

According to a Pew Research Center study from 2013, in nearly all countries surveyed, a majority of Muslims say that a wife should always obey her husband.

Traditional, orthodox Muslim scholars uniformly agree that in a sharia compliant Muslim marriage, a husband has the duty (and the right) to financially support the wife and the children, and the wife in return is obligated to obey the husband in all matters related to the family life. Since any institution runs on a hierarchical arrangement, and marriage being an institution, it is agreed that one person has to assume the role of a manager, and it is the husband that Allah has chosen for this role.

For a detailed look at this traditional construction of Muslim marriage, that accommodates for some of the modern social changes:

<https://muslimmatters.org/2023/03/07/podcast-what-are-limits-wifely-obedience/>

The scholars generally recognize that in this marital dynamic, it is the wife that is in a weaker position. Their fatwas generally try to strike a balance between a number of modern challenges to ensure harmony in the family life, without directly questioning the legal foundations of an Islamic marriage. **For jurists, the foundational legal postulate guiding marriage is that God made men *qawwamun* over women and placed them under male authority. And this authority of men over women is legally inviolable.**

Relevant Verses: 4:34; 30:21(love and mercy between spouses); 2:187(the metaphor of “garments to each other”)

The book, ‘Men in Charge? Rethinking Authority in Muslim Legal Tradition’ unpacks this traditional religious discourse in Islam looking for the roots of gender discrimination, and further explores alternative interpretations in the spirit of egalitarianism. Much of the work of modern reformers revolve around the Quranic verse 4:34, that is often invoked as a textual basis for the assumed normativity of male authority and hierarchical gender relations.

“Al rijal qawwamun ala al-nisa bima faddala Allah ba’dahum ala ba’d wa bima anfaqu min amwalihim...”

“Men are the protectors and maintainers of women, because Allah has given one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband’s) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill conduct, admonish them (first), (Next) refuse to share their beds, (And last) beat them (lightly); but if they return to obedience, seek not against them Means (of annoyance): For Allah is Most High, great (above you all).” (Abdullah Yusuf Ali)

The concept of *qiwamah* - the term itself does not appear in the Quran - is derived from the term *qawwamun* (translated as ‘ protectors and maintainers ‘) in the above mentioned verse. The root *qama* can have many meanings in Arabic, such as ‘stand up’, ‘comply’, ‘proceed’, ‘provide for’, ‘revolt’, ‘endure’, ‘lift up’. We see the same word (*qawwamun*) in verses 4:135 and 5:8, where *qunu qawwamun* is commonly understood to mean ‘stand out firmly’.

In relations to marriage and relations between spouses, however, other terms appear several times: *maruf* (common good) and *mawaddah wa rahmah* (love and compassion). Why did classical jurists not choose to translate these two terms into legal rulings? Why and how did verse 4:34, and not other relevant Quranic verses, become the foundation for the legal construction of marriage? (Introduction, “Men in Charge?”)

Omama Abou-Bakr (in the chapter, “The Interpretive Legacy of *Qiwamah* as an Exegetical Construct”) examines the works of Quranic interpretation that were produced after exegesis developed into a formal branch of Islamic Sciences, from the 9th century CE, to explore the historical and cultural process that led to the **construction of *Qiwamah* as an independent, and patriarchal legal postulate.**

She identifies **four discursive stages in this process.**

Influential scholars in the 4 phases:

First, when the descriptive nature of the word *qawwamun* was turned into a prescriptive concept called *qiwamah*, which required the transformation of the word to a grammatical *masdar* (verbal noun or infinitive), namely, *qiyam*, that later developed into *qiwamah*:

al-Tabari (d 923), whose tafsir is the earliest and many later works were drawn from it. He initiated the hierarchical idea of moral superiority and the right to discipline. He introduced the twisted logic of turning the divine command to provide economic support into a reason for privilege: ‘they provide because they are better, or they are better because they provide’.

Second stage, when consolidation through amassing reasons for the hierarchical construction of *qiwamah* took place:

Zamakhshari (d 1144), who dropped the reference to economic provision. He consolidated superiority by bringing in the metaphor of a ruler and a subject. He consolidated the notion of favoring or *tafdil* (*bima faddala* , the verb, transformed to a conceptual noun) and this became the reason for men to be in control. He provided a long list of reasons for this divinely ordained preference. (page 49)

Other influential scholars in this period : **al-Razi, al-Baidawi, al-Qurtubi.**

Third stage of expansion, elaboration and accumulation of evidence of men’s superiority on all levels : **Ibn Kathir** (d 1373), who obsessively compiled all of the *ahadith* on wifely obedience and reverence to husbands. He expanded the notion of superiority through the use of Abu Bakara’s famous hadith discouraging women’s leadership. He linked 4:34 and 2:228 (that speaks about *darajah*- degree). Thus, he extended the scope of male superiority and authority from the domestic to the public sphere. **Al-Suyuti** is also an influential scholar from this phase.

Fourth stage, the ‘scientific justification’ of biological essentialism by calling domesticity an inborn nature of women (her *fitrah*): **Muhammad Abduh**(d. 1905), **Sayyid Qutb** (d. 1966), **al-Sharawi**(d. 1998)

Reformist interpretive strategies:

- To problematize the notion that men have more rights than women because of the financial obligations assigned to men- what happens when men do not fulfill this obligation? This brings focus to the conditioned, shifting nature of *qiwamah*. Financial support as a condition of, not a reason for, guardianship of men.
- Gender sensitive reading that takes into account the biological role of giving birth and nursing that may require financial support so the mothers are not overburdened.
- Textual contextualization: An interpretation corroborated by the verses of the Quran themselves are stronger than an interpretation corroborated only by a source external to the Quran. Textual evidence does not warrant *qiwamah* as an endowed state of excellence because the term is used within an entire section dealing with the issue of possessions in conjunction with marriage and inheritance.
- Divesting the concept of *qiwamah* of its patriarchal implications: even though the Quran charges the husband with being the breadwinner, it does not designate him the head of the household. The Quran does not adhere to a right of rule for the father figure.
- Quranic commandments and commands are encompassing and general enough to merit within them diverse interpretations that can evolve with changing times and contexts. The term *qawwamun* is ambiguous and allows for this.
- Shariah is the search for the beautiful because it is the search for God. Divine Will is sought as a moral and ethical enquiry, and so, traditional methodologies are to be reoriented towards this.
- When the 'letter' of the divine text remains a problem, it is time to stop grappling with it and direct our attention to its 'potential trajectory'- how and where it points humankind.

Reflections:

What do you think of the traditional legal construction of Islamic marriage? Discuss scenarios that make this problematic.

Discuss what you know about the pre-Islamic marriages in Makkah and Madina.

Discuss the word *qaanitat*. *Qanit* is used in the Quran exclusively for devotion to God, whereas the verb *ata'a* may be for obedience to God or anyone else. A wife's obedience to her husband is not mentioned anywhere in the sura (al-Nisa), or in the Quran, not even in the passage warning the prophet's recalcitrant wives, that is, Q 66:3. Some classical jurists subsumed obedience to husband under obedience to God.

What do you think of the reformist strategies listed above? Which ones do you find appealing and which ones seem problematic? Discuss any other approaches.