

## A Critical Analysis of the View on the Permissibility of Beating Rebellious Wives Due to Committing Immorality

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### Abstract

Among the controversial verses in the field of family law in the Holy Quran is verse 34 of Surah *al-Nisā'* regarding the treatment of rebellious wives. The physical punishment of rebellious women in this verse has been criticized. Therefore, contemporary exegetes have each sought to justify it in their own way. In the midst of this, some exegetes and Quranic scholars, based on certain narrations, have considered the meaning of a wife's rebellion (*Nushūz*) and the subsequent permissibility of beating her to be related to committing immorality and defilement, rather than the refusal of sexual relations. With slight differences in its scope, this group has presented views on this matter based on some narrations. For example: "The permissibility of beating a rebellious wife is specific to cases of committing immorality, including both adultery and other forms, or the beating of a rebellious wife is specific to defilement less than adultery." These views face challenges both in terms of their reliance on narrations and their incompatibility with other established principles of criminal law for women who commit immorality. The goal of the present research is to respond to the view that permits the beating of rebellious women due to committing immorality, which was conducted using a descriptive-analytical processing method and a library-based information gathering approach. Based on the selected view, rebellion in the verse under discussion means challenging the guardianship of men and rebelling and seeking superiority against the husband, not committing immorality.

**Keywords:** Guardianship (Qawwāmīyyah), Wife's Rebellion, Beating a Rebellious Wife, Committing Immorality, Verse 34 of Surah *al-Nisā'*

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## Introduction

Verse 34 of *al-Nisā'* is one of the key verses in the field of family relationships between spouses. In this verse, God says: "Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those from whom you fear rebellion - [first] advise them; [then] forsake them in bed; and [finally] strike them. But if they obey you [thereafter], seek no way against them..."

One of the most debated issues in this verse is the matter of physical punishment for a rebellious wife. Some have considered it against the dignity of women and have consequently tried to justify the meaning of "Striking," or have argued for the complete abolition of this incorrect tradition in the contemporary era. Some contemporary Quranic scholars, in a new perspective, believe that the purpose of *Nushūz* is not the wife's refusal to fulfill her marital duties and to be sexually available, but rather her disobedience to her husband's command to protect the marital bed. According to this view, given the importance of chastity and protecting one's honor from defilement, the Holy Quran has placed the responsibility of protecting the marital bed on the husband and has given him permission to prevent his wife from defilement based on the stages of enjoining what is right and forbidding what is wrong. Therefore, the main issue in this research is to respond to the view that limits the beating of rebellious women to cases of committing immorality, which was conducted using a descriptive-analytical processing method and a library-based information gathering approach.

Regarding the noble verse, general and non-independent research has been compiled in the form of exegetical and jurisprudential texts, as well as specific and independent research on the issue of *Nushūz* and the beating of women. Research has also been conducted on the subject of this study and the meaning of *Nushūz* in the verse as committing immorality, such as:

- The article "A New Look at the Interpretation of *Nushūz* of a Wife in the Quran" by Farajollah Hedayatnia (2015 AD/1395 SH). It critiques the views of exegetes and jurists on the concept of a wife's *Nushūz* in verse 34 of Surah *al-Nisā'* and presents a new interpretation of physical punishment, according to which the purpose of *Nushūz* is a betrayal by the wife that is less than adultery.
- The article "*Azīzah al-Hibrī's* Feminist Approach to Quranic Verses with an Emphasis on the Issue of Beating Women" by Mohammad Sadegh Hedayatzadeh Gashti, Soheila Pirouzfard, and Gholamreza Raeisian (2019 AD/1399 SH). It presents and briefly critiques one of *Azīzah al-Hibrī's* most important views on the interpretation of "Beating Women" as adultery, along with her arguments.
- The article "A Comparative Interpretation of *Allamah Ṭabāṭabā'ī* and *al-Hibrī* on *Nushūz* in Verse 34 of Surah *al-Nisā'*" by Negar Karimpour and Mohsen Badreh (2023 AD/1402 SH). It critiques *al-Hibrī's* view, which restricts the scope of *Nushūz* and interprets it as "*al-Fāḥishah al-Mubīnah*" (a clear immorality), meaning adultery, with an emphasis on a narration from the Prophet (PBUH).

The distinction and innovation of the present article is its critique of all views that link

striking to committing various types of immorality (adultery and less than adultery) by women. In addition to critiquing the narrative evidence, this research also addresses the incompatibility of such an interpretation with the established principles related to the punishment for women who commit immorality, a point that has not been addressed in other writings. This paper will first explain the view of those who believe in committing immorality and their evidence, then critique it, and finally, present its own chosen view on the meaning of Nushūz.

## 1. Conceptualization

Before addressing the main issue of the research, it is necessary to conceptualize the key terms of the study to clarify the premises of the discussion:

### 1.1. *Qawwāmīyyah* (Guardianship)

"*Qawwām*" is an intensive form from the root "*Qawama*," which has two main meanings: "One refers to a group of people, and the other means to stand up, rise, or have a firm resolve and determination to do something." (Ibn Fāris, 1983 AD/1404 AH: 5, 43) The meaning of *Qawwām* is anyone or anything through which management, establishment, and steadfastness are achieved (Farāhīdī, 1993 AD/1414 AH). The *Qawām* of a matter means its system and its pillar. When it is said that someone is the *Qawām* of their family, it means that they are the one who manages their life affairs (Jawhārī, 1956 AD/1376 AH).

In the Holy Quran, "*Qīyām*" has been used in several ways: "*Qīyām* in relation to a person, which is of two types: "Compulsory (involuntary) and non-compulsory (voluntary) (Hūd: 100; al-Zumar, 9); *Qīyām* meaning the maintenance of something (al-Mā'idah: 8); *Qīyām* meaning the resolve to do something." (al-Mā'idah: 6) "*Qīyām*" and "*Qiwām*" are a name for something by which another thing stands, like a column or a cushion that a person leans on (Rāghib, 1991 AD/1412 AH: 690).

