centers are victims of violence (Rohi and Kashanian, 2010). Numerous studies have been conducted in various spots of the country in this regard. The followings are a summary of these researches:

A study by Jahanfar et al in Tehran gives an estimated 60% rate for domestic violence against pregnant women. Out of this percentage, 15% belonged to physical violence, 60% to psychological-mental harms and 23% to sexual cruelties (Jahanfar and Malekzadeghan, 2002). The prevalence rates of domestic violence, psychological violence and sexual violence against pregnant women from Shahr-e-Kurd have been estimated in a study by Salehi et al respectively equal to 34%, 52% and 14% (Salehi and Mereolian, 2006). In a research done in three cities, namely Bonab, Miandoab and Mahabad, Hasan et al demonstrated that the prevalence rates of violence against pregnant women correspondingly are 78%, 67% and 94% (Rohi and Kashanian, 2010). Nojoomi et al, as well, estimated a value equal to 11% for violence against pregnant women in Tehran (Nojoomi and Akrami, 2002). But, Jamshidimanesh et al found a 56-percentage rate for the prevalence of violence against pregnant women in Tehran. The percentages found for psychological-mental and physical violence were 51% and 5%, respectively (Jamshidimanesh et al., 2013). In a study in Mashhad, Behnam et al found values equal to 0.7%, 1.7% and 0.3% for harsh verbal violence, intensive psychological violence and severe physical violence during pregnancy in women hospitalized in postnatal wards (Behnam HR, 2008). As it can be seen, the prevalence rates are drastically different in various studies. One reason might be the violence's dependency on various cultural, individual, social and other factors. Another reason for the inconsistency of the statistics for various parts of the country is that the majority of Iranian women are unwilling to report domestic violence to the police hence a number of these women might naturally refrain reporting of violence during researches. In fact, the domestic violence statistics do not reflect the realities, especially for pregnancy period (Rohi and Kashanian, 2010).

#### ***Violence and Human Rights (Legal):***

Violence against women is one of the very important issues in human rights (Faramarzi et al., 2005). UN announced for the first time in 1945 that women enjoy rights equal to men's. In 1979, the convention on elimination of all forms of discrimination against women (CEDAW) was enacted by the UN. Corresponding to article 15 thereof, the member states have to grant women rights equal to those of the men.

Based on article 16 of the convention, the member states should take expedient measures for the purpose of elimination of any discrimination against women in all affairs related to marriage and familial relations and they have to particularly guarantee the following cases in adherence to men-women equality of rights (Marjorie, Agosin, 2001). And, in 1992, an article 19 was added thereto based on which any violence against women is considered as an instance of discrimination hence violation of the convention principles. In 1993, women's rights were embedded in the human right basics for the first time. At present, there are approved many regulations on the prohibition of violence against women in various countries and this is the



result of extensive lobbies by organizations defending the women rights with the human right organizations. The convention emphasizes on the idea that the states are responsible for combating violence against women and punishment of the individuals and institutions exerting violence against women because they are also responsible for uprooting any discrimination against women. In 2000, millennium development goals were codified following the efforts for uprooting of poverty. Equality of men and women was one of the specific goals. In the declaration of millennium development goals, combating violence against women and elimination of all forms of discrimination against women were underlined (Nasir and Hedar, 2003; Riahi, 2009).

### ***Violence and Islam (Jurisprudential):***

Islam knows it necessary and compulsory to observe ethics in all material and spiritual respects (Riahi, 2009). The Holy Quran condemns and prohibits any abuse, invasion and tyranny and orders “و لا تعتدوا ان الله لا يحب المعتدين”, meaning “do not perform abuse and invasion, because the God does not like invaders and tyrannical powers” (ANFAL: 60). From the perspective of the holy Quran, one distinct characteristic of the great apostle of Islam (may Allah bestow him and his sacred progeny the best of His regards) is His Highness’s well-tempered and benevolent behavior as it is ordered therein that “فبما رحمه من الله انت و لو كنت فظا غليظ القلب لا نفطو من حولك”, meaning “then, you became temperate and kind in treating them by the grace and mercy of the God and they would have instantly scattered away from around you if you were bad-tempered and stone-hearted” (Al-e-IMRAN: 159). Islam does not impose any limitation and deprivation of freedom to the women (Ahmed and Elmardi, 2005). All of the women’s rights have been clearly explicated in Islamic teachings.

