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An Analytical Review of “the Head of a Family” in the light of "الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ" (Men are the Protectors and Maintainers of Women)

Abstract

In the Holy Qur’ān, the term “*Qawwām*” has been used indicating towards the responsibility and headship of a man. *Qawwāmah* is a responsibility, due to which, a man is duty bound to fulfill certain requirements e.g., satisfying the physical, material as well as religious needs of his family in the best possible way. Through his practice, the Prophet Muḥammad (peace be upon him) demonstrated his responsibilities as a head of the family. The responsibility of *Qawwāmah* is entrusted to men due to their suitability for being protectors and maintainers of women. That’s the reason, *Qawwāmah* is a religious and legal obligation and not a mere privilege which can be misused anytime. A descriptive and analytical methodology will be utilized in this research. The present work aims to explore the meaning of the term “*Qawwām*” with the help of different Tafāsīr as well as viewpoints of Muslim scholars. It will describe the qualifications of man to play role as the head of a family in Islām. The purpose of this research is to highlight the responsibilities of the head of a family in the light of verse no.34 of Sūrah Nisā’ "الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ" as well as to identify the limitations in his authority. It will discuss the above-mentioned Qur’ānic verse with its correct understanding in relation with the issue of domestic violence against women.

Key Words: *Qawwām*, head of a family, headship of man, responsibilities, limitations, domestic violence

Introduction:

The responsibility of family headship is one of the most pivotal issues concerning actual status of women in Islām and its impact on family system. This concept of family headship is found in verse 34 of Sūrah Nisā' which has endorsed the idea of male accountability and reliability to carry out certain jobs in the family. Nevertheless, this verse has been misconceived and the status of women in Islām has become the target of criticism due to misconceptions and misinterpretations of the religious texts promoting patriarchal family system, unquestionable male authority and gender discrimination. Sharī'ah has entrusted husband and wife their particular roles to play within their particular spheres of life. The roles and responsibilities of spouses under the Qur'ānic concept of *Qawwāmah*; standard idea of an obedient wife and a dominating husband in our social norms and cultural practices; correct understanding of the Divine obligation of *Qawwāmah* (headship of the family); and the restrictions set by Sharī'ah on the authority of a man in the context of domestic abuse against women are the major focuses of the present research paper.

Literal Definition of *Qawwām* (Head of Family):

In the Qur'ān, the term *Qawwām* has been used for ***“the head of family”*** which comes from the root word ***“qama”***, means ***“to stand up for, to sustain, and to be responsible for someone’s support”***.¹

In the Arabic dictionary, ***“Qāmūs Alfāz al-Qur’ān al-Karīm”***, the term *Qawwām* (sing. of *Qawwāmūn*) is an expression of exaggeration which means:

“Maintainer, guardian, administrator, custodian, controller, the one who is in authority”.²

Technical Definition of *Qawwām* (Head of Family):

“A qawwām is the person who constantly stands up for something or someone in order to protect that thing or that person in an appropriate way. The role of qawwām is like a head, supervisor, custodian, protector or administrator.”

As a result, the term *Qawwāmah* means “headship, guardianship or custodianship”.³

Qur’ānic Concept of *Qawwām* (Head of Family):

The Qur’ān has asserted that the husbands are the heads of their wives. The Qur’ānic injunction related to *Qawwām* is mentioned in verse 34 of Sūrah Nisā’:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنِ اطَّعْنَكُمْ فَلَا تَبْغُوا عَلَيْنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

*“Men are the caretakers of women, as men have been provisioned by Allāh over women and tasked with supporting them financially. And righteous women are devoutly obedient and when alone, protective of what Allāh has entrusted them with. And if you sense ill-conduct from your women, give them an advice ‘first’, if they persist, do not share their beds, ‘but if they still persist’, then discipline them ‘gently’. But if they change their ways, do not be unjust to them. Surely Allāh is Most High, All-Great”.*⁴

In this verse, injunction related to *Qawwām*, reason and execution of this responsibility and behavior of righteous women and multi-step procedure in case of *nuṣhūz* from wife is mentioned.

