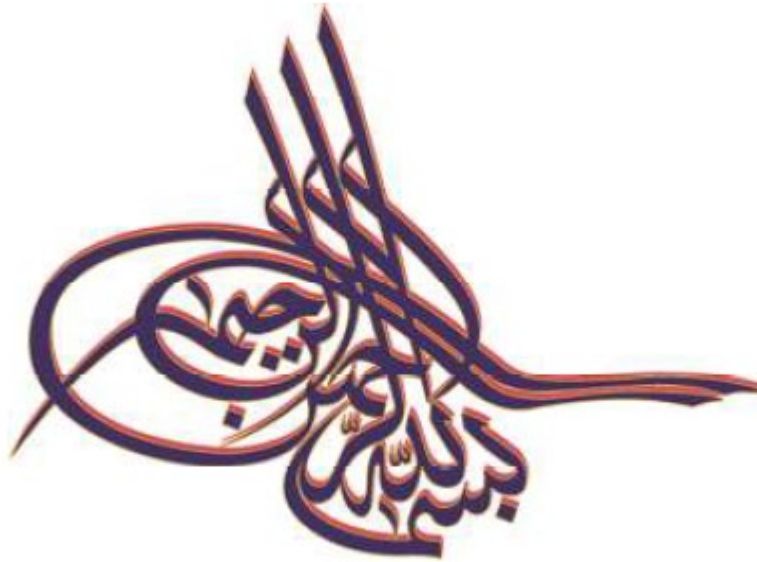


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Al-Nushooz: Focusing on Its Reality [Abridged Paper] By Jamaal Zarabozo¹



1 ©2024, Jamaal Zarabozo. The author would like to thank all those who participated in his "Oft-Misunderstood Verses of the Quran: al-Nisaa 34" classes. May Allah reward them for their perseverance, as the discussion of Soorah al-Nisaa verse 34 has taken well over thirty hours and is still continuing.

"الأراء في هذا البحث تعبر عن رأي الباحث وليس بالضرورة عن رأي أمجا"

Opinions in this research are solely those of the author and do not represent AMJA.

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ABSTRACT

The question of nushooz and obedience of the wife hovers over many a Muslim marriage. Many a Muslim wife is either consciously or subconsciously aware of the possible dire consequences of disobeying her husband. Unfortunately, in the minds of many, the Quranic instructions concerning nushooz are like an open door to the husband physically disciplining his wife. The common conception of what constitutes nushooz, though, may or may not be correct. Even among the Imams and religious leader, nushooz may not be an entirely clear concept.

The goal of this paper is a admittedly modest one: identifying what constitutes nushooz.

INTRODUCTION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الحمد لله والصلاة والسلام على نبينا محمد

In some circles, the concept of *al-nushooz* (as well as verse 34 of *Soorah al-Nisaa*) has become very “controversial.” It definitely can be rightly argued that something that comes directly from the Quran should not be considered controversial. At the same time, any misunderstanding and/or misapplication of a Quranic concept can be very problematic. Indeed, verses which bestow rights, like all rights, could be abused. In this light, this paper seeks to discover the true nature of “wifely nushooz.”

Unfortunately, due to circumstances well beyond the control of this author, this paper is very much an abridged paper. The original intent was to cover not only wifely nushooz but also husbandly nushooz and mutual nushooz. Even with respect to wifely nushooz, the paper has been limited to identifying nushooz itself and does not cover the steps that are to be taken to remedy nushooz. In addition, beyond highlighting some examples, many details concerning aspects of nushooz have also been truncated.

THE ISLAMIC VIEW OF MARRIAGE

Allah says in the Quran,

﴿وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ﴿٢١﴾﴾

«And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought(21)» [Ar-Rum: 21]²

In this verse, Allah highlights that prototypical marriage which is actually a sign that points to the greatness of His ability to create. From an Islamic perspective, therefore, marriage is inclusive of such feelings of finding tranquility in one’s spouse, love, and mercy.

At the same time, Allah knows the humans He has created and He knows that human relationships do not always work out. Even in those cases in which a marriage does not work out, the husband and wife are supposed to be good and civil to one another—either staying together on good terms or separating on good terms:

² The translations presented in this paper are from the *Saheeh International* translation of the Quran.

﴿وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَىٰ أَنْ تَكْرَهُنَّ شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا﴾

«And live with them in kindness. For if you dislike them - perhaps you dislike a thing and Allah makes therein much good(19)» [An-Nisaa: 19]

﴿الطَّلَاقُ مَرَّتَانٍ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ﴾

«Divorce is twice. Then, either keep [her] in an acceptable manner or release [her] with good treatment» [Al-Baqara: 229]