According to a group of exegetes, "*Qawwām*" and "*Qayyim*" have the same meaning, but "*Qawwām*" is more emphatic. "*Qawwām*" is one who stands up for the interests of another, manages and disciplines them, and is dedicated to their protection and care (Ṭabrisī, 1952 AD/1372 AH: 3, 68; Ibn 'Ashūr, 1999 AD/1420 AH: 4, 113; Faḍlullāh, 1998 AD/1419 AH: 7, 226). In reality, the purpose of "*Qawwāmīyyah*" is the rightful governance of family affairs (Zuhaylī, 1990 AD/1411 AH: 5, 53). The combination of the root "*Qīyām*" with "*Alā*" (on) is always accompanied by a kind of supervision, care, follow-up, and exercise of authority. When used in the intensive form and as a nominal sentence, it conveys the utmost care and diligence in guardianship, dominance, and management (Ālūsī, 1994 AD/1415 AH: 3, 23).

From the collection of expressions in dictionaries and exegeses, it is understood that the word "*Qawwām*" includes certain characteristics for the *Qawwāmīyyah* of men over women. Therefore, men being "*Qawwām*" means that they are in charge of women's affairs, their support, and also their managers and guardians in life matters. He is the one who is responsible for their care, protection, and improvement. In translation, one can use equivalents like "Servant-guardian" or "Servant-protector." (Davoudi, 2004 AD/1383 SH: 263)

## 1.2. *Nushūz* (Rebellion)

"*Nushūz*" is the plural of "*Nāshiz*" from the root "N Sh Z," which originally means to rise or become high (Ibn Fāris, 1983 AD/1404 AH: 5, 430). An elevated or high place (Farāhīdī, 1989 AD/1410 AH: 6, 232) is called "*Nashz*," as is a raised part of the earth (Rāghib, 1991 AD/1412 AH: 806). This word is used metaphorically for a woman who disobeys her husband (Ibn Fāris, 1983 AD/1404 AH: 5, 430).

Some exegetes have considered the root of *Nushūz* to be seeking superiority over the husband (Ṭabrisī, 1952 AD/1372 AH: 3, 68), or seeking superiority accompanied by opposition to him (Fakhr Rāzī, 1999 AD/1420 AH: 10, 72). According to some, the root of *Nushūz* is restlessness and lack of calm, where the wife's behavior disrupts the husband's peace (Zamakhsharī, 1986 AD/1407 AH: 1, 506).

Based on what has been said, the word "*Nushūz*" indicates a kind of superiority-seeking, haughtiness, and rebellion.

## 1.3. *Committing Immorality*

"Committing" literally means to perform an act intentionally and knowingly, and is usually used for negative actions such as crime or error and for engaging in an illicit and illegal act (Moein, 2001 AD/1380 SH: 1, 192). "*Faḥshā*" is from the root "F Ḥ Sh," which originally means the ugliness of something (Ibn Fāris, 1983 AD/1404 AH: 4, 478) that is forbidden by God (Fīrūzābādī, 1994 AD/1415 AH: 2, 433). An unpleasant speech or act whose obscenity is great is called "*fahishah*" or "*Faḥshā*." (Rāghib, 1991 AD/1412 AH: 626) Anything that exceeds its measure is called "*Fāḥishah*." (Jawharī, 1956 AD/1376 AH: 3, 1014) Some contemporary Quranic scholars have considered its original meaning to be "Obvious and clear ugliness." (Muṣṭafawī, 1981 AD/1402 AH: 9, 35)

From the various examples in lexical and exegetical sources for the words "*Fāḥishah*" and "*Faḥshā*," (Ṭabarī, 1991 AD/1412 AH: 21, 191; Ibn Fāris, 1983 AD/1404 AH: 4, 478; Ṭabrisī, 1952 AD/1372 AH: 3, 47) it is understood that "*Fāḥishah*" has a comprehensive meaning, which is disobedience to God's commands and absolute sin. Adultery, sodomy, stinginess, usury, backbiting, and similar acts are examples of it.

## 2. The View of Those Who Believe in Committing Immorality and Their Evidence

Quranic scholars who have limited the beating of a rebellious wife to *Nushūz* meaning committing immorality can be categorized into two groups, with slight differences of opinion:

### 2.1. *A Wife's Defilement with Adultery and Similar Acts*

Those who hold this view have interpreted the purpose of a wife's *Nushūz* as meaning adultery. However, some have considered the purpose of committing immorality to be general, including both adultery and other clear immoralities, while others have limited it to committing adultery.

#### 2.1.1. *Explanation of the View*

Sadeqi Tehrani, contrary to other exegetes and jurists, has considered the meaning of "*Nushūz*" in the verse to be "Committing Immorality," i.e., moral corruption, including both

adultery and non-adultery. According to him, in opposition to the "Righteous Women" (*al-Ṣāliḥāt*), there are "Evil Women" (*al-Ṭāliḥāt*). There are two types of evil women: "Those whose *Nushūz* does not harm the family environment and structure, because these are types of *Nushūz* that can be overlooked, or that disappear over time, or that can be eliminated with a simple reminder. "However, in contrast, there is a second type of *Nushūz* called "*al-Nushūz al-Mukhīf*" (frightening *Nushūz*), which is a threat to the family institution (Sadeghi Tehrani, 1985 AD/1406 AH: 7, 48).

According to his view, the purpose of "*Nushūz*" is the occurrence of "Frightening *Nushūz*," not the *Nushūz* that is feared to occur or has occurred but is not frightening. Therefore, the purpose is a *Nushūz* that no jealous man can tolerate. A man who is the guardian of his wife cannot be patient and watch idly while the institution of marriage, on which other life institutions are built, is being threatened. One of those dangerous *Nushūzes* is "*al-Fāḥishah al-Mubayyinah*" (a clear immorality), which deserves the three consecutive stages of confrontation; if that immorality is adultery and the woman does not repent (after the three stages of husband's discipline), the husband can separate from her (Sadeghi, 1985 AD/1406 AH: 7, 48-51).