In his last sermon during the farewell hajj pilgrimage, the great apostle of Islam (may Allah bestow him and his sacred progeny the best of His regards) emphasized on preemption in treating women nobly and ordered “O men, treat your women well and be kind to them; because they are your partners and assistants in religion” (Engineer, 1992). It has also been ordered that “استوصوا بالنساء خيرا”, meaning “advise one another to treat women well”<sup>1</sup>. The great apostle of Islam (may Allah bestow him and his sacred progeny the best of His regards) highly values girl children and orders: “مَنْ وُلِدَتْ لَهُ ابْنَةٌ فَلَمْ يُؤْذِهَا وَ لَمْ يُهِنْهَا وَ لَمْ يُؤْزِرْ وُلْدَهُ عَلَيْهَا - يَعْنِي الذُّكُورَ -”, meaning “he who has a girl child born to him and does not annoy her and humiliate her and prefer his children [boys] to her, the God will take him to the paradise for the sake of that girl” (Engineer, 1992)<sup>2</sup>.

It is also ordered that “إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى عَلَى الْإِنَاثِ أَرْقُ مِنْهُ عَلَى الذُّكُورِ، وَ مَا مِنْ رَجُلٍ يُدْخِلُ فَرْحَةً عَلَى امْرَأَةٍ”، meaning “The God is kinder to girls than the boys, he who makes his daughter happy will be made happy by the God on the judgment day”<sup>3</sup>. These AHADITH indicate that the Islam’s apostle (may Allah bestow him and his sacred progeny the best of His regards) highly valued the enhancement of women’s position.

In the Holy Quran, the men have been recommended to be kind towards women and treat them well. Spend your time happily wit women even if you dislike them. There are many things you do not like but the God has placed goodness in them for you (NISA’A: 19).

<sup>1</sup> MstrkAlvsaylandMstnbtcatechism, Volume 14; Bihar Al-Anwar, Volume33

<sup>2</sup> Mizan al-Hikmah, Volume13

<sup>3</sup> Vasaieloshia, Volume 20, page 367



In Holy Quran's SURAH HUJURAT, AYA 13, it is ordered that the criterion of superiority is piety and the dearest of you before the God is the most virtuous of you. Here, the superiority criterion is piety not the color and the race and not ethnicity and clan and nor even being a man or a woman.

In the holy Quran, he God always knows men and women responsible alongside one another and all the rewards and punishments are stated therein to be inclusive of men and women and there is made no superiority given to any of them over the other. For example, AYA 35 of SURAH AHZAB mentions "undoubtedly, the believer men and women, the Muslim men and women, obedient men and women, the righteous men and women, alms-donating men and women, fasting men and women, chaste men and women, the men and women who remember the God" and so on which is clearly indicative of the idea that the evident religion of Islam never considers the men and women superior over one another regarding the social rights and punishments and the other issues.

In religious life, as well, the equality of men and women has been introduced: "Muslim men and Muslim women, believer men and believer women, pious men and pious women, truthful men and truthful women, patient men and patient women, humble men and humble women, alms-giving men and alms-giving women, fasting men and fasting women, pious men and pious women, men who abundantly remember the God and women who abundantly remember the God; the God has prepared for all of them absolution and great reward" (Al-AHZAB: 35). Elsewhere, it is ordered in the Holy Quran that "pious men and women are friends of one another. Encourage one another to the doing of good and prevent one another from doing evil; they say prayers and pay Zakat and obey the orders of the God and His messenger" (TAWBEH: 71).

Islam declared the truth to the mankind world that the women, like men, are human beings and part of the society's body: "يا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً", meaning "O, the people of the world, fear the God who created you all of the same soul of which He created its mate and brought to existence many men and women from them ..." (NISA'A: 1). "He who does good, man or woman, while believing in the God, will go to paradise and s/he will not be wronged" (NISA'A: 124). Due to the existence of more intense emotions and affections in women, the ethereal teachings have made a lot of recommendations about how to treat women and girls and the prominent features like nobility, gentleness and chivalrousness have been enumerated for the proper way of treating the wives and doing them good. In Islam's advices and recommendations, the term "believer" in respect to appropriate and unhostile and non-annoying treatment generally includes both men and women but, in family and familial relations area, many emphases can be found in an investigation of AYAT and narrations from Immaculate Imams (peace be upon them) regarding avoiding harsh treatment of women and behaving well with them such as "وَ عَاشِرُوهُنَّ بِالْمَعْرُوفِ", meaning "treat women gently and kindly" (NISA'A: 19). In an interpretation of this honorable AYA, Allameh Tabataba'ei orders that "the term 'معروف' in the AYA encompasses any common thing realized and not denied by the society member. So, well treating of the women means that an individual of the society is equal to any other member of that society ... the God knows all the people unexceptionally as cells of the humanity tree's trunk; therefore, the equality in conversing and treating one another holds for all of them and this is the very social freedom of men and women ..." (Al-Mizan, v.4, pp.255-256). It can be in fact stated that women, like men, enjoy