***Qawwām* (Head of Family) in the light of Tafaseer:**

Accurate interpretation of the terms “وَاضْرِبُوهُنَّ، فَضَّلَ، نَشُورَهُنَّ، قَوَّامُونَ” is extremely necessary in order to have correct understanding of relationship between spouses, role of spouses in a family, limitation in husband’s authority as a family head and husband’s disciplinary rights. These terms will be discussed here from the perspective of classical and contemporary commentators of the Qur’ān.

i) *Aḥkām al-Qur’ān* by al-Kayā al-Ḥarrāsī

Šhaykh Imām Abū al-Ḥasan ‘Alī ibn Muḥammad, known as al-Kayā al-Ḥarrāsī asserts that the verse 34 of Sūrah Nisā’ has been revealed to declare the men as supporter of women. He mentions the following verse of Sūrah Ṭalāq as the basis for his viewpoint:

”يُنْفِقُ ذُو سَعَةٍ مِنْ سَعَتِهِ وَمَنْ قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ“

*“Whoever has abundant means, let him spend according to his means; and the one with limited resources, let him spend out of what Allah has given him”.*⁵

By merging the meaning of these two verses, it is concluded that the husband will lose his authority as a head in case of failure of maintaining and sustaining the family. The wife is no longer required to comply with his orders as he has lost his superiority as a *Qawwām* and she can even get the marriage annulled if she desires so.⁶

ii) *Tafsīr Fakḥr Uddīn al-Rāzī* by Imām Fakḥr Uddīn al-Rāzī

According to Imām Fakḥr Uddīn al-Rāzī, this verse was revealed as some women in the Prophetic era complained about Allāh’s favours upon men in the matter of double share of inheritance. That’s why, Allāh declared that men

have been favoured (فَضَّلَ) only in financial matters as they are the sustainers of their female counterparts. They have been given double share in inheritance as they have to support their parents, sisters, wives and children. For example, a husband has to provide *nafaqah* (daily expenditures), *mahr* (dower), and inheritance to his wife. So, there is no privilege for men at the first place. Instead, this verse indicates towards certain obligations, especially financial ones.⁷

iii) **Aḥkām al-Qur'ān by Ibn al-'Arabī**

According to Ibn al-'Arabī, the term *Qawwām* means “*Amīn* (an honest custodian)”. It involves the responsibilities of a man as a caretaker of wife’s affairs, provider of satisfactory life according to his means and supervisor of her religious and ethical deeds. There are two aspects of superiority of men mentioned in the verse 34 of Sūrah Nisā’: **i)** Their power and ability to perform intellectual and leading roles. **ii)** Bearing all types of expenditures for wife.⁸ Ibn al-'Arabī suggests that the term نُشُورٌ means the disobedience of wife in a way that she does not consider herself duty bound to fulfill the legal rights of husband or refuses to comply with his legitimate and valid demands.⁹

iv) **Al-Jāmi' li-Aḥkām al-Qur'ān by Al-Qurṭabī**

According to Al-Qurṭabī, the reasons of authority of men include physical strength, power of logic, sharing their wealth with women, capability to do *jihād* and preaching etc.¹⁰ Al-Qurṭabī describes that the term نُشُورٌ means the misbehavior of wife towards her husband.¹¹

v) **Al-Moḥarrar al-Wajīz Fī Tafsīr al-Kitāb al-'Azīz by al-Undalāsī**

In the viewpoint of al-Undalāsī, the nature of the duty of *Qawwāmah* itself determines the scope as well as limit of a husband’s authority over his wife.

As regards husband's excellence (faḍīlāṭ) mentioned in the verse, it is due to his brilliance in the matters of religion and reason; his leadership in certain fields like Prophethood, caliphate, imāmaṭ in congregational prayers, inheritance share, jihād, Šahādah (evidence), authority in the matters of marriage and divorce.¹² According to al-Undalāsī, the term نُسُوْرٌ means that the wife ranks herself higher than her husband in headship of family, decision-making and other matters which require supervision of a man.¹³

Regarding the term وَاضْرِيُوْهُنَّ, Ibn al-‘Arabī, al-Undalāsī and Al-Qurṭabī unanimously agreed on three level strategy recommended in verse 34 of Sūrah Nisā’ in order to regain the marital harmony and secure the reputation of family: **i)** Discussion **ii)** Abstaining from conjugal relation and physical contact. **iii)** The last option is disciplining the wife which is equivalent to the disciplinary actions against children just in order to teach them manners. Therefore, such striking should not cause injuries leading towards compensation of damage.¹⁴

vi) Tafsīr Ibn Kaṭhīr by Ḥāfiẓ ‘Imād Uddīn Abul Fidā’ Ibn Kaṭhīr

According to the commentator Ibn Kaṭhīr, men have been created to be more proficient to perform certain duties.¹⁵ Regarding the essentiality and superiority of leadership of men, the Prophet Muḥammad (peace be upon him) said:

“لَنْ يُفْلِحَ قَوْمٌ وَلَوْ أَمَرَهُمْ امْرَأَةٌ”

*“Never will succeed such a nation as makes a woman their ruler”.*¹⁶

Also, men share their wealth with the women including *ḥaqq mahr* (dower), *nān-o-naḥqah* (daily expenditures), inheritance etc. That’s why, they are worthy to be appointed as guardian and caretaker of their women.

In case of improper behaviour from the wife and not fulfilling husband's due rights without any valid reason, first, she should be warned by husband. Secondly, according to Ḥaḍrat Ibn 'Abbās (*radī Allāh 'anhu*) and some other commentators of the Qur'ān, she will be boycotted by her husband in home which means verbal and physical abandonment. The last option will be disciplining the wife without showing violence. And if she corrects herself, no revengeful action and unjust violation by her husband is allowed in Islam.¹⁷

vii) Tafhīm-ul-Qur'ān by Sayyad Abul-A'ālā Maudūdī

Sayyad Abul-A'ālā Maudūdī asserts that the higher rank of men is not due to the reason of men's excellence and esteem rather it indicates towards their higher level of responsibility as the head of a family. And women have been given under their headship as their dependents for their own security on account of their natural inadequacy of those strengths.

A wife is required to listen to her husband only in lawful matters. If the husband asks her to do something against the spirit of Sharī'ah which leads towards Allāh's displeasure, or if he hinders her performing an obligatory worship, the wife has no obligation to fulfill his command.¹⁸

viii) Ma'ārif-ul-Qur'ān by Muftī Muḥammad Šhafī' 'Uṭhmānī

According to the elaboration by Muftī Muḥammad Šhafī' 'Uṭhmānī, a renowned contemporary Muslim scholar, the term *Qawwām* conveys the meaning of a person “*who has been given charge to administer a task and who is accountable for supervising a system and controlling all related factors. However, this authority is not like that of a tyrant or a dictator. This is an indisputable reality that men possess innate aptitude to act as a chief, take decision to resolve issues and run affairs well*”.¹⁹

***Qawwām* (Head of Family) in the light of Juristic Opinion:**

According to the majority of the Muslim scholars, the verse 34 of Sūrah Nisā' can be followed correctly when interpreted in the light of other Qur'ānic verses and Prophetic Model as a head of the family. The Muslim scholars have made attempts to interpret this verse not as a source of authorization of abusing women.

- i) A celebrated classical Makkan jurist, 'Atā' bin abī Rabāḥ stated: “وَاضْرِبُوهُنَّ” does not signify striking at all. Instead it is a metaphorical expression to symbolize husband's anger”.²⁰
- ii) Teacher of Imām Bukhārī and Imām Muslim and a famous Persian scholar, al-Dārimī compiled a whole chapter of Aḥādīth on domestic violence against women with the title of “*the Prohibition on Striking Women*”.²¹
- iii) The prominent Ḥadīth scholar Ibn Ḥajar 'Asqalānī's opinion is that: “*Despite of this three-step strategy, the role model left by the Messenger of Allāh is crystal-clear evidence that striking wife is wrong and despicable*”.
- iv) In the view of a Syrian jurist, Ibn 'Ābidīn: “*Injuring wife or torturing her in a way that her skin colour is changed, would result into corporal punishment to the husband*”.²²
- v) According to a pre-eminent medieval scholar Ibn al-Qayyim al-Jawzīyyah, *Dīn-e-Islām* promotes kindness, fairness, expediency, welfare and security. Anything which is in conflict with these qualities of *Dīn* and causes unfairness, oppression and insecurity can never be tolerated and embraced by *Islām* in any condition.²³