'*Azīzah al-Ḥibrī*, in support of the view of committing immorality, has limited women's *Nushūz* to adultery. She believes that regarding the revelation of some Quranic rulings, such as the beating of women, one must pay attention to the historical context and conditions of that era based on two principles: "Historical Situatedness" and "gradual reform". The permission to beat women in verse 34 of Surah *al-Nisā'* does not mean a complete endorsement of the common tradition of male violence against women, but rather a limitation on the existing conditions and it must be understood within its context.

'*Azīzah al-Ḥibrī* first presents the following occasion for the revelation of this verse: "One day, one of the female companions complained to the Prophet (PBUH) about her husband's offensive behavior. The Prophet, who was originally a Meccan man, never raised his hand against his women, and therefore, in response to such a complaint, he rebuked the woman's husband and condemned him to *Qisās* (retaliation). However, the man strongly opposed the Prophet's opinion and believed that such a ruling by the Prophet (PBUH) would be an audacity for women and an advantage for them. At this time, the verse (*al-Nisā'*: 34) was revealed." (Ḥibrī, 2003: 208)

According to *al-Ḥibrī*, in addition to limiting the pre-Islamic tradition of beating women and reducing and restricting it, the Holy Quran presents higher and more desirable standards for marital relationships so that Muslims, by deeply reflecting on the Quran, can implement suitable models. She considers the marital relationship model present at the time of revelation to be a minimal model for spouses and, by emphasizing the Quranic concepts of "Tranquility" (*Sukūn*), "Mercy" (*Raḥmah*), and "Affection" (*Mawaddah*) in verse 21 of Surah *al-Rūm*, she calls for a change in the mindset of Muslims and the creation of an ideal model in spousal relationships (Ṣadūq, 1992 AD/1413 AH: 3, 555). By referencing prophetic narrations on treating women kindly, she concludes that the Prophet's practice, despite the historical conditions and limitations of the era of revelation, in no way accepted the pre-Islamic tradition of beating, and even after the revelation of verse 34 of Surah *al-Nisā'*, the Prophet

(PBUH) prohibited men from this act (Badreh, 2014 AD/1394 SH: 367-368; Hedayatzadeh, 2019 AD/1399 SH: 105).

### 2.1.2. Evidence for the View

Those who hold this view have provided supportive evidence from verses and narrations to prove their claim:

1. The phrase "*Fa in Aṭa'nakum*" (but if they obey you). If the purpose of "*Takhāfūna Nushūzahunna*" (you fear their rebellion) was the fear of a future rebellion, there would be no place for "*Fa in Aṭa'nakum*" because a doubtful rebellion is not a disobedience that would be replaced by obedience (Sadeghi, 1985 AD/1406 AH: 7, 48). Also, there would be no place for "*Wadribūhunna*" (and strike them). Because "Striking" is a stage of forbidding what is wrong, which cannot be carried out with the fear of rebellion? Consequently, the purpose here is a current and definite frightening rebellion (ibid, 1985 AD/1406 AH: 7, 49-50).
2. One of the most important meanings of "*Hāfiẓ*" in the Quranic phrase "*Hāfiẓātun lil Ghayb*" (guarding in the absence) is the protection of the divine covenant, which has been emphasized by God and His Messenger (PBUH), especially the protection of the marriage covenant. Therefore, the meaning of "Righteous Women" is those who respect the marital covenant, and as a result, a rebellious woman is one who has violated this covenant and committed a divine sin (Badreh, 2014 AD/1394 SH: 367-368).
3. The next piece of evidence is the word "*Fāḥishah*" in the verse "And those of your women who commit immorality. (al-Nisā': 15) Because, according to the view of jurists and exegetes, "*Fāḥishah*" means "Adultery", and the interpretive narration of Imam Ṣādiq (AS) under the verse also confirms this (Rāwandī, 1984 AD/1405 AH: 2, 368).

Thus, in the first step of restricting the act of beating women, the Holy Quran limited it from an absolute option to a very specific situation, which is a woman committing the indecent act of adultery. However, this restriction becomes more severe; because it is only after applying the first two solutions and their ineffectiveness in reforming the woman that the man can take such an action.

4. Reliance on the narration of the Messenger of God (PBUH) during the Farewell Pilgrimage, who said: "From the way of *al-Ḥusayn ibn Ali* from *Zā'idah* from *Shabīb ibn Gharqadah al-Bāriqī* from *Sulaymān ibn 'Amr ibn al-Aḥwas*, my father narrated to me that the Messenger of God (PBUH) said: "Treat women well, for they are like captives with you, you do not own anything of them other than that, unless they commit a clear immorality. If they do so, forsake them in their beds and strike them with a non-violent (non-painful) strike. If they obey you, do not seek any way against them. Verily, you have a right over your women, and your women have a right over you. As for your right over your women, they should not allow anyone you dislike on your beds or permit anyone you dislike into your homes. And their right over you is that you treat them well in their clothing and food." (Tha'ālibī, 1997 AD/1418 AH: 2, 231; Suyūṭī, 1983 AD/1404 AH: 2, 155)

In this speech, the Prophet (PBUH) actually interpreted the word "*Nushūz*." Because this sermon states that a man's right over his wife is two things: "She should not bring anyone he dislikes into his house; she should not commit a clear immorality. Otherwise, God has

allowed the man to do two things: "Forsake them in bed and beat them gently." (Hibrī, 2003: 210)

Based on this narration, the discussion of *Nushūz* goes outside the scope of not being sexually available, and "Forsaking" and "Striking" are easily justifiable (Sadeghi, 1985 AD/1406 AH: 7, 48).

### 2.1.3. Critique of the View

The view that *Nushūz* indicates adultery and committing other immoralities is not well-founded and faces some shortcomings for several reasons:

#### A) Intra-textual Critique

This view can be criticized with some intra-textual evidence in the verse under discussion and also with the context of the verses before and after it:

1. Interpreting you fear their rebellion to mean the frightening rebellion has no clear reason. Because adding a descriptive adjective to a noun occurs in specific cases (al-Ra'd: 28; Ṭab'ṭabā'ī, 2011 AD/1390 SH: 11, 341). Therefore, changing a verb and its object to a descriptive meaning and changing the position of the adjective and the noun is baseless and undocumented.