﴿وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَبَلَّغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ سَرِّحُوهُنَّ بِمَعْرُوفٍ وَلَا تُمْسِكُوهُنَّ ضِرَارًا لِّتَعْتَدُوا وَمَنْ يَفْعَلْ ذَلِكَ فَقَدْ ظَلَمَ نَفْسَهُ ت وَلَا تَتَّخِذُوا آيَاتِ اللَّهِ هُزُوًا وَاذْكُرُوا نِعْمَتَ اللَّهِ عَلَيْكُمْ وَمَا أَنْزَلَ عَلَيْكُمْ مِنَ الْكِتَابِ وَالْحِكْمَةِ لِيُعْظِمَكُمْ بِهِ ت وَأَتَّقُوا اللَّهَ وَاَعْلَمُوا أَنَّ اللَّهَ بِكُلِّ شَيْءٍ عَلِيمٌ ۚ﴾

«And when you divorce women and they have [nearly] fulfilled their term, either retain them according to acceptable terms or release them according to acceptable terms, and do not keep them, intending harm, to transgress [against them]. And whoever does that has certainly wronged himself. And do not take the verses of Allah in jest. And remember the favor of Allah upon you and what has been revealed to you of the Book and wisdom by which He instructs you. And fear Allah and know that Allah is Knowing of all things(231)» [Al-Baqara: 231]

﴿فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ﴾

«And when they have [nearly] fulfilled their term, either retain them according to acceptable terms or part with them according to acceptable terms» [At-Talaq: 2]

Marital Discord

Additionally, the break up of a marriage is many times a process, and not simply related to one event. There are usually signs present when a marriage is not going in a positive or healthy direction. As such, Allah has also provided guidance for those situations in which the marriage can be repaired or when it is beyond the point of repair. That is captured in the guidance related to *nushooz* (*nushuz*, النشوز) and the steps leading up to divorce.

Nushooz, as shall be seen, could be committed by the wife, the husband, or the two of them. All three of these possibilities are deserving of a detailed analysis. Unfortunately, due to time and other restrictions, this paper will focus only on “wifely *nushooz*.”³

The Lexical Definition of the Word Nushooz

The word *nushooz* comes the root *nashaza*. In *Mujam Maqayees al-Laugha*, ibn Faris

3 For more on the other forms of *nushooz*, see the relevant portions of this author’s translation Saalih al-Sadlaan, *Marital Discord (Al-Nushooz)* (Denver, CO: Al-Basheer Publications, 1996), *passim*. This author has also dealt with his topic in his ????. A recent work focusing on *nushooz* on the part of the husband is Qaasim Abdul-Nabi, *Nushooz al-Zauj wa Iraadhuhu fi Kutub al-Tafseer* (Master’s Thesis: University of Qatar, 2017).

stated that it has a sound root indicating "rise" or "height." One refers to the vein that is bulging and protruding as *naashiz*.⁴ Lane's *Lexicon* gives its various meanings as, "He rose, or raised himself... in his sitting place... from his sitting place," "It rose; rose from its place; was, or became, elevated, protuberant, or prominent; it protruded."⁵ Hans-Wehr Dictionary of Modern Standard Arabic gives its initial meanings as, "to be elevated, be located high above, to rise."⁶

One can see the lexical meaning of this word used in the Quran. Note the following two verses:

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا قِيلَ لَكُمْ تَفَسَّحُوا فِي الْمَجَالِسِ فَافْسَحُوا يَفْسَحَ اللَّهُ لَكُمْ وَإِذَا قِيلَ أَنْشُرُوا فَأَنْشُرُوا فَإِنَّ اللَّهَ يَرْفَعُ الَّذِينَ ءَامَنُوا مِنْكُمْ وَالَّذِينَ أُوتُوا الْعِلْمَ دَرَجَاتٍ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ ﴿١١﴾

«O you who have believed, when you are told, "Space yourselves" in assemblies, then make space; Allah will make space for you. *And when you are told, "Arise," then arise*; Allah will raise those who have believed among you and those who were given knowledge, by degrees. And Allah is Acquainted with what you do(11)» [Al-Mujadila: 11]

﴿أَوْ كَالَّذِي مَرَّ عَلَى قَرْيَةٍ وَهِيَ خَاوِيَةٌ عَلَى عُرُوشِهَا قَالَ أَنَّى يُحْيِي هَذِهِ اللَّهُ بَعْدَ مَوْتِهَا فَأَمَاتَهُ اللَّهُ مِائَةَ عَامٍ ثُمَّ بَعَثَهُ قَالَ كَمْ لَبِثْتَ قَالَ لَبِثْتُ يَوْمًا أَوْ بَعْضَ يَوْمٍ قَالَ بَلْ لَبِثْتَ مِائَةَ عَامٍ فَانظُرْ إِلَى طَعَامِكَ وَشَرَابِكَ لَمْ يَتَسَنَّهْ وَانظُرْ إِلَى جَمْرِكَ وَلِنَجْعَلَكَ ءَايَةً لِلنَّاسِ وَانظُرْ إِلَى الْعِظَامِ كَيْفَ نُنشِرُهَا ثُمَّ نَكْسُوهَا لَحْمًا فَلَمَّا تَبَيَّنَ لَهُ قَالَ أَعْلَمُ أَنَّ اللَّهَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ ﴿٢٥٩﴾