equal human rights, in family, as a small society, and, that the same way that the rights of individual members should be observed in every society, the rights of women, as human beings, should also be observed in families as it is ordered in the holy Quran that “وَ إِذَا طَلَّقْتُمْ ” “النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ سَرِّحُوهُنَّ بِمَعْرُوفٍ وَ لَا تُمْسِكُوهُنَّ ضِرَارًا ” meaning “and, if you divorced women and they reached the end of their waiting time, you should either keep them in a well manner or release them in a well manner and do not keep them at home for making them suffer” (BAQARAH: 231). Normally, divorcement and separation is accompanied by annoyance and hatred and side abnormal contacts; therefore, the Holy Quran prevents this problem and orders that behave normally with them under any condition and you lest you annoy them in such situations or cause them sufferings or behave violently towards them as it is ordered “وَ عَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَ كِسْوَتُهُنَّ بِالْمَعْرُوفِ ”, meaning “it is the duty of the owner of child, the father, to supply sustenance and clothing of the women in a well manner” (BAQARAH: 233). According to the primary and important role of mother in the house and rearing of children, undoubtedly, violent behaviors towards women will be followed by adverse effects and consequences on and for the other family members, particularly children. Mothers exposed to violence can never succeed in rearing children and foster them with healthiness of psyche and self-confidence. So the term “معروف”, equivalent in English to normal, is a pervasive noun embracing anything that provides for the obedience of the God or closeness to Him and well treating of the people and it is the characteristic of any action the goodness and rightfulness of which are accepted in canonical or intellectual regulations (Majma’a Al-Bahrain, v.3, p.159). In Majma’a Al-Bayan, Tabarsi states that “normal treatment means exhibiting behaviors that are in adherence to the God’s orders and accompanied by the fulfilment of the women’s rights in the form of supplying of their needs and speaking beautifully to them and treating them well and it is asserted that ‘normal’ is not to hit the women and do not use heinous words in speaking with them and accept them with open arms” (Majma’a Al-Bayan, v.1, p.336). It is also ordered in the holy Quran that “فَإِنْ كَرِهْتُمُوهُنَّ فَإِنْ كَرِهْتُمُوهُنَّ ” “فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَ يَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ” meaning “and if [your wife] is disliked by you [do not express it] because there are many things you do not like while there are placed many good things in them by the God” (NISA’A: 19). This order addresses the men who resort to divorcement due to the ethical or affective incompatibilities or other issues. Under such conditions, the holy Quran recommends them to treat them leniently and the God will reward them with countless blessings. The question that strikes the mind here is that why does the holy Quran point to beating of women: “وَ الْآتَى تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَ اهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَ اضْرِبُوهُنَّ فَإِنْ ” “أَطَعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ”, meaning “and, advise the women of whose disobedience [in sexual affairs] you fear and do not sleep with them and then beat them; if they became obedient, then, do not treat them harshly any more” (NISA’A: 34). Allameh Tabataba’ei (may Allah sanctify the sacred soil of his tomb) orders in an interpretation of the AYA that “the term ‘نُشُوز’ means disobedience out of haughtiness and by fearing of their disobedience, the appearance of the symptoms and effects of it is intended. These three cures, i.e. advising them, staying away from them and hitting them, though being mentioned together and each has been linked to another using conjunctive ‘and’, are to be followed one after the other in a gradual manner; it means that one should first advise them and then refrain keeping distant from them in case of its being found ineffective and, finally, beating them. The reason indicating that these are gradual



is that their annoyance begins from mild to severe through adopting of the abovementioned solutions in case of women's disobedience and this order can be understood from the words' styles not from the conjunctive 'and'. Staying away from the wife apparently means keeping distance from them in bed such as turning back on them, taking no pleasure in them and so forth. Although not sleeping with the wife in one bed can also be understood from the phrase "staying away from them" but it is rather far from having been intended" (Al-Mizan, v.4, p.345).