Different opinions have been raised by exegetes and jurists regarding the meaning of "Takhāfūnahunna." (cf. Ṭabrisī, 1952 AD/1372 AH: 3, 69; Fakhr Rāzī, 1999 AD/1420 AH: 10, 72; Ḥillī, 1999 AD/1420 AH: 3, 597; Najafī, 1983 AD/1404 AH: 31, 203)

It seems most apparent that the fear of rebellion means the appearance of the signs of rebellion; because there is no reason to interpret it as knowing or the realization of rebellion. Rather, when the signs of rebellion appear (of course, signs that the wise consider a warning), a remedy must be sought. The "Wa" of conjunction is for absolute collection. But in the verse under discussion, due to the context of the ruling and the subject, and the narrations on the matter, it is for a real sequence from light to heavy and from heavy to heavier, which are the stages of forbidding what is wrong. With the fear of rebellion and the manifestation of incompatibility, three stages of reformative actions are performed in order to make the woman aware (Javadi, 2009 AD/1388 SH: 18, 547). In other words, according to the apparent meaning of the verse, the fear of rebellion is sufficient for applying all three stages, except that the stages of discipline (like the stages of forbidding what is wrong) must be observed (for example, striking is related to the realization of rebellion) (Sobhani, n.d.: 2, 300). This is because Islamic methods of upbringing do not wait until rebellion actually occurs and the rebellious woman raises the flag of defiance, and the man's authority is broken, and the family institution turns into a war camp. When things get to this point, a cure is less likely to be effective. Therefore, as soon as the signs of rebellion appear from a distance, one must think of a solution and gradually implement the rules (Sayyid Quṭb, 2004 AD/1425 AH: 2, 652; Sabzevari, 1988 AD/1409 AH: 8, 160); although physical punishment is in the last stage and the manifestation of defiance. Especially if we consider "*Nushūz*" not as a refusal to be sexually available, but as a woman's defiance and rebellion against the man's guardianship, then as soon as the signs of rebellion appear, the man must seek a remedy so that his management is not harmed and the strings of life do not slip from his hands.

2. *Hibrī*, in her argument for the Quranic phrase "*al-Ṣāliḥāt Ḥāfiẓātun lil Ghayb*," has limited women to observing chastity to fulfill the marital covenant. However, there is no reason for these Quranic phrases to be limited to this case, as other opinions exist in exegetical books, such as keeping secrets and protecting family secrets (Zamakhsharī, 1986 AD/1407 AH: 1, 506; Makarem, 1992 AD/1371 SH: 3, 371), and protecting family property (Tūsī, n.d.: 3, 189; Ṭabāṭabā'ī, 1996 AD/1417 AH: 4, 345) in the husband's absence, although one of its examples is chastity in the husband's absence. The expression guarding in the absence instead of guarding in the matter of the absence is also evidence that righteous women protect the honor and dignity of other men and women, as well as the husband's honor and the secrets of the house (Javadi, 2009 AD/1388 SH: 18, 557).

### ***B) Inter-textual Critique***

This view can be criticized with verses and narrations related to the verse under discussion in the form of inter-textual evidence:

#### **1. Exegetical and literary critique**

##### **1.1. Incompatibility with the linguistic and Quranic usage of the word "*Nushūz*"**

In most dictionaries, not only is there no mention of the meaning of adultery for "*Nushūz*," (cf. Farāhīdī, 1989 AD/1410 AH: 6, 232; Rāghib, 1991 AD/1412 AH: 806) but in the language, as mentioned, it means defiance and rebellion. In addition, from the Quranic verses in which the word "*Nushūz*" is used, including verse 128 of Surah *al-Nisā'*: "And if a woman fears from her husband rebellion or aversion," it is inferred that the two words "Rebellion" and "Aversion" are semantically close and mean turning away or inattention. This word is a relative synonym for "*Nushūz*" in the context of a husband's inattention to his wife, which is also reflected in dictionaries (Fayyūmī, 1993 AD/1414 AH: 605; Rāghib, 1991 AD/1412 AH: 589).

By examining the semantic evolution of the word "*Nushūz*," one can say that in the Quran, this word has evolved from its linguistic meaning to a more specific meaning in human relationships, especially marital relationships. This concept has undergone changes throughout the history of exegesis, in light of social and cultural conditions, but its central core (defiance and rebellion) has been preserved (cf. Ṭabarī, 1991 AD/1412 AH: 7, 303; Qurṭubī, 1944 AD/1364 AH: 5, 162; Ṭabāṭabā'ī, 2011 AD/1390 SH: 4, 344; Faḍlullāh, 1998 AD/1419 AH: 6, 234). In other words, more evolution has occurred in the way of explaining the examples of *Nushūz*, examining its causes, its connection with other concepts (such as *Qawwāmīyyah* in verse 34), and explaining the rulings and strategies for dealing with it.

##### **2.1. Incompatibility with the linguistic and Quranic usage of the word "*Fāḥishah*"**

*Hibrī*, by referring to the word "*al-Fāḥishah*" in verse 15 of Surah *al-Nisā'* and the narration of the Farewell Sermon, considers *Nushūz* in verse 34 of Surah *al-Nisā'* to mean a clear immorality (*Hibrī*, 2003: 208). However, the severe punishment for committing immorality in verse 15 of *al-Nisā'* is not the same as the punishment mentioned in the sermon. In verse 15 of *al-Nisā'*, after the commission of immorality is proven by witnesses, the punishment is lifelong imprisonment at home until death, although this ruling was later abrogated. One



hundred lashes for *non-Muḥṣan* adultery and stoning for *Muḥṣan* adultery were replaced (cf. Ṭabrisī, 1952 AD/1372 AH: 3, 43; Zamakhsharī, 1986 AD/1407 AH: 1, 487; Ṭabāṭabā'ī, 2011 AD/1390 SH: 4, 234). However, in the mentioned sermon, two easier and more ordinary matters are mentioned: "Forsaking in beds and a non-painful strike, i.e., a strike that leaves no mark (Ibn Kathīr, 1998 AD/1419 AH: 2, 258) and does not cause any injury or bruising. " Therefore, the "*Fāḥishah*" in the mentioned verse must be different from the "*Fāḥishah*" in this sermon.