«Or [consider such an example] as the one who passed by a township which had fallen into ruin. He said, "How will Allah bring this to life after its death?" So Allah caused him to die for a hundred years; then He revived him. He said, "How long have you remained?" The man said, "I have remained a day or part of a day." He said, "Rather, you have remained one hundred years. Look at your food and your drink; it has not changed with time. And look at your donkey; and We will make you a sign for the people. And look at the bones [of this donkey] - how We raise them and then We cover them with flesh." And when it became clear to him, he said, "I know that Allah is over all things competent."(259)» [Al-Baqara: 259]

In addition, though, the Quran uses the term *Nushooz* in a very specific legal sense, as is found in the following two verses:

﴿وَإِنْ أَمْرًا خَافَتْ مِنْ بَعْلِهَا نُشُورًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصَلِّحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الْأَنفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا ﴿١٢٨﴾

«And if a woman fears from her husband contempt (*nushooz*) or evasion, there is no sin upon them if they make terms of settlement between them - and settlement is best. And present in

4 Ahmad ibn Faaris al-Qazweeni al-Raazi, *Mujam Maqaayees al-Lughah* (Beirut, Lebanon: Daar al-Firk, 1979), vol. 5, p. 430.

5 See www.ejtaal.net under نشر.

6 Ibid.

[human] souls is stinginess. But if you do good and fear Allah - then indeed Allah is ever, with what you do, Acquainted(128)» [An-Nisaa: 128]

﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَنَاطٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ فَإِنِ اطَّعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا﴾

«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 [wives] from whom you fear arrogance (nushooz) - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand(34)» [An-Nisaa: 34]

A Preliminary Fiqh Meaning of the Word Nushooz

The traditional definition of a marriage contract that is often mentioned in works of fiqh is illuminating in one sense and yet lacking at the same time. In essence, the fiqh schools have defined the marriage contract as that contract which gives the man the right to sexual relations with the wife.⁷

All scholars agree, though, that the ramifications of the marriage contract go well beyond that one aspect. When the spouses enter into the marriage contract, they are agreeing to a relationship that entails mutual responsibilities and rights. Given this more holistic way of looking at the marriage contract and given that Allah mentions the possibility of *Nushooz* occurring by either the husband or the wife, *Nushooz* can be defined in a more general fiqh sense: *Nushooz* is the act of raising oneself above one's limits or obligations with respect to one's spouse. As such, there is wifely Nushooz, husbandly Nushooz, and mutual Nushooz.

WIFELY NUSHOOZ

Wifely Nushooz Associated with Spousal Abuse?

Probably when many, if not most, think of *nushooz* they think of wifely *nushooz* and its possible implication of domestic violence and wife beating. Domestic violence and spouse beating is

⁷ For a review of such fiqh definitions, see Noor Husain Qaroon, *Mauqaf al-Islam min Nushooz al-Zaujain au Ahadihimaa* (Master's Thesis: Umm al-Quraa University, 1986), pp. 4-8.

definitely not confined to the Muslim community.⁸ According to the CDC, “1 in 4 women and 1 in 7 men [in the United States] will experience severe physical violence by an intimate partner in their lifetime.”⁹ However, according to some, wife beating has permeated Muslim culture such that it has become both normalized and considered justified. Altınay and Arat wrote,

In the National Family Health Survey conducted with a representative sample of approximately 90,000 households in India in 1998-1999, 56% of women who had been married at least once in their lives said that they thought it legitimate for their husbands to beat them (Merry 2006, 159). 80% of women in rural Egypt (Heise and Garcia-Moreno 2002, 95) and approximately 70% of women interviewed in Bangladesh, Ethiopia, Peru, Samoa, Thailand, and Tanzania expressed the belief that beating was justified in certain circumstances (Garcia-Moreno et al. 2005, 39).¹⁰

Perhaps one of the most famous cases of alleged domestic abuse concerning Muslims was the case of Aasiya Zubair. According to Wajahat Ali,

On 12 February 2009, Aasiya Zubair, a Muslim Pakistani American MBA student and co-founder of Bridges TV, was murdered by her estranged husband, Muhammad Hassan, after she officially filed for divorce and obtained a restraining order against him. Hassan's previous two wives left him due to domestic abuse, and Asma Firfirey, the sister of the deceased, stated Aasiya had previously sustained physical injuries requiring nearly \$3,000 of medical bills. Hassan, who was ostensibly and regrettably considered a community leader despite his history of abuse – a shameful oversight and failure of the Muslim leadership community – is now charged with the murder.¹¹

One could probably assume that this overall acceptance of wife beating in Muslim culture is somehow related to Allah’s sanctioning of disciplining one’s wife in verse 34 of Soorah al-Nisaa. Definitely, not everyone would accept this assumption. Indeed, not everyone would accept the claim that Soorah al-Nisaa 34 condones wife disciplining in any way, not to speak of spousal abuse.