His Highness Imam Khomeini (may Allah consecrate the sacred soil of his tomb) has the following decree in Tahrir Al-Wasileh: first of all, measures should be taken in line with advising women with the emergence of the first signs of disobedience. These symptoms can include behavioral changes of women in speaking or constant frowning. Secondly, the spouses should act step-by-step in correcting their wives' disobedience and there would be no need for keeping distance from them if the wife is found corrected in her behavior the same way that beating is not needed in case that staying away from her was found fruitful. Thirdly, if the problem is deemed to be resolved with a bit of violence, the men do not have the right to take intensive measures. Fourthly, it has to be done with the intention of correction not taking revenge and, fifthly, beating should not leave dark spots or bruises on the woman's body and/or cause bleeding otherwise the man is liable to the compensation" (Tahrir Al-Wasileh, v.2, p.305). Thus, domestic violence is one of the most substantial examples of cruelty against women. The great apostle of Islam (may Allah bestow him and his sacred progeny the best of His regards) orders about the prestige of the girls and daughters that "how good is a girl child. Daughters are replete of graciousness; they are ready for help and assistance and they are blissful and pure" (Kolaini Razi, *Osul-e-Kafi*, v.6). Imam Sadeq (PBUH), as well, orders that "a righteous woman is better than a thousand of unrighteous men" (Al-Baqdadi, 1978). His Highness orders elsewhere that "the greatest fortune is in daughters" (Qomi, 1983). Imam Sadeq (PBUH) also orders that "this one sin of wasting his family suffices a man" (Allameh Majlesi, "Bihar Al-Anwar" v.103, p.13). Imam Baqer (PBUH) orders that "he who chooses a woman as his wife should venerate her. Your wives are the causes of happiness to you and those who marry them have no right to annoy them" (Allameh Majlesi, "Bihar Al-Anwar" v.103, p.13). The great apostle of Islam (may Allah bestow him and his sacred progeny the best of His regards) has a narration about maltreatment of a husband of his wife: "the God does not accept the endowments and alms and good deeds of a man should he disturb his wife by his words unless he makes his wife satisfied. Such a husband is the first person who will be burned in hell even if he observes fast during the day and stay awake praying at night and free slaves for the sake of God and fight the enemies of the God for the sake of fulfilling his jihad duty" (Allameh Majlesi, "Bihar Al-Anwar" v.103, p.13; Sheekh Sadough, *Al-Amali*, p.429). His Highness has also ordered that "should a man slap his wife once, the dearest and the most magnificent God orders the hell-keeper to slap him seventy times in hell" (Noori Tabarsi, 1987). The great apostle of Islam (may Allah bestow him and his sacred progeny the best of His regards) has the following statement about the worst of the men: "the worst men of you is the one who falsely accuses, is bad-tempered and uses bad words, eats alone and does not make endowments and the others are to support his wife" (Kolaini Razi, *Osul-e-Kafi*, v.2)

In Islam, if a woman perpetrated a crime necessitating Hadd punishment such as when a woman performs adultery and then four witnesses bring testimony to her adultery and it is