In addition, this claim is not compatible with the linguistic meaning of the word "*Fāḥishah*," which has a comprehensive concept, and also with other verses of the Quran in which the word "*Fāḥishah*" is interpreted as "Absolute Sin." For example, "*Fāḥishah Mubayyinah*" in verse 19 of Surah *al-Nisā'* is interpreted as "Absolute Sin," (cf. Ṭabarī, 1991 AD/1412 AH: 4, 415; cf. Ṭabrisī, 1952 AD/1372 AH: 3, 47) which is also in accordance with the narration of Imam *Bāqir* (AS) (Baḥrānī, 1994 AD/1412 AH: 2, 48). Or in the verse "And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is an evil way" (*al-Isrā'*: 32). From the fact that it first prohibits adultery and then explains it as "fahishah and an evil way," it is clear that adultery and "*Fāḥishah*" are not synonymous, but the concept of "*Fāḥishah*" is broader than adultery, and adultery is one of its examples. This verse is a good witness that the mere word "*Fāḥishah*" was not established for adultery, and if it is used for adultery in a case, it is with the help of contextual evidence (Ṭabrisī, 1952 AD/1372 AH: 6, 245; Qummī, 1943 AD/1363 AH: 2, 19).

## 2. Narrative Critique

2.1. The narration relied upon by *Hibrī*, according to the Shia view (which is not narrated from reliable sources), has no authority. Because:

- Firstly, this narration is narrated in reliable Sunni sources (Ibn Ḥanbal, n.d.: 5, 72; Ibn Mājah, 1997 AD/1418 AH: 1, 593) with similar words and chains of transmission with a sound chain from 'Amr ibn Aḥwaṣ Bāriqī Azdī, who was a companion of the Prophet (PBUH) and was present with his family at the Farewell Pilgrimage and converted to Islam (Tha'ālibī, 1997 AD/1418 AH: 2, 231). His trustworthiness has not been confirmed in Shiite biographical sources.
- Secondly, only narrations that have been transmitted to us as *Mutawātir* (recurrently transmitted) or through another reliable channel and reliably reveal the divine purpose of the Quranic verses are considered authoritative in the field of Quranic exegesis.

2.2. Relying on this narration is not compatible with the established religious principles regarding women who commit adultery. Because adultery requires a prescribed punishment (Qurtubī, 1944 AD/1364 AH: 5, 173). And if the husband cannot prove his wife's adultery, *La'ān* (a procedure of mutual cursing) is performed according to verses 4-9 of Surah *al-Nūr* (Ṭabrisī, 1952 AD/1372 AH: 7, 200; Ibn 'Ashūr, 1999 AD/1420 AH: 18, 130). Does a non-painful and non-severe strike have a place for such a woman? (Ṣadūq, 1992 AD/1413 AH: 3, 521)

2.3. Lack of compatibility with the narrations of the occasion for revelation. In the occasion for revelation that *Hibrī* herself used, the Prophet (PBUH) rebuked a husband who had beaten

his wife and condemned him to retaliation. However, *Nushūz* meaning adultery is incompatible with this reaction of the Prophet (PBUH). Because, assuming *Hibrī's* view is correct, the Prophet (PBUH) did not pay attention to the woman's commission of the ugly act of *Muḥṣan* adultery and remained silent about it. He even defended her and criticized the husband's jealousy.

In Shia and Sunni exegetical sources, different narrations about the occasion for the revelation of the verse have been mentioned. Allama *Ṭabāṭabā'ī* has critiqued these narrations (cf. *Ṭabāṭabā'ī*, 2011 AD/1390 SH: 4, 349), but the main point in these occasions for revelation is that they are not authentic according to the standards of hadith studies. Because they either have no chain of transmission or their chain does not lead to an infallible. In addition, they can be criticized in terms of content, because according to the correct view, in the case of a wife's *Nushūz*, the husband does not have the right to strike severely; but in some of these occasions for revelation, it is stated that *Sa'd* slapped his wife so hard that the mark remained on her face (Fakhr Rāzī, 1999 AD/1420 AH: 10, 70). Therefore, in this case, even if there is no retaliation, there is blood money, which is not mentioned in the narrated tradition, and these narrations cannot be trusted.

2.4. Lack of compatibility with the narrations of light striking. In the narrations about the method of striking women, a light method with a miswak (tooth-cleaning twig) is mentioned (*Ṣadūq*, 1992 AD/1413 AH: 3, 521), and it is clear that this punishment is not compatible with the ugly act of *muḥsan* adultery. Furthermore, the punishment for adultery proven by four witnesses with all its conditions is carried out by a religious judge, not the husband.

2.5. The narrations that honor or prohibit the beating of women (*Kulaynī*, 1986 AD/1407 AH: 5, 509) are qualified by the verses and narrations of striking in the state of *Nushūz*. Some men, due to a dictatorial mindset, use harsh language and violence in response to any kind of disobedience by their wife or children, even in cases outside their religious duty. These narrations are for men who are unnecessarily hard on their women or who punish them for things that are not the women's duty. This is contrary to the verse under discussion, which is related to rebellious women who have risen against the husband's guardianship, and "Admonishment" and "Forsaking in bed" have not made her aware.

### C) Inter-textual Critique

One of the ambiguities - which is a significant motivation for some Quranic scholars to direct the meaning of *Nushūz* and the permission to strike to committing immorality - is the incompatibility of striking due to insubordination with the dignity of women (*Hibrī*, 2003: 208). Critics of corporal punishment, whether within the framework of Islamic feminism or human rights perspectives, believe that any physical act, even if minor, is in conflict with human dignity, as it degrades a person to a level lower than their inherent worth (*Shabestari*, 2000 AD/1379 SH: 276). According to this group, non-violent methods, such as dialogue and counseling, are more compatible with the general spirit of Islamic teachings (such as mercy and affection).