Translations, Interpretations, and Attitudes Galore

An English reader of the translations of the Quran will find an interesting array of presentations of Soorah al-Nisaa verse 34, especially when it comes to the question of whether or not there is any sanction for disciplining one’s wife in response to nushooz. Here are some examples:

⁸ Lest one thinks that such violence is manifested only in misogynistic males or patriarchal relationships, there is plenty of literature pointing to it being an issue in lesbian relationships as well. See, for example, Claire Renzetti, *Violent Betrayal: Partner Abuse in Lesbian Relationships* (Newberry Park, CA: Sage Publications, Inc. 1992), *passim*; Janice Ristock, *No More Secrets: Violence in Lesbian Relationships* (New York, NY: Routledge, 2002), *passim*; Ellyn Kaschak, editor, *Intimate Betrayal: Domestic Violence in Lesbian Relationships* (New York, NY: Routledge, 2012), *passim*. Renzetti’s work is interesting in that it is about her research that started in 1985. This author can recall from his student days at UC Berkeley at the end of the 1970s how the feminists there were portraying feminism and its corresponding lesbianism as a solution to women’s problems, including that of domestic abuse.

⁹ Quoted from <https://www.safehorizon.org/get-informed/domestic-violence-statistics-facts/#description/>.

¹⁰ Ayşe Gül Altınay and Yeşim Arat, *Violence against Women in Turkey: A Nationwide Survey* (Istanbul, Türkiye: Punto, 2009), p. 34. Interestingly, the two authors also noted a big shift in the acceptance of violence against women in Turkey. They note (p. 34) that in earlier surveys from the early 1990s, almost half the women of Turkey considered violence against women justifiable while by the time of their survey (early 2000s) they found (p. 64) that “[f]or nine out of ten women, ‘There is never a valid justification for beating.’”

¹¹ Wajahat Ali, “Remembering Aasiya Zubair,” <https://www.theguardian.com/commentisfree/cifamerica/2010/feb/12/aasiya-zubair-domestic-violence>

And as for those women whose ill-will you have reason to fear, admonish them [first]; then leave them alone in bed; **then beat them**; and if thereupon they pay you heed, do not seek to harm them. Behold, God is indeed most high, great¹²

As for those from whom ye fear rebellion, admonish them and banish them to beds apart, **and scourge them**. Then if they obey you, seek not a way against them. Lo! Allah is ever High, Exalted, Great¹³

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)¹⁴

And if you sense ill-conduct from your women, advise them '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 Allah is Most High, All-Great.¹⁵

If you have reason to fear ill-will from your wives, remind them of the teachings of God, then ignore them when you go to bed, **then depart away from them**. If they obey you, do not seek to harm them. God is most high and great.¹⁶

And those females whose resistance you fear, then admonish them (f¹⁷) and abandon them (f) in their sleeping places and **go away from them** (f). Then if they (f) obeyed you, then look not for any way against them (f). Truly, God had been Lofty, Great.¹⁸

As for women you feel are averse, talk to them persuasively; then leave them alone in bed (without molesting them) and **go to bed with them (when they are willing)**. If they open out to you, do not seek an excuse for blaming them. Surely God is sublime and great¹⁹

12 Muhammad Asad, *The Message of the Qur'an* (Bristol, England: The Book Foundation, 2003), p. 127.

13 Translation by Muhammad Pickthall. See <https://quran.com/4?startingVerse=34>

14 Translation by Abdullah Yusuf Ali. See <https://quran.com/4?startingVerse=34>

15 Translation by Mustafa Khattab, *The Clear Quran*, see <https://quran.com/4?startingVerse=34>

16 Safi Kaskas, *The Qur'an: A Contemporary Understanding* (Self-Published, 2015), p. 44. Kaskas adds, "Historically the idiom *daraba* was translated into strike or chastise them. I however, with many modern commentators, feel that striking a woman, a wife and a mother is contradictory to the essence of the Qur'anic message. In today's world, using force against women is a crime and it is not at all advisable. The verse was maybe meant to limit punishing women at a time when men use to consider women without any rights."

17 The "(f)" refers to grammatic feminine.

18 Laleh Bakhtiar, *The Sublime Quran* (Kazi Publications, Inc. 2009). In the introduction to the work (p. 16), she has a lengthy explanation of her reasoning behind this translation, starting with, "As the Quran refers to the Prophet as a mercy to humanity and the model whose example should be followed, it is clear that he would have carried out any and all of the commands (imperative forms of the verb) in the Quran that related to his life (there are commands specific to other Prophets as well) yet we find an exception in *daraba* according to the interpreters over the centuries..." Needless to say, the premise of her argument does not make much sense. If the Prophet (peace and blessings of Allah be upon him) with respect to his wives was not in need of fulfilling this command, why would he? The Quran, for example, makes reference to those who repent from accepting *riba* (that they shall have their principal only), does this mean that the Prophet (peace and blessings of Allah be upon him) must have or should have engaged in *riba* and then repented?