- vi) Contemporary scholars like al-Mahdī al-Wazzānī, a Moroccan jurist, has described in his legal compilation a variety of mistreatments against a woman, not only physical but also mental, religious and sexual mistreatment which, in case of wife's complaint, will lead towards *“reprimand or husband's imprisonment equivalent to the intensity of the crime as well as the option of divorce and full payment of haqq mahr to the wife”*.²⁴
- vii) Abdul-Karīm Zaydān, the late scholar from Irāq has opined that any form of oppression and abuse against wife is forbidden in Islām. Mistreatment and violation against anyone are prohibited then how can harming wife be tolerated in Islām who is the closest to her husband of all other relations. Furthermore, it goes against the Divine and legal responsibility of the husband to treat his wife with love and compassion.²⁵

Responsibilities of Man as a *Qawwām* (Head of Family) and Limitations in his Authority:

1. Guardianship and Maintenance of Family:

The responsibility of guardianship is like that of a ruler who takes charge of his subjects, protects them from every harm (both internal conflicts and external problems) and puts all his efforts to safeguard their interests.²⁶ By indicating towards this responsibility of guardianship of a man, the Messenger of Allāh (peace be upon him) said:

“وَالرَّجُلُ رَاعٍ عَلَى أَهْلِ بَيْتِهِ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ”

“A man is the guardian of his family and is responsible for his subjects”.²⁷

Guarding and supporting the family is not an easy job. That's the reason; this responsibility is handed over to men as they are more capable to fulfill it.

2. Good Treatment with Wife:

i) Financial Support:

Supporting wife monetarily is one of the major obligations of a man and the fundamental ground for being a *Qawwām* over her. It includes provision of *ḥaqq mahr* as mentioned in verse 4 of Sūrah Nisā’:

“وَأْتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً”

“And give the women (on marriage) their dower as a free gift”.²⁸

Sustaining wife (*nafaqah*) with food, clothing shelter, health care, education and other expenditures according to his means is also husband’s obligation as state in verse 233 of Sūrah Baqarah:

“وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ”

“Their (mothers’) provision and clothing are, in fairness, the father’s responsibility”.²⁹

Husband is also obliged to give his wife share in inheritance. Allāh Almighty said in verse 4 of Sūrah Nisā’:

“وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ”

“And your wives will inherit one-fourth of what you leave if you are childless.

But if you have children, then your wives will receive one-eighth of your estate”.³⁰

ii) Love and Kindness towards Wife:

Not only, is this one of the responsibilities of a man to show gestures of love and affection towards his wife but also a blessed Sunnah of our Prophet

Muḥammad (peace and blessings be upon him). He always treated his wives with great care and love. When Lady ‘Āyeshā (*raḍī Allāh ‘anhā*) would drink from a cup, the Prophet Muḥammad (peace and blessings be upon him) used to search the place where the lips of his beloved wife made contact and then drink from the same place. Similarly, when Lady ‘Āyeshā (may Allah be pleased with her) would take bite from a piece of meat, the Prophet Muḥammad (peace and blessings be upon him) used to eat from the very place of that meat.³¹

iii) Respectful Behavior towards Wife:

A husband is required to show respect to his wife who is the mother of his children and avoid all kind of maltreatment, bullying and humiliating behavior against her.

“وَلَهُنَّ مِثْلُ الَّذِي عَلِمْنَ بِالْمَعْرُوفِ وَلِلرِّجَالِ عِلْمُهُنَّ دَرَجَةٌ”

“Women have rights similar to those of men equitably, although men have a degree (of responsibility) above the”.³²

Just like a husband expects to be given respect and faithfulness by his wife, she has also every right to receive the same respect, honour and loyalty from her husband.

Ḥaḍrat Abū Hurayrah narrated that the Messenger of Allāh (peace be upon him) said:

“أَكْمَلُ الْمُؤْمِنِينَ إِيمَانًا أَحْسَنُهُمْ خُلُقًا وَخَيْرُكُمْ خَيْرُكُمْ لِنِسَائِهِمْ خُلُقًا”

“The most complete of the believers in faith, is the one with the best character among them. And the best of you are those who are best to your women”.³³

iv) Assistance in Household Chores:

The Messenger of Allāh (peace and blessings be upon him) has left his role model for the Muslim husbands in our society. Lady Khāḍījah (*raḍī Allāh ‘anhā*) was a business tycoon so the Messenger of Allāh (peace and blessings be upon him) was very supportive towards her career and assisted her in

raising children. Lady ‘Āyesha (*radī Allāh ‘anhā*) was a little girl when she got married to the Messenger of Allāh (peace and blessings be upon him). Therefore, he used to help her in a lot of household chores including cleaning and cooking and he never felt uncomfortable about it.³⁴ So a husband must participate in domestic tasks and cooperate with his wife in cleaning, cooking, washing dishes, laundry, during her pregnancy, bringing up and educating children.

v) Loyalty and Commitment

Disloyalty of husband and obvious display of detestation towards wife may not only have a negative impact on wife’s feelings and personality but also cause the destruction of family by ruining the children’s life. If a husband dislikes some habits of his wife, then there must be some other aspects of wife’s personality which will catch his attention.