They have advocated for a textual or contextual re-reading of Quranic verses and jurisprudential rulings, emphasizing human dignity and gender equality (*Soroush*, 2007

AD/1386 SH: 234). Some Islamic feminists, such as Amina Wadud and Fatima Mernissi, believe that striking in this verse should be understood symbolically or within the historical-cultural context of its revelation, not as a permanent command. They argue that the human dignity of women is inconsistent with any form of corporal punishment (Wadud, n.d.: 76 & 89; Mernissi, 2001 AD/1380 SH: 234). The contextual view emphasizes that verse 34 of Surah *al-Nisā'* was revealed in the cultural and social context of the time of revelation, and it should be re-evaluated in today's societies where the values of human dignity and gender equality are emphasized.

This ambiguity goes beyond the text of the verse and is related to the philosophy of punishment, and responding to it requires clarifying the concept of human dignity in Islam and its relationship with corporal punishment, especially in the context of striking (within the framework of the verse under discussion).

In response, it must be said:

Human dignity in Islam means the inherent worth of a human being as God's superior creation, which has been emphasized in the Quran and Sunnah (al-Isrā': 70; al-Hujurat: 13; Qummī, 1943 AD/1363 AH: 2, 322). From a jurisprudential perspective, corporal punishments are carried out to prevent the recurrence of crime in society (Motahari, n.d.: 212), to implement justice and uphold the right of the oppressed (Ṭabāṭabā'ī, 1390: 2/123), and to reform the criminal individual and guide them back to the right path (Najafi, 1983 AD/1404 AH: 41, 56), and to maintain social order and dignity (Javadi Amoli, 2007 AD/1386 SH: 12, 456).

Therefore, on the one hand, human dignity exists as long as a person does not break their own dignity and honor with their own hands; otherwise, imprisonment and the like are also a form of insult to a free human being; but what can be done when a person, by transgressing the divine boundaries or the boundaries of their fellow humans, has made themselves deserving of this punishment (cf. Davoudi, 2018 AD/1398 SH: 367-371). The verses indicating corporal punishment, such as lashing for certain crimes like adultery (al-Nūr: 2), also confirm this matter.

On the other hand, striking as a form of physical punishment is for the purpose of discipline and reforming the wife, not for revenge or personal satisfaction (cf. Ṭūsī, n.d.: 3, 191; Najafi, 1983 AD/1404 AH: 31, 206). Therefore, according to some exegetes, the ruling on striking is advisory, not mandatory, and not a matter of obligation or necessity (Amīn, n.d.: 4, 63). The sequential nature of the three stages - admonishment, forsaking, and striking - shows that whenever the wife's rebellion is resolved in any of the stages, the next stage does not need to be applied. Therefore, the act of striking is not an end in itself but a means, and a way for the woman to cease her rebellion and return to her duties. This is specifically for those for whom admonishment and forsaking have no effect (cf. Najafi, 1983 AD/1404 AH: 41, 390; Makarem, 2003 AD/1424 AH: 3, 342-343).

"But if they obey you" in the verse is a clue that the goal of the stages of punishment is obedience, not the humiliation of the other party (Sayyid Quṭb, 2004 AD/1425 AH: 2, 655). The expression "Then do not seek a way against them" also indicates that the treatment of a rebellious woman is not oppression, but a suitable punishment. Therefore, when they become

obedient, there is no longer any way to confront them, and it is considered oppression (Sadeqi, 1985 AD/1406 AH: 7, 52-53).

This striking, with the description of "Not leaving a mark" (Ṣadūq, 1992 AD/1413 AH: 3, 521; Zamakhsharī, 1986 AD/1407 AH: 1, 507), is a gentle discipline that shows it is more psychological than a physical method of punishment (Faḍlullāh, 1998 AD/1419 AH: 7, 244-245). The wisdom behind such permission from the Legislator is that after admonishment and forsaking, the man can, with such a strike, both show his disapproval of the woman's actions and stand firm against her seeking of excess and her harming of others. This reaction from the man is what the woman, by her nature, expects from the man (as the head of the family) (Davoudi, 2004 AD/1383 SH: 441-451).

Based on what has been said, it seems that the view that attributes "Nushūz" to adultery or defilement at the level of adultery faces challenges and cannot be accepted.

## 2.2. A Wife's Defilement with Less than Adultery

### 2.2.1. Explanation of the View

Some contemporary writers have reinforced the view of committing immorality, with the difference that the purpose of *Nushūz* is a betrayal by the wife that is less than adultery. According to them, the use of coercive force is not permissible in case of a wife's insubordination, and they relate it to the wife's betrayal in sexual matters (of course, in a way less than adultery). That is, if a woman commits a betrayal less than adultery (such as cuddling or kissing with a strange man), the husband has the right, as a form of forbidding what is wrong, to physically punish her. Consequently, granting the husband permission for physical punishment is not related to insubordination or minor violations in married life, but rather to the woman's defilement and her fault in the right of God and the important matter of chastity (Hedayatnia, 2016 AD/1395 SH: 7-34) unless the immorality is of the type of adultery, which has a different ruling.

### 2.2.2. Evidence for the View

This view is based on the following reasons:

First; a conceptual analysis of *Nushūz* based on the verse's rhetorical structure

Rhetorical structure refers to the syntax or style of expression, or in other words, the arrangement of words next to each other to form a sentence or related sentences. The verse under discussion has two parts; the first part explains the husband's guardianship and its foundations, and the second part explains the types of women in relation to the husband's guardianship. There is no consensus on the concept of guardianship. In exegetical and jurisprudential sources, the husband's guardianship is interpreted as authority and sovereignty or management and supervision. In any case, guardianship, whether in the sense of authority and sovereignty or management and supervision, is not related to the husband's right to sexual enjoyment (Hedayatnia, 2016 AD/1395 SH: 20).