19 Ahmed Ali, *al-Qur'an: A Contemporary Translation* (Princeton, New Jersey: Princeton University Press, 1990), p. 78. He justifies this translation by saying (pp. 78-79), "Raghib in his *Al-Mufradat fi Gharib al-Qur'an* gives the meanings of these words [of the verse] with special reference to this verse... Raghib points out that *daraba* metaphorically means to have intercourse, and quotes the expression *darab al-fahl al-naqah*, the stud camel covered the she-camel. "... It cannot be taken here to mean 'to strike them (women)'. ..." While al-Raghib quotes this expression *darab al-fahl al-naqah* twice, at no time does he make any reference to this verse, not to speak of any "special reference." See al-Raghib al-Asfahaani, *Al-Mufradaat fi Ghareeb al-Quran* (Damascus, Syria: Daar al-Qalam, 1412 A.H.), pp. 505 and 506.

In these translations, nushooz is translated as: “ill-will,” “rebellion,” “disloyalty and ill-conduct,” “ill-conduct,” “resistance,” and “averse.” From these translations, it may be difficult for the reader to discover exactly what is being described in the verse. [Unfortunately, in this abridged version of this paper, the remainder of the verse will not be discussed but one can note that later in the verse, one finds everything from “scourge them,” “beat them,” “discipline them ‘gently,’” to “go away from them,” and “go to bed with them (when they are willing)”! The approaches to this verse do not stop there. The contemporary Shiite Mehdi Mehrizi claims that the verse has been abrogated.^{20]}

In academia, one can find an article penned by a Muslim that makes the following conclusion concerning Soorah al-Nisaa 34,

I have tried to show in this article that the correct reading of Q. 4:34 is that men are financially responsible (*qawwāmūn*) for women rather than in charge of them, that there is no requirement in the verse for women to be obedient to their husbands, and that *nushūz* refers to spousal infidelity rather than to a disobedient wife. This is clear from a close reading of the two *nushūz* passages in the Qur’an, and from the use of *nushūz* in pre-Islamic and early Islamic literature, including the lexicographic tradition, the poetry tradition, and the *ḥadīth* corpus.²¹

It is interesting that he claims this to be based on a close reading of the verse while the verse begins with the concept of *qawwaamah* (“authority”) and gives financial responsible as only one reason for it. Furthermore, the verse refers to “obedient” women and then later in the verse states, “If they obey you, seek not a way against them.”

There is still yet another approach to this verse: Just say “no” to its apparent meaning. This approach is exemplified by Amina Wadud.

In one sense, anything beyond literal Qur’an can be deemed supra-text, a refutation of the text, post-text, or a way of saying “no.”... Personally, I have come to places where how the text says what it says is just plain inadequate or unacceptable, however much interpretation is enacted upon it...

Thus it will become the basis of demonstrating three aspects of “textual intervention” by way of interpretation and the potential of refutation of certain explicit verses of the Qur’an. Those three

20 He stated in an interview with Karen Bauer, “I say in an article that this verse has been abrogated... Yes. I have proofs for this matter. I have written on this. I speak about Ayatollah Ma’rifa. He also, after reading my article, said that this verse was abrogated by degrees (*nusikhat tadrijiyyan*). He said that the matter of the striking is like the matter of slavery. Islam wished to abrogate this with the passage of time.” See Karen Bauer and Feras Hamza, *An Anthology of Qur’anic Commentaries: VOLUME II On Women* (Oxford, England: Oxford University Press, 2021), p. 430.

21 Saqib Hussain, “The Bitter Lot of the Rebellious Wife: Hierarchy, Obedience, and Punishment in Q. 4:34,” *Journal of Qur’anic Studies* (Volume 23 Issue 2), <https://www.eupublishing.com/doi/epub/10.3366/jqs.2021.0466>. The author proclaims that there was a disconnect between the Quran and Islamic Law and that is why it is possible for all Muslim scholars to have misapplied this verse.

are:... (2) we can promote the idea of saying “no” to the text...²²

There is no getting around this one, even though I have tried through different methods for two decades. I simply do not and cannot condone permission for a man to “scourge” or apply *any kind* of blow to a woman... This leads me to clarify how I have finally come to say “no” outright to the literal implementation of this passage [of Soorah al-Nisaa verse 34].²³

WHAT SPECIFICALLY CONSTITUTES WIFELY NUSHOOZ?

To understand the concept of nushooz and, therefore, its correct implementation, a number of important questions need to be addressed. These include the following:

What exactly do the texts of the Quran and hadith state about nushooz?

What acts constitute nushooz?

Is nushooz simply an act or must also contain an element of hatred as well? Could it possibly be an attitude rather than simply a single act?