proved that she has committed adultery and she is sentenced to Hadd punishment and she is found pregnant, it is canonically forbidden to enforce the punishment and it is postponed till she has given birth to her child even if the child is the product of adultery (Amini and Ayati, 2010). Muhammad Ibn Ali Ibn Al-Hussein quotes Muhammad Ibn Al-Hassan from Al-Saffar from Muhammad Ibn Al-Hussein Ibn Abi Al-Khattab from Al-Hakam Ibn Meskin from Abi Khaled Al-KA'abi from Abi Abdullah (PBUH) who has heard from the great Apostle of Islam (may Allah bestow him and his sacred progeny the best of His regards) that “أيما امرأة دفعت من بيت زوجها شيئاً من موضع إلى موضع تريد به صلاحاً نظر الله إليها، و من نظر الله إليه لم يعذبه، فقالت ام سلمة: يا رسول الله (ص) ذهب الرجال بكل خير فأى شيء للنساء المساكين؟ فقال(ع): بلى إذا حملت المرأة كانت بمنزلة الصائم القائم المجاهد بنفسه و ماله في سبيل الله، فإذا وضعت كان لها من الأجر ما لا يدري أحد ما هو لعظمه، فإذا أرضعت كان لها بكل مصة، كعدل عتق محرر من ولد اسماعيل، فإذا فرغت من رضاعه ضرب ملك كريم على جنبها و استأنفى العمل فقد غفر لك”, meaning “any woman who in his husband’s house displaces a tool from a place to another in good intentions, the God will attend to her and s/he who is attended by the God will not be punished by Him. Omma Salamah stated that “O the prophet, men have reserved themselves all good. What do miserable women have?” His Highness ordered: “when a woman gets pregnant, she is like a person observing fast during the day and saying prayers at night and performing jihad on the path of God with her life and properties. When she gives birth to the child, she will be given so huge a reward that nobody can count. When she gives milk to the child, she will be endowed the blessing equal to freeing a slave of Isma’eil’s offspring for every sucking of the child and when her milking of her child is finished, the angles would say: your past was all forgiven. Begin now”<sup>4</sup>. In a HADITH from Imam Ali (PBUH), it is narrated that “اياك و مشاوره النساء فان راينهن الي افن وعزمهن الي وهن”, meaning “avoid consulting with women because they are weak in their wills and incapable of making firm decisions”. But, both of these issues can be resolved via eliminating the factors giving rise to them. Thus, it is stated in another HADITH quoted by Allameh Majlesi from Imam Ali (PBUH) that “اياك و مشاوره النساء؛ از ”مشورت با زنان پيرهيزيد الا من ”جريت بكمال عقل”, meaning “avoid consulting with women”; but, those women whose perfection of intellect has been tested and proved are immediately excluded by saying “except those who have reached the perfection of intellect” (Allameh Majlesi, “Bihar Al-Anwar” v.103, p.13) This is due to the type of the women and there are also men who are emotional or less experienced and consulting with them is not only unfruitful but also harmful. Based on the aforesaid HADITH from Imam Ali (PBUH), as well, the perfection of intellect and awareness are prerequisites qualifying a person for being consulted with and being a female does not necessarily bar the permissibility of consultation. On the other hand, in some of the cases wherein the specialty and familiarity of the women are higher, consultation with them has been recommended such as in a HADITH from the great apostle of Islam (may Allah bestow him and his sacred progeny the best of His regards) who has ordered “ايتمروا النساء ”في بناتهن”, meaning “in affairs related to your daughters, consult with the women”. More importantly, the eminent God orders in the holy Quran that men and women should consult and exchange views in some family-related issues: “فان اراد فصلا عن تراض و تشاور فلا جناح عليهما”,



<sup>4</sup> Women in the speeches and conducts of the great apostle of God (may Allah bestow him and his sacred progeny the best of His regards), retrieved from [www.hawzah.net](http://www.hawzah.net)

meaning “if the mother and father want to wean their child from milk earlier than two years in a consultation with one another, they have not committed a sin” (BAQARAH: 233).

Or, in SURAH TALAQ, the cooperation and co-thinking of husbands and wives have been pointed out. The narrations from Imam Ali (PBUH) or other narrations prove that by “avoid consultation with women”, taking serious the utterances and thoughts of ordinary women or promiscuous and unwise and felonious and crazy women is intended because they are too much obsessed with the seductive allurements of the world and closed their eyes to the superior truths. But, women who have turned their faces away from the force of the world’s luxuries and have started thinking are worthy of consultation like competent men. So, surely, in case of their being proved authentic, Imam’s intention does not include all women. If it was so, why did Her Highness Zahra (may Allah hail on her) participate in important sociopolitical issues of her time? If the intention is to be generalized to all women, why His Highness’s daughters, especially, her Highness Zainab (may Allah hail on her) played roles in the political issues of the then time?

Many of the men are also incompetent in political affairs and important social issues.