The Holy Quran in the verse under review, after stating the husband's guardianship, introduces two groups of women. By relying on exegetical sources, the purpose of "*Qunūt*" is obedience to the Almighty God (Ibn 'Āshūr, 1999 AD/1420 AH: 4, 115) or obedience to the husband (Rāzī, 1999 AD/1420 AH: 10, 71). The phrase "*Lil Ghayb*" in the mentioned

sentence shows that the purpose of the women who protect in the noble verse are those who are loyal to their husband in his absence and protect themselves from defilement and from engaging in immoral relationships or betraying their husband (Qummī, 1943 AD/1363 AH: 1, 137). Some have also provided a broader interpretation of it and have considered the verse to include protecting their private parts and the husband's property and secrets (Ṭabarī, 1991 AD/1412 AH: 5, 38; Ṭabrisī, 1952 AD/1372 AH: 3, 69; Ṭabāṭabā'ī, 1390: 4/344). There is no doubt that the purpose of righteous and obedient women is those who have accepted the husband's guardianship and obey his commands, because the letter "*Fā*" at the beginning of the sentence is a consequence of the previous sentence (Darwīsh, 1994 AD/1415 AH: 2, 208).

Thus, by way of contrast, the purpose of *Nushūz* in the mentioned verse is not absolute disobedience to the husband, but rather disobedience to the husband's command to protect the marital bed and immorality. Granting the husband permission to strike is related to the woman's fault in the right of God and the important matter of chastity (Zaydān, 1999 AD/1420 AH: 7, 310). The phrase "Guarding in the absence" in the text of the noble verse is an important clue for this interpretation.

### Critique

1. Although guardianship in the verse is not limited to the right of sexual enjoyment; it is certainly one of the instances of guardianship that the wife should not refuse (without a Shari'a, rational, or customary excuse). Therefore, jurists have relied on this verse in the matter of *Nushūz* and have proposed the three stages of dealing with a rebellious wife (Ibn 'Arabī, 1987 AD/1408 AH: 1, 420; Najafī, 1983 AD/1404 AH: 31, 307).
2. The obedience of righteous and obedient women is general and applies to all cases where the wife's obedience to the husband is necessary, from leaving the house with permission to sexual relations, to vows, and so on. Of course, this includes protecting the husband's secrets and property, even sexual secrets and their private moments, and protecting her chastity in the husband's absence (cf. Ālūsī, 1994 AD/1415 AH: 3, 24; Faḍlullāh, 1998 AD/1419 AH: 7, 227; Javadi, 2009 AD/1388 SH: 18, 547). Therefore, there is no reason to limit *Nushūz* to disobedience to the husband in protecting the marital bed or to betrayal less than adultery.
3. Given the context of the verse, granting the permission to strike is considered a right of the husband and belongs to him; for this reason, it is the consensus of jurists and exegetes that it is better and preferable for him to forgive (Mughnīyah, 2003 AD/1424 AH: 2, 317). When a woman oversteps her boundaries, does not observe the rights of marriage, and disrupts the family system, Islam gives the husband this right to gradually establish order within the governance of his home. Therefore, he first begins with admonishment and finally uses the method of striking (Modarresi, 1998 AD/1419 AH: 2, 75). Although he can be patient and, through the process of time and marital techniques, give himself, his wife, and their life together a chance.
4. *Nushūz* is placed in opposition to "*Qunūt*"; as mentioned, "*Qunūt*" is either in the sense of submission to God in observing the husband's rights or in the sense of submission and acceptance of the husband's guardianship. In any case, *Nushūz*, which is in opposition to it, means rebellion against accepting the husband's guardianship, not disobedience to the

husband's command to protect the marital bed and relations with strangers.

Second reason; the application of *Nushūz* to a wife's betrayal in interpretive narrations

According to a narration from the Prophet of Islam, the verse under discussion has been applied to a wife's unchaste behaviors, and her striking has been considered permissible. The Prophet, during the Farewell Pilgrimage, addressed the men and said: "Your right over them [your wives] is that they do not give access to your bed to anyone you dislike, so if they do so, strike them; a strike that is not severe." (Ḥarrānī, 1983 AD/1404 AH: 33) Two texts of this hadith are available, which differ slightly from each other; the first text is from *Tuḥaf al-'Uqūl*, and the author of *Wasā'il al-Shī'a* also narrated it from the same source (Ḥurr 'Āmilī, 1988 AD/1409 AH: 21, 517). In Sunni hadith collections, the mentioned hadith is also observed with a slight difference (Nīshābūrī, n.d.: 4, 41; Dārimī, n.d.: 2, 48; Bayhaqī, n.d.: 7, 295).

From the aforementioned hadiths, two points are understood; first, the Prophet has given permission to the husband, if he observes unchaste behaviors from his wife, to prevent her based on the stages of forbidding what is wrong - including a light strike; second, the woman's unchaste behavior and her failure to protect the husband's bed are considered her rebellion, because the Prophet applied the three stages mentioned in the verse of a wife's rebellion to this behavior of the wife, and based on it, he prescribed striking. Thus, it is understood from the prophetic hadiths that the husband, by virtue of his guardianship and his educational responsibility, forbids his wife, and her obedience is obligatory. Now, if she does not heed his prohibition, her act is rebellion, and in this case, her discipline will be legitimate (Hedayatnia, 2016 AD/1395 SH: 24).

## Critique

1. If this narration is the criterion, some of the texts of the narration are more general than the author's claim and are a metaphor for illicit relations, which, in addition to kissing and cuddling, also includes adultery (...Wa allā Ya'tīna bi Fāḥishatin fa in Fa'alna...); hence, the relation must either be illicit, which even includes adultery, in which case a prescribed punishment (*Hadd*) is carried out on her, not a non-painful strike; or - as some exegetes have said - based on the clue from *Ṣaḥīḥ Muslim*, the purpose of the narration is the entry of strangers into the house without the husband's consent, which causes his discomfort and anger (cf. Qurṭubī, 1944 AD/1364 AH: 5, 173). *Ibn al-Athīr* also writes in his interpretation of the narration: it means they should not allow strange men to enter the house to sit and talk to the women, and this was a custom of the Arabs, and they did not consider it a defect or a problem, but when the verse of hijab was revealed (al-Aḥzāb: 53), they were forbidden from doing so (Ibn al-Athīr, n.d.: 5, 201).