A Discussion of Soorah al-Nisaa, verse 34

The Quranic basis for the concept of wifely Nushooz is found in the earlier mentioned verse 34 of Soorah al-Nisaa. The entirety of the verse reads,

﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَأَضْرِبُوهُنَّ فَإِنْ أَطَعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا﴾ (34)

«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 [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand(34)» [An-Nisaa: 34]

Unfortunately, a detailed analysis of this verse is well beyond the scope of this paper. Suffice it to say that the beginning of the verse does place men in a position of authority vis-à-vis women. Of course, every position of authority comes with rights (which could include disciplining) as well as responsibilities. There is no authority if no one is bound to listen or obey one’s words. Allah knows who and why someone deserves authority. The pious woman accepts this reality, obeys what

²² Amina Wadud, *Inside the Gender Jihad: Women’s Reform in Islam* (Oneworld Publications, 2006), p. 192.

²³ Ibid., p. 199.

should be obeyed and guards what should be guarded. However, not every individual behaves in a pious fashion. This impious behavior is known as *Nushooz* and there are certain steps that the husband can take under those circumstances. If the woman corrects her behavior, no further disciplining steps can be taken against her. At the end of the verse, there is an implicit threat from Allah to males who have been given such authority not to abuse their powers, as Allah is exalted above them and too great to accept wrongdoing, or to allow it to go unpunished.

The verse, though, does not explain the exact nature of what constitutes *Nushooz*. To understand that properly, one should first turn to the hadith of the Prophet (peace and blessings of Allah be upon him) to see if he further clarifies this verse. There is one hadith, in particular, in which the Prophet (peace and blessings of Allah be upon him) seems to be explaining the concept of *Nushooz*. Attention will now be paid to that hadith.

The Farewell Khutbah of the Prophet (peace and blessings of Allah be upon him)

Although the Prophet (peace and blessings of Allah be upon him) did not mention al-Nisaa 34 explicitly in his speech, what he mentioned clearly seems to be in relation to the case of *Nushooz*. It is a lengthy speech by the Prophet (peace and blessings of Allah be upon him) so it comes as no surprise that its wording in the narrations vary, as each narrator passes on what they retained of the speech. At the same time, though, it must be recognized that the speech was a one-time event and as such any conflicting narrations need to be reconciled. In this particular case, the textual scope of *Nushooz* is greatly broadened in some of the narrations. Table 1 summarizes the different narrations, including comments on their authenticity.

TABLE 1. THE RELEVANT NARRATIONS OF THE FAREWELL KHUTBAH AND SIMILAR HADITH

| NARRATOR | IMPLICATION FOR THE CASES OF NUSHOOZ | SOURCE (NON-EXHAUSTIVE) | COMMENTS ON THE CHAIN |
|---|---|--|--|
| <p>JAABIR جابر</p> | <p>وَأَنْتُمْ عَلَيْهِمْ أَنْ لَا يُوطِئَنَّ فُرُشَكُمْ أَحَدًا تَكَرَّرَ هُوْنَهُ، فَإِنْ فَعَلْنَا ذَلِكَ فَاضْرِبُوهُمْ صَرْبًا غَيْرَ مُبْرَحٍ Your rights over them are that they should not allow anyone whom you dislike to tread on your bedding. If they do that, then hit them, but in a manner that does not cause injury or leave a mark</p> | <p>Sahih Muslim²⁴ Ibn Hibbaan</p> | <p>Sahih</p> |
| <p>AMR IBN AL-AHWAS عَمْرُو بْنُ الْأَحْوَصِ</p> | <p>اسْتَوْصُوا بِالنِّسَاءِ خَيْرًا، فَإِنَّمَا هُنَّ عَوَانٌ عِنْدَكُمْ، لَيْسَ تَمْلِكُونَ مِنْهُنَّ شَيْئًا غَيْرَ ذَلِكَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيِّنَةٍ فَإِنْ فَعَلْنَ فَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ، وَاضْرِبُوهُنَّ صَرْبًا غَيْرَ مُبْرَحٍ، فَإِنْ أَضَعْتُمْ فَلَا تَتَّبِعُوا عَلَيْهِنَّ سَبِيلًا إِلَّا إِنْ لَكُمْ مِنْ نِسَائِكُمْ حَقٌّ، وَلِنِسَائِكُمْ عَلَيْكُمْ حَقٌّ، فَأَمَّا حَقُّكُمْ عَلَى نِسَائِكُمْ، فَلَا يُوطِئَنَّ فُرُشَكُمْ مَنْ تَكَرَّرَ هُوْنٌ، وَلَا يَأْدَنَّ فِي بُيُوتِكُمْ لِمَنْ تَكَرَّرَ هُوْنٌ، أَلَا وَحَقُّهُنَّ عَلَيْكُمْ أَنْ تُحْسِنُوا إِلَيْهِنَّ فِي كِسْوَتِهِنَّ، وَطَعَامِهِنَّ" It was narrated that: Sulaiman bin Amr bin Ahwas said:</p> | <p>Ibn Maajah²⁵ Al-Tirmidhi</p> | <p>Weak or Hasan due to supporting evidence²⁶</p> |

24 Muslim ibn al-Hajjaaj al-Qushairi al-Naisaaboori, *al-Musnad al-Saheeh* (Beirut, Lebanon: Daar Ihyaa al-Turaath al-Arabi, n.d.), vol. 2, pp. 886f. For some reason, this hadith does not appear in the sunnah.com database.