In fact, His Highness Imam Ali (PBUH) orders that “one should not consult with jealous, coward and greedy individuals because there is a weakness in each of them that prevent the achievement of truth”. In line with this, for certain biological attributes of women such as the very domination of emotions and feelings over their intellect as well as the social limitation that makes them be less experienced, consultation with women has been restricted and, quite contrarily they feature intelligence equal to men<sup>5</sup>. The Supreme Leader, his highness Ayatollah Khamene’ei, has the following statement about the women’s rewards upon tolerating the hardship of life: “if the wives suffer a hardship from their husbands’ sides and the husbands are found imposing the hardship on them for their making of efforts and endeavors and struggles in marital life, the eminent God would reward this hardship albeit for a moment and an hour and nobody understands it. Many are not aware of wives’ pains. The people have become accustomed to imagining that pain is a thing that experienced by arm and body and physique; they do not know that the psychological and affective hardship are sometimes even heavier. The husbands do not very much notice your efforts; but, the eminent God is “لا يخفى عليه” -meaning “there is nothing left hidden from the God and he observes your works and rewards you”.

“if the Islamic society can rear women based on Islamic patterns, to wit Zahraean pattern, Zainabean pattern, great women, splendid women, the women who can influence the world and history, then, they can arrive at their real lofty rank. If the women can reach the science and cognizance and spiritual and ethical perfections considered by the eminent God and divine rituals for all of the human beings, men and women, identically, the children will be raised better; the family environment will become cozier and more serene; the society will progress more; and, the life bottlenecks will be resolved easier; it means that men and women will become felicitous; efforts have to be made for this; it is the goal; the goal is not deploying men against women; the goal is not hostile competition between men and women”<sup>6</sup>

<sup>5</sup> “Responding to the doubts about oppression of women in the holy Quran”, retrieved from [htmlt-pasokhgoo.ir](http://htmlt-pasokhgoo.ir)

<sup>6</sup> “Are today’s women like the ideal Islam’s women”, written by Sareh Salimi, retrieved from: [borhan.ir](http://borhan.ir)

Imam Khomeini (may God have mercy on his soul) introduces women as the manifestation of the human wishes' actualization: "women are human and that a great human. Women are coaches of the society. It is on the lap of women that the human beings come to existence"<sup>7</sup>. "Women are the manifestations of the mankind's wishes ... men ascend from the lap of women"<sup>8</sup>

His Highness Imam Khomeini sees the example of a perfect human being and the entirety of what should be imagined for women in the blessed existence of Her Highness Zahra (may Allah hail on her) and orders that "all the aspects imaginable for women and generally for humans have existed and have been embodied in her Highness Fatemeh Zahra (may Allah hail on her); she was not a simple woman; she was a clergywoman, an ethereal woman, a human being in its perfect sense; she has been a version of all humanity and the entire truth of a woman ..."<sup>9</sup>. Then, again, he orders about her highness that "she was an ethereal being appeared in the world in the form of a human being; she was rather an absolutely divine being who appeared in the form of a woman ... she was a woman who possessed all features of all prophets; if she were a man, she would have become a prophet; she is the woman that, if a man, could have taken the place of the great messenger of Allah (may Allah bestow him and his sacred progeny the best of His regards),"<sup>10</sup>

His highness Imam Khomeini does not consider the individual personality of woman as a secondary being and does not give her a prestige and rank lower than man rather he believes that, if not higher in rank than man, she is at least equal to him and that the men have no superiority and special position over women and the differences, if any, are mostly proportional. In this regard, his highness has the following statement: "the history of Islam can bring testimony to the limitless reverence by the great apostle of Islam (may Allah bestow him and his sacred progeny the best of His regards) in respect to this honorable being, her highness Zahra (may Allah hail on her), so that it can be demonstrated that the women feature a particular greatness in the society and that if not superior to men, are no less"<sup>11</sup> "Islam considers women and men at the side of one another and gives them equal rights; of course, there are certain verdicts specific to men and others specific to women and this should not be taken as meaning that men and women are approached differently"<sup>12</sup>



## CONCLUSION:

The holy Quran explicitly and intensively denies any gender-based approach to human beings and, essentially, gender, race, language, beliefs and opinions are never involved in the human identity of the mankind as viewed by the holy Quran. And, any human being, man or woman, black or white, Muslim and non-Muslim, before being all of these is a human being and it is based on this same identical and common identity that all the human beings enjoy human rights. According to AHADITH and holy Quran's AYAT, violence against women is not at all justifiable. According to the results obtained in numerous studies, violence against pregnant

<sup>7</sup> Sahifey-e-Noor, v.6

<sup>8</sup> Sahifey-e-Noor, v.6

<sup>9</sup> Sahifey-e-Noor, v.6

<sup>10</sup> Sahifey-e-Noor, v.6

<sup>11</sup> Sahifey-e-Noor, v.14

<sup>12</sup> Sahifey-e-Noor, v.14

women exerts occasionally irreparable effects on the neonates and cases have been documented of fetal death which is the wastage of both women and men's rights.