2. One of the documents for this view is a narration from *Tuḥaf al-'Uqūl*. The narrations of *Tuḥaf al-'Uqūl*, although they have a *Mursal* (disconnected) chain of transmission (Khamenei, 2004 AD/1383 SH; Khu'ī, 1997 AD/1418 AH: 2, 39), many jurists have considered its narrations valid - if the companions of the Imams have acted upon them (Khu'ī, 2008 AD/1429 AH: 1, 279), but this narration has not been acted upon by the companions in the interpretation of *Nushūz*. Therefore, it also has a problem in terms of its chain of

transmission.

There is no doubt about the attribution of the book *Tuḥaf al-‘Uqūl* to Ibn Shu‘ba Ḥarrānī and the credibility of this source (cf. Ḥurr ‘Āmilī, 1965 AD/1385 AH: 2, 74), and the main problem is the *Mursal* nature of the narrations. Some have considered the well-known practice to compensate for the weakness of the chain of transmission; while the practice of the early scholars on the narration is not known to compensate for the weakness of the chain; some (like *Sayyid Yazdī*) have considered the content of some narrations to be in accordance with jurisprudential rules and credible; but this reason is not endorsed ; because if a part of the narration is consistent with the rules, the well-known practice in that part will be based on the rule, not on the part of the narration (Khamenei, 2004 AD/1383 SH).

As a result, this narration has a problem in terms of its chain of transmission, and even if it is accepted, it does not mean committing an immorality less than adultery; rather, it refers to bringing in relatives or strange women whose entry into the house the husband is not happy with, and the wife, without paying attention to the husband's consent, rebels against him and lets them into the house, and in reality, she does not accept the husband's guardianship and management.

### 3. The View of Not Limiting the Beating of a Rebellious Wife to Committing Immorality (The Chosen View)

Based on the chosen view, a woman's *Nushūz* in verse 34 of Surah *al-Nisā’* has no relation to committing immorality. In other words: the purpose of *Nushūz* in the verse under discussion is a kind of turning away from duties, rebellion, and disobedience, and in reality, disregarding men's management and rebelling against men. That is, the woman does not accept the rights that the husband has over her (rights such as sexual insubordination, not making a vow with the husband's property without his permission, not leaving the house without his permission, not inviting people the husband is not happy with to enter the house, and guardianship over the children) and behaves rebelliously towards the husband ; as "*Nushūz*" in the dictionary (as mentioned) and in the words of the exegetes also means a wife seeking superiority over the husband, disobedience to his command, aversion from the husband, and anger towards him (Ibn Kathīr, 1998 AD/1419 AH: 2, 257). This view can be proven by considering the context of the surah and the verse, the occasion of revelation, and supplementary narrations (Ṣadūq, 1992 AD/1413 AH: 3, 443, 389, and 168). In the narrations of the occasion of revelation, there is also no mention of sexual insubordination; rather, it only speaks of rebellion and revolt against the husband (cf. Ṭabrisī, 1952 AD/1372 AH: 3, 68). Although the occasion of revelation cannot be the basis for this research from a jurisprudential perspective, it can be a clue for interpreting the meaning of *Nushūz*. In this occasion of revelation, there is no mention of committing immorality either.

The main point is that the Holy Quran has placed the man as the *Qawwām* and guardian over his wife. It then divides women into two groups in response to this ruling; a group who is righteous and worthy and willingly accepts his guardianship, and another group who rebel against the husband and, with defiance and rebellion, challenge the man's guardianship.

Based on the chosen view, the concept of guardianship (as mentioned) means a kind of constant supervision and oversight, accompanied by care and being a support, which has been

placed on men in married life. This is because, firstly, a family cannot be left without a guardian and a final decision-maker, and secondly, men are more qualified to manage the family due to their greater power of reasoning and use of intellectual power in decision-making, a managerial mindset, and a distance from emotional decisions on the one hand, and having greater physical strength to implement decisions on the other hand, and also being obligated to pay for living expenses (which results from the greater power of reasoning, decision-making, and physical strength) on the third hand, and this responsibility has been placed upon them.

### Conclusion

In a new view presented by some contemporary Quranic scholars, the purpose of *Nushūz* in the noble verse is a woman's disobedience to her husband's command regarding the marital bed and committing an immorality, by which act the woman becomes deserving of being struck. Those who hold this view differ in the scope of committing immorality. Some have considered the purpose of committing immorality to be general, including both adultery and other immoralities whose ugliness is clear, and some have limited it to committing adultery or a betrayal less than adultery, and each one, with intra-textual and extra-textual clues, tries to prove their view, but each of these views faces challenges and is not acceptable due to its incompatibility with the context of the verse under discussion, its incompatibility with the linguistic and Quranic usage of the word *Nushūz*, its incompatibility with established religious principles and specific punishments for committing immorality, and its lack of consistency with the narrations of the occasion of revelation and the narrations of light striking. Furthermore, the narrations relied upon by this group also have weaknesses in both their chain of transmission and content, and their implications cannot be committed to.

Based on the findings of the research, a "*Nāshizah*" is someone who has questioned the man's guardianship and intends to be haughty and superior, and with defiance and disobedience to the husband's commands (within the same scope that the Legislator has made him the *Qawwām*), she intends to rebel. This view can be proven by considering the linguistic meaning of *Nushūz*, the context of the verse, the generality of the narrations of the occasion of revelation, and other clues. Based on the chosen view, striking is not a means to satisfy the man's pride and to humiliate and degrade the woman, and therefore it is not against human dignity; rather, it is a wise act for the purpose of reform and discipline, and as a warning, in which piety must also be observed.

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