25 <https://sunnah.com/ibnmaajah>:1851

26 This chain contains Sulaimaan ibn Amr ibn al-Ahwas, the son of the Companion who narrated the hadith. Ibn Hajar quotes ibn al-Qattaan as describing him as *majhool* (“unknown”) while al-Albaani quotes ibn al-Qattaan as describing him as *majhool al-hal* (unknown narration quality), which would be more appropriate in this instance, given the number and personas who narrated from him. Ibn Hajar, in *Taqreeb al-Tahdheeb* describes him as *maqbool*, with al-Arnaaoot and Maroof agreeing to that, which means that his narration is not accepted without supporting evidence. In his notes to *Sunan ibn Maajah*, al-Arnaaoot graded this hadith sahih due to supporting evidences. However, he is using the hadith of Jaabir as the supporting evidence. Thus, he is ignoring any difference in wording even given that this is a singular event. Unfortunately, that approach is not uncommon among hadith scholars. On the other hand, al-Albaani grades it hasan due to more direct explicit supporting evidence he discovered for it. That chain is also weak, containing Ali ibn Zaid ibn Judaan, concerning whom there is a great deal of difference of opinion. Al-Albaani is using two weak hadith to support each other to raise the report to the level of hasan. Once again, though, there is a difference of wording in this narration, which reads, as is also found later in the table, “So fear Allah regarding women, for they are under your care and do not have control over themselves. You have rights over them, and they have rights over you. One of their rights is that they should not allow anyone whom you dislike to step onto your bed or enter your house without your permission. If you fear *nushooz* from them, then advise them, abandon them in bed, and strike them (lightly) in a way that does not cause harm.” Cf., Ahmad ibn Hajar, *Tahdheeb al-Tahdeeb* (Hyderabad, India: Matbaah Daairah al-Maarif al-Nidhaamiyyah, 1325 A.H.), vol. 4, p. 212; Muhammad Naasir al-Deen al-Albaani, *Irwaa al-Ghaleel* (Beirut: al-Maktab al-Islami, 1985), vol. 7, p. 96; Bashaar Maroof and Shuaib al-Arnaaoot, *Tahreer Taqreeb al-Tahdheeb li-l-Haafidh Ahmad ibn Ali ibn Hajar al-Asqalaani* (Beirut, Lebanon: Muassasah al-Risaaalah, 1997), vol. 2, p. 75; Shuaib al-Arnaaoot et al., footnotes to ibn Maajah, *Sunan ibn Maajah* (Daar al-Risaaalah al-Aalimiyyah, 2009), vol. 3, pp. 57-58.

| NARRATOR | IMPLICATION FOR THE CASES OF NUSHOOZ | SOURCE (NON-EXHAUSTIVE) | COMMENTS ON THE CHAIN |
|---|---|---|--|
| | <p>"My father told me that he was present at the Farewell Pilgrimage with the Messenger of Allah. He praised and glorified Allah, and reminded and exhorted (the people). Then he said: 'I enjoin good treatment of women, for they are prisoners with you, and you have no right to treat them otherwise, unless they commit clear indecency. If they do that, then forsake them in their beds and hit them, but without causing injury or leaving a mark. If they obey you, then do not seek means 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 to allow anyone whom you dislike to tread on your bedding (furniture), nor allow anyone whom you dislike to enter your houses. And their right over you are that you should treat them kindly with regard to their clothing and food.' "</p> | | |
| <p>AMR IBN AL-AHWAS عَمْرُو بْنُ الْأَحْوَصِ</p> | <p>"It is your right over them (your wives) that they do not allow anyone into your houses without</p> | <p>Al-Tahaawi, <i>Sharh Mushkil al-Athaar</i></p> | <p>This is the same hadith and first part</p> |