Once a man came to Caliph ‘Umar (*radī Allāh ‘anhu*) and he wanted to divorce his wife. Caliph ‘Umar inquired from him: “*Why do you want to divorce her*”? He replied: “*I do not love her*”. Caliph ‘Umar said these remarkable words: “*Must every house be built on love? What about loyalty and appreciation*”?³⁵

vi) Avoiding Unnecessary Disputes and Fault-Finding

Being a head of the family, a man is supposed to behave more wisely.³⁶ Searching for grounds to complain and pick a fight continuously on trivial matters especially from the husband’s side results into marriage failure.³⁷ Excessive expectations, imposing own views and ways on the wife without having any concern with her likes and dislikes and criticizing her in harsh and insulting way embitters the relation and consequently may destroy the family.³⁸ The loving, supportive, sympathetic and protective relationship of husband and wife has been illustrated in the verse 187 of Sūrah Baqarah as

“*Libās*” (clothing). Just like *Libās*, the spouses not only cover the flaws of one another but together, they also beautify each other.³⁹

vii) Disciplining Wife in Religious and Ethical Matters

A husband has three rights over his wife: **i)** Her availability with respect to conjugal relations. **ii)** Her faithfulness towards her husband. **iii)** Taking care of and educating the children.

Besides this, a husband has no legal right to ask or compel his wife to carry out domestic chores like cooking, cleaning, washing clothes, shopping or share financial burden with him. Although, majority of the women perform these domestic chores and some of them are working ladies as well however, this is their choice. A husband should express gratitude for this courtesy of his wife.⁴⁰ Disciplining and chastising wife is allowed only in the following scenarios:

- a) In case of wife’s refusal from providing sexual satisfaction to the husband unless this refusal is due to menstrual period, wife’s sickness or tiredness, while observing fasts in Ramaḍān, in the state of Iḥrām for Ḥajj and ‘Umrah, husband’s suffering from a contagious disease or any other genuine reason.
- b) If the husband has observed clear infidelity of wife or he has solid evidence of her frank relationship with a *ghayr-meḥram* or her adulterous actions. The allegations should not be a result of suspicions and husband’s imaginative and jealous nature but an obvious unfaithfulness by wife.
- c) Going out of the house without husband’s permission
 - i. to do an inappropriate job (unless it is a suitable job and the wife is doing it under crucial circumstances)
 - ii. to go to an undesirable place (unless it is to go to the market for necessary shopping for house, children and for herself; or a hospital in case of emergency)

- iii. to go to a gathering (unless it is a religious gathering, family event or festival like 'Eīd),
- iv. to meet a person who is disliked by the husband (unless it is her parents, siblings or friends (of noble character) and meeting them is unavoidable).⁴¹

However, in all these situations, the most appropriate approach is to discuss the issue with wife and listen to her explanation first. As a head of the family, a husband must never decide hastily and violently in any situation rather, he should be patient and act logically like a fair judge. He should be heedful towards this directive of Allāh's Apostle (peace and blessings be upon him):

"I enjoin good treatment towards women, as they are prisoners with you and you have no right to treat them otherwise, unless they commit clear lewdness. If they do so, then desert them in their beds and strike them, without causing injury or leaving a mark (on their body). If they obey you, then do not try to find excuse of annoyance against them. You have rights over your women and your women have rights over you. Your rights over your women are that they are not supposed to let anyone whom you dislike to tread on your bedding (furniture), nor they should allow anyone whom you dislike to enter your houses. And their right over you is that you should treat them compassionately with regard to their clothing and food".⁴²