### STUDY FINDINGS:

Meanwhile being the most important nucleus of health preservation, family can be the locus of the most common type of violence against women and this is most often seen in families with low economic level and also with a spouse's addiction. Besides having adverse physical and psychological effects, domestic violence diminishes the quality of life. The majority of the violence has been issued by the husband side. Therefore, it is enumerated amongst the important human right issues for which reason the UN has pointed to the equality of men and women. Such violence, if conducted during pregnancy, as a very sensitive period, besides adversely influencing the physical and psychological health, causes abortion of fetus. Thus, the pregnancy period is important to the extent that even in cases of pregnant women's committing of a crime sentenced to Hadd punishment, it will be postponed till the child birth and, simultaneously, the pregnancy is so rewarding and blissful that it is as if the pregnant woman has performed jihad on the path of God. According to the AHADITH, men and women enjoy equal rights and they are to be considered superior to one another only in terms of piety. Consultation with women has been prohibited due to their being too much sentimental. However, there are many women who can make decisions far better than men like her Highness Zahra (PBUH). In fact, Islam and the regulations do not make a difference between men and women rather they are envisaged superior to one another in various states in regard of their gender. Thus, it is suggested that women rights should be attended to more seriously in terms of gender.

### References

- Ahmad L. (1992). *Women and gender in Islam: historical roots of a modern debate*. USA: Yale university press
- Amini, Alireza and Ayati, Muhammad Reza, (2010), "deductive jurisprudence (translation of Tahrir Al-Rawzah fi Sharh Al-Lam'ah)", tr. Mahdi Dadmarzi, edited by Muhammad Safavi, Qom, Ketab-e-Taha, pp.604-605
- Ahmed A.M, Elmardi E. (2005). A study of domestic violence among women attending a medical Centre in Sudan. *Eastern Mediterranean Health Journal*; 11 (5): 164-174
- Al-Baqdadi, Abu Abdullah Muhammad Ibn No'man, (1978), "Al-Ershad Fi Ma'arafah Hojaj Allah Ala Al-Ebad", v.1, p.175, no place, A'alami Publication Institution
- Behnam HR, (2008). Evaluate the severity and frequency of domestic violence during pregnancy, *OfoghDanesh*. 14 (2) :70-76 (Persian)
- Brown L. (1992). Family violence. *Hidden secrets: wife abuse*. *Nurs BC*.24(2): 13-15
- Carillo R. (1992). *Battered dreams: violence against women as an obstacle to development*. New York, United Nations Development Fund for Women. 23-71

- Cohen, M. M., Maclean, H. (2004). Violence against Canadian women. *BMC women's health*. 4(1):22
- Crowell NA, Burgess AW, eds. (1996). *Understanding violence against women*. Washington DC, National Academy Press, 96–120
- Cunningham, G., Gant, N., Leveno, K., and Ginsrap, I. (2007). *Williams Obstetrics*, McGraw hill
- Delahunta EA, Tulsy AA. (1996). Personal exposure of faculty and medical students to family violence. *JAMA*. 275(24):1903–1906
- Dolatian M, Hesami K, (2008). Investigate the relationship between violence during pregnancy and postnatal depression. *Scientific Journal of Kurdistan University of Medical Sciences*. 13 (2): 57 - 68. (Persian)
- Ellsberg M, Heise L, Pena R, Agurto S, Winkvist A. R(2001). Researching domestic violence against women: methodological and ethical considerations. *Stud Fam Plan*. 32(1): 1-16
- Engineer, Asghar Ali. (1992). "The Rights of Women in Islam". London: C. Hurst & Company
- Faramarzi M, Esmailzadeh S, Mosavi S. (2005). Prevalence and determinants of intimate partner violence in Babol city, Islamic Republic of Iran. *Eastern Mediterranean Health*. 11 (5): 870-879
- Garcia-Moreno C. (2005). WHO Multi-country study on women's health and domestic violence against women. Available from: <http://www.WHO.org/>
- Ghazizadeh A. (2005). Domestic violence: a cross sectional study in an Iranian city. *Eastern Mediterranean Health Journal*, 11 (5): 880-887
- Jahanfar SH, Malekzadeghan A, (2002). The prevalence of domestic violence among pregnant women in hospitals of Iran University of Medical Sciences. *Iranian Journal of Nursing*. 15(32 and 33): 93-99 (Persian)
- Jamshidimanesh M, Soleymani M, Ebrahimi E, Hosseini F. (2013). Domestic Violence Against Pregnant Women in Iran. *Journal of Family and Reproductive Health*; 7(1): 7-10
- Kaplan H, Sadock M. *Comprehensive text book of psychiatry*. In: *Physical and sexual abuse of adults: A Bessel 1999:2002-2008*
- Karaoglu, L. and Celbis, O. (2005). Physical, emotional and sexual violence during pregnancy in Malatya, turkey. *European journal of public health*. 16(2):149-156
- Koenig LJ, Whitaker DJ, Royce RA, Wilson TE, (2006). Ethier K, Fernandez MI. Physical and sexual violence during pregnancy and after delivery: a prospective multistate study of women with or at risk for HIV infection. *Am J Public Health*. 96(6):1052-1059.
- Kolaini Razi, Muhammad Ibn Ya'aqoob, "Osul-e-Kafi", v.6, p.5.