| NARRATOR | IMPLICATION FOR THE CASES OF NUSHOOZ | SOURCE (NON-EXHAUSTIVE) | COMMENTS ON THE CHAIN |
|--|---|--------------------------|---|
| | <p>your permission, and that they do not permit anyone to share your beds whom you dislike. If they do so, then admonish them, abandon them in their beds, and strike them lightly (in a manner that does not cause harm). But if they obey you, then do not seek any further means against them."</p> <p>وَمِنْ حَقِّكُمْ عَلَيْهِمْ أَنْ لَا يَأْتِيَ فِي بُيُوتِكُمْ إِلَّا بِإِذْنِكُمْ، وَلَا يُوطِئَنَّ فُرُشَكُمْ مَنْ تَكْرَهُونَ، فَإِنْ فَعَلْنَ فَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرُبُوهُنَّ ضَرْبًا غَيْرَ مُبْرِحٍ، فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا</p> | | <p>of the chain as above. In addition to the earlier comments, this chain contains</p> <p>Husain ibn Aazib ibn Shabeeb ibn Gharqadah who is <i>majhool al-haal</i>.²⁷</p> |
| <p>ABU HURRAH AL-RAQQAASHI NARRATION FROM HIS UNCLE عَنْ أَبِي حُرَّةَ الرَّقَّاشِيِّ، عَنْ عَمِّهِ</p> | <p>وَأَلَّكُمْ عَلَيْهِمْ حَقًّا أَنْ لَا يُوطِئَنَّ فُرُشَكُمْ أَحَدًا غَيْرَكُمْ، وَلَا يَأْتِيَ فِي بُيُوتِكُمْ لِأَحَدٍ تَكْرَهُونَهُ، فَإِنْ خِفْتُمْ نُشُوزَهُنَّ فِعْضُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ، وَاصْرُبُوهُنَّ ضَرْبًا غَيْرَ مُبْرِحٍ</p> <p>"And you have a right over them that they do not allow anyone to tread on your bedding (furniture) other than you, and they do not permit anyone into your houses whom you dislike. If you fear their disobedience, then admonish them, abandon them in their beds, and hit them without causing injury or leaving a mark."</p> | <p>Musnad Ahmad</p> | <p>Weak or hasan lighairihi. The chain contains Ali ibn Zaid ibn Judaan, a narrator graded weak by many. This is the hadith al-Albaani cites to support the hadith two rows above.</p> |
| <p>IBN UMAR</p> | <p>وَمِنْ حَقِّكُمْ عَلَيْهِمْ أَلَّا يُوطِئَنَّ فُرُشَكُمْ غَيْرَكُمْ، وَلَا يُعْصِبَنَّكُمْ فِي مَعْرُوفٍ فَإِنْ فَعَلْنَ ذَلِكَ فَلَيْسَ لَكُمْ</p> | <p>Tafseer al-Tabari</p> | <p>This is a rejected</p> |

27 He is listed by ibn Abi Haatim without any critical comment. Cf., Abdul Rahman al-Raazi ibn Abi Haatim, *al-Jarh wa al-Tadeel* (Hyderabad, India: Matbah Daairah al-Maarif al-Uthmaaniyyah, 1952), vol. 3, p. 61.

| NARRATOR | IMPLICATION FOR THE CASES OF NUSHOOZ | SOURCE (NON-EXHAUSTIVE) | COMMENTS ON THE CHAIN |
|---|---|---|---|
| ابن عمر | <p>عَلَيْهِنَّ سَبِيلٌ وَلَهُنَّ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ فَإِنْ ضَرَبْتُمْ فَاصْرَبُوا ضَرْبًا غَيْرَ مَبْرَحٍ،</p> <p>"And among your rights over them is that they do not allow anyone to tread on your bedding other than you, and they do not disobey you in what is customarily accepted as good. If they do that, then you have no cause against them. Their sustenance and clothing should be provided in a reasonable manner. If you hit them, then hit them in a way that does not cause injury or leave a mark."</p> | Musnad al-Bazzaar مسند الروياني | narration due to the presence of Musa ibn Ubaidah al-Rabadhi. ²⁸ There may also be a break in the chain. |
| | <p>اضربوا النساء إذا عصيتم في معروف</p> <p>"Strike women if they disobey you in what is customarily seen as good."</p> | Tafseer ibn Attiyyah Tafseer al-Qurtubi Tafseer al-Thaalabi | No isnaad given for it |
| <p>A SEPARATE HADITH: SAEED IBN ABI HILAAL</p> <p>سَعِيدِ بْنِ أَبِي هِلَالٍ</p> | <p>اللَّهُ اللَّهُ فِي النِّسَاءِ، إِنَّ مِنْ حَقِّ الْمَرْأَةِ عَلَى زَوْجِهَا أَنْ يُطْعِمَهَا وَيَكْسُوَهَا، فَإِنْ أَتَتْ بِفَاحِشَةٍ فَيَضْرِبُهَا ضَرْبًا غَيْرَ مُبْرَحٍ</p> <p>"Fear Allah regarding women. Indeed, it is the right of the woman upon her husband that he feeds her and clothes her. If she commits a clear indecency, then he may hit her in a way that does not cause injury or leave a mark."</p> | Musannaf Abdul Razaq | The chain is definitely broken between Saeed ibn Hilaal and the Prophet (peace and blessings of Allah be upon him). The next narrator Hishaam |

28 This narration is transmitted from Musa ibn Ubaidah al-Rabadhi from either Sadaqah ibn Yasaar or Sadaqah ibn Yasaar and Abdullah ibn Deenaar. Musa ibn Ubaidah has been unanimously described as a weak hadith. Ibn Hajar even notes that he is particularly weak when it comes to the narrations of Abdullah ibn Deenaar, as in this case. If the narration is from Sadaqah alone, then there is an additional possible problem, in that he may not have heard directly from ibn Umar. Cf., Shams al-Deen Muhammad al-Dhahabi, *Meezaan al-Itidaal fi