***Qawwāmah* (Headship of Family) is an Obligation, not a Privilege to be Misused:**

Islam is neither an inherently patriarchal religion, nor did it propagate gender discrimination. The Qur'ānic injunctions and the Blessed life of Allah's Apostle (peace and blessings be upon him) promoted the values of tolerance, sympathy, kindness and justice in human interaction with fellow-men. A *Dīn*

whose criterion for the perfection of faith is “equal treatment with other Muslims”⁴³; and “(*hurmat*) prohibition of violating Muslims’ life, honour and property”⁴⁴; which abhors the idea of “compulsion in religion”⁴⁵; which gives weightage to “good manners” as compared to anything else⁴⁶; and which commands its (*Dā’ī*) preacher to “call people to the way of Allāh with good advice and glad tidings”⁴⁷, how is it possible for such a *Dīn* to allow a strong party (men) to show physical violence and brutality to a delicate party (women) in order to control and rule over them?

Spiritually, there is no difference between a man and a woman in the sight of Allāh with respect to reward and punishment. However, physically, men have been bestowed with special capabilities and this gift has neither been earned by men, nor did Allāh grant them with it unjustly as a sign of discrimination against women. The matter of fact is that these particular capabilities have been entrusted to men to carry out an extremely significant task known as “*Qawwāmah*”. Therefore, *Qawwāmah* (headship of family) is a major responsibility of men, not their privilege to be misused. This Divine obligation of headship of men is not an absolute authority without limitations. It is also not a license in the hands of men to abuse them physically and mentally, exploit them, violate their rights and restrict their rightful freedom.

Permission of Domestic Violence in Islam; A Misconception

Domestic violence against women has become a taboo subject in our society. It is not considered right to interfere and make any attempt to cease the cruelty of husband against his wife. Our cultural practices have normalized to abuse women physically and mentally. While in Islām, spouses’ looking at each other with love is a source of blessing to their relationship. Our social norms allow to have expectations from wife to live in a joint family system, serve in-laws plus all other relatives of husband, do all sorts of housework, educate

children alone and then comply with every valid or invalid demand of husband as well as in-laws. The standard idea of obedient and loyal wife in our culture and traditions is the one who accomplishes all these tasks without any complaint by considering them her obligations and much better if she carries the burden of financial responsibilities as well. On the contrary, the Islamic tradition of bringing a wife through Nikāḥ means looking after, comforting and honouring her, sharing her sorrows and problems, protecting her from every harm and unfairness, taking care of her interests and not burdening her with extra responsibilities. That's why, having a correct understanding of religious and cultural differences is a crucial demand of time.

The primary Objective of Sharī'ah is to repel the harm and enforce what is beneficial for human beings as proclaimed by the Messenger of Allah Muḥammad (peace be upon him):

“لَا ضَرَرَ وَلَا ضِرَارَ”

*“There should be neither (causing) harm nor reciprocal harm”.*⁴⁸

The honour of being a *Qawwām*, comes with a range of financial, physical, religious and ethical obligations, yet not with an authorization of mistreating or enslaving women.⁴⁹ Permission of domestic violence against women is in collision with the peaceful nature of Islām itself and the notion of “مَوَدَّةٌ وَرَحْمَةٌ” (love and mercy) between spouses as mentioned in Sūrah Rūm, verse 21; it also demolishes the loving, trustful and the closest relationship of spouses. Also, there are numerous sayings of the Prophet Muḥammad (peace be upon him) which block the way of abuse, injustice and cruelty against women, for example:

“وَلَا تَضْرِبِ الْوَجْهَ وَلَا تُقَبِّحْ وَلَا تَهْجُرْ إِلَّا فِي الْبَيْتِ”

*“Do not strike her on the face, do not revile her or separate yourself from her except in the house”.*⁵⁰

“لَا يَجْلِدُ أَحَدُكُمْ امْرَأَتَهُ جَلْدَ الْعَبْدِ، ثُمَّ يُجَامِعُهَا فِي آخِرِ الْيَوْمِ”

“None of you should flog his wife as he flogs a slave and then have sexual intercourse with her in the last part of the day”.⁵¹

Our Messenger’s beloved wife Ḥaḍrat ‘Āyeshā said:

“مَا ضَرَبَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - خَادِمًا لَهُ وَلَا امْرَأَةً وَلَا ضَرَبَ بِيَدِهِ شَيْئًا”

“Allāh’s Messenger never beat any of his servants or wives and his hand never struck anything”.⁵²

Disciplining is the Last Option when it becomes Indispensable:

Range of strategies has been described in the verse 34 of Sūrah Nisā’ in order to discipline the wife in case of *nuṣhūz*:

1. Discussion is one of the principal strategies to reach a solution. A husband should try to figure out the actual problem that caused the wife’s lack of interest or disrespectful behavior towards him. She should be reminded the limits of Allāh and husband’s legal rights in a gentle and logical way without being judgmental.
2. Expressing displeasure and grievance by husband through the means of not sharing room or bed with the wife, not talking to her and not fulfilling her other legal rights. It may help the wife to understand that she has hurt her husband’s feelings and annoyed him in some way.⁵³
3. The sacred Book of Allāh does not promote violent and aggressive behavior against women. Instead, there are several Qur’ānic injunctions and Prophetic Traditions concerning kindness, compassion, justice and respect towards one’s wife. In the verse 19 of Sūrah Nisā’, Allāh commanded the husbands in following words:

“وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ”

“Live with your wives in a way that is fair and kind”.⁵⁴

Allāh’s Messenger (peace and blessings be upon him) said:

“Do not beat Allāh’s handmaidens”. But when Ḥaḍrat ‘Umar came to the Messenger of Allāh (peace be upon him) and said: “Women have become emboldened towards their husbands”. Then he (the Prophet) gave permission to strike them. Then many women came round the family of the Messenger of Allah (peace be upon him) complaining against their husbands. So, the Messenger of Allāh (peace be upon him) said:

“لَقَدْ طَافَ بِأَلِ مُحَمَّدٍ نِسَاءٌ كَثِيرٌ يَشْكُونَ أَزْوَاجَهُنَّ لَيْسَ أَوْلِيَّكَ بِخَيْرٍ لَكُمْ”

“Many women have gone round Muhammad’s family complaining against their husbands. They (such husbands) are not the best among you”.⁵⁵

However, in case of ineffectiveness of first two strategies, the final measure will be disciplining wife physically and even that final measure is highly detested in Islam and therefore, that would be taken with great vigilance, not on trivial matters and not with the aim of hurting and controlling her.⁵⁶

According to Ibn Al-Jawzī, a twelfth century scholar from Baḡhdād: “Striking wife will be of no avail if the warning did not change her attitude earlier”.⁵⁷

In the viewpoint of the renowned Muslim scholar of Sa‘udī ‘Arabīah, Šhaykh Muḥammad Šālīh al-Munajjid:

“The purpose behind this striking is not humiliating and degrading wife. Instead, the husband’s intention should be to make her realize that she has committed transgression against the limits of Allāh and violated husband’s legal rights. That’s why, as a last option, the husband decided to discipline her”.⁵⁸

Nevertheless, this hitting can only be with the purpose of educating wife in order to make her realize her shortcomings just like children are disciplined sometimes with the intention of *tādīb* (admonishment). It should not be with the objective of revenge; such a brutal striking which leaves the mark on body or causes damage; so cruel punishment which leads towards antagonism and

loathing between spouses, rather it should be with something like “a tooth stick or even a rose”.⁵⁹ Vicious actions like burning, acid attack and honour-killing have no room in Islam. Injuring wife or taking her life will be liable to Dīyaʿ (financial compensation) and Qiṣāṣ (death punishment) respectively.

Besides hitting is valid only in above-mentioned three scenarios when no positive result is achieved through negotiation.

Blessed Role Model of the Prophet Muḥammad (peace be upon him) as an Ideal Head of the Family

Even though Islām allows disciplining women in crucial circumstances, yet our merciful Prophet “the Walking Qur’ān” never raised his hand on any of his wife, rather he always dealt with the delicate creature of Allāh with extra love, care and respect.

- a) Signifying delicate nature of women, once the Prophet Muḥammad (peace be upon him) said to a camel-driver who was driving some of his wives: “*O Anjasha! Drive the camels slowly, as they are carrying glass vessels*”.⁶⁰
- b) Emphasizing gentle and kind attitude towards women, the Prophet Muḥammad (peace be upon him) commanded:

”اسْتَوْصُوا بِالنِّسَاءِ، فَإِنَّ الْمَرْأَةَ خُلِقَتْ مِنْ ضِلْعٍ، وَإِنَّ أَعْوَجَ شَيْءٍ فِي الضِّلْعِ أَعْلَاهُ، فَإِنْ ذَهَبَتْ تُقِيمُهُ