- Koski AD, Stephenson R, Koenig MR. (2011). Physical violence by partner during pregnancy and use of prenatal care in rural India. *J Health Popul Nutr.*29(3): 245-254.
- Koss, M. P., Goodman, L. A., Browne, A., Fitzgerald, L. F., Keita, G. P., & Russo, N. F. (1994). No safe haven: Male violence against women at home, at work, and in the community. American Psychological Association.
- Majlesi, Muhammad Baqer, “Bihar Al-Anwar”, v.103, p.13.
- Marjorie, Agosin. (2001). “Women, Gender and Human rights: A global perspective”. London: Rutgers university press.
- Nasir K, Hedar A.A. (2003). Violence against pregnant women in developing countries Review of evidence. *European journal of public health.* 13(2): 105-107.
- Naved, T. and Persson, A. (2008). Factors associated with physical spousal abused of women during pregnancy in Bangladesh. *International Family Planning Perspectives.* 34 (2):71-78.
- Nojoumi M, Akrami Z, (2002). Physicalviolenceduring pregnancy anditsconsequences formaternal and neonatal. 2 (1) :47-52 (Persian).
- Noori Tabarsi, Hussein Ibn Muhammad Taqi, (1987), “Mostadrak Al-Wasa’el wa Mostanbat Al-Masa’el”, v.14, no place, Al-e-Bayt press, p.250.
- Qomi, Abu Ja’afar Muhammad Ibn Ali Ibn Al-Hussein Ibn BAbuyeh, (1983), “Man La Yahzarah Al-Faqih”, v.3, revised by Ali Akbar Ghaffari, Qom, teachers’ society press, p.385.
- Records KA. (2007). Critical review of maternal abuse and infant outcomes: implication for newborn nurses. *Newborn and Infant Nursing Review.* 7(1):7-13.
- Riahi H, (2009). Peace and violence in Islam, Christians and Jewish. *The research quarterly Islamic science;* 14: 14-28. (Persian)
- Rohi M, Kashanian M, (2010). Domestic violence against pregnant women: prevalenceandassociatedfactors. *Sociology of Women (Women and Society),* Winter 2010; 1(4 (4)): 77-95. (Persian)
- Salehi SH, Mereolian HA, (2006). Prevalenceofdomestic violenceamong pregnant womenreferred tohealth centers inthis city, in 2003. *Journalof ShahrekordUniversityof Medical Sciences;* 8(2): 72-77. (Persian)
- Saunders EE. (2000). Screening for domestic violence during pregnancy. *Int J Trauma Nurs.* 6(2):44-47
- Smillk CB. (1999). Physical and sexual in middle – class obstetric population. *South Med J.* 18(3): 983-988
- Tiber, A. and Tamadon, T. (2010). The children of divorce. Translator: Pazokizadeh. Tehran, Iran. Ohadi’s publisher. Available from URL : <http://www.jamejamonline.ir> (Persian)



World Health Organization. World report on violence and health. (2000). Geneva, Switzerland: World Health Organization, Available from: [http://www.who.int/violence\\_injury\\_prevention/violence/world\\_report/en/introdu](http://www.who.int/violence_injury_prevention/violence/world_report/en/introdu)