كَسَرْتَهُ، وَإِنْ تَرَكَتَهُ لَمْ يَزَلْ أَعْوَجَ، فَاسْتَوْصُوا بِالنِّسَاءِ”

“*Treat women kindly, for a woman is created from a rib and the most curved portion of the rib is its upper portion so, if you will try to straighten it, it will break, but if you leave it as it is, it will remain crooked. So, treat women kindly*”.⁶¹

- c) It is husband's responsibility to be considerate of the emotional state of wife (her happiness, sadness and displeasure) is demonstrated by Prophetic Seerah as follows:

Narrated Ḥaḍrat 'Āyesha that the Messenger of Allāh said to her, *"I know when you are pleased with me or angry with me"*. I asked, *"Whence do you know that"*? He replied, *"When you are pleased with me, you say, 'No, by the Lord of Muḥammad, but when you are angry with me, then you say, 'No, by the Lord of Ibrahim". Thereupon I said, "Yes (you are right), but by Allāh, O Allah's Messenger! It is only your name that I omit (but your love stays in my heart)"*.⁶²

Narrated Prophet's wife, Ḥaḍrat Ṣafīyyah: *"The Prophet Muḥammad (peace be upon him) entered upon me and some words had reached me from Prophet's wives, Ḥaḍrat Ḥafṣah and Ḥaḍrat 'Āyesha that "We are more honored to Allah's Prophet than her (Ṣafīyyah). We are the wives of the Prophet and his cousins"*. So, I mentioned it to the Prophet. He said:

"أَلَا قُلْتِ فَكَيْفَ تَكُونَانِ خَيْرًا مِنِّي وَرَوْحِي مُحَمَّدٌ وَأَبِي هَارُونَ وَعَيِّي مُوسَى"

*"Why did you not say: "And how are you two better than me, while my husband is (Prophet) Muḥammad and my father is (Prophet) Hārūn and my uncle is (Prophet) Mūsā"?*⁶³

- d) Despite his loving, gentle and thoughtful behavior towards his wives, the Messenger of Allāh Muḥammad (peace be upon him) did never neglect his duty to educate them and correct them if they are wrong.

"عَنْ عَائِشَةَ، قَالَتْ قُلْتُ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَسْبُكَ مِنْ صَفِيَّةَ كَذَا وَكَذَا قَالَ غَيْرُ مُسَدِّدٍ تَعْنِي قَصِيرَةً"

فَقَالَ لَقَدْ قُلْتِ كَلِمَةً لَوْ مُرِجَتْ بِمَاءِ الْبَحْرِ لَمُرِجَتْهُ"

Narrated Ḥaḍrat 'Āyesha: *"I said to the Prophet (peace be upon him): It is enough for you in Ṣafīyyah that she is such and such; meaning that she was*

short-statured". The Prophet replied: "You have said a word which would change the sea if it were mixed in it".⁶⁴

Allāh Almighty declared in verse 21 of Sūrah Aḥzāb:

”لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ“

“Indeed, in the (life of) Allāh’s Apostle (Muḥammad peace and blessings be upon him), you have an excellent pattern to follow”.⁶⁵

Therefore, excellence and legal obligations of a man as a head of the family should be determined in the light of the blessed Sīrah of the Prophet (peace be upon him) keeping in view the rights of women protected by Islām.

Conclusion:

Qawwāmah is a Divine obligation to provide the basic necessities of women, safeguard them and their interests, supervise their affairs and educate them. Superiority of men as head of the family is based on their God-gifted physical strength, mental capacity, potential, suitability to play leading role as well as sharing their property with women. Moderation should be observed while monitoring and correcting the wife in case she is wrong. Disciplining wife is the last option in case of failure of first two strategies and it is permitted only to make her figure out her act of *nuṣhūz* including ethical flaws, neglecting husband’s legal rights, unfaithfulness towards him, leaving home against his wish and without any valid cause. This disciplining will be performed only with the purpose of “‘*Amr bil M‘arūf wa Nahī ‘anil Munkir*” (establishment of good and forbidding evil) which is a religious and moral obligation of husband as a head of the family. True knowledge of *Dīn* must be acquired in order to be aware of the fundamental principles of Islamic family system, individual roles of husband and wife as well as the correct understanding of the responsibility of *Qawwāmah* and limitations in this authority of a man.

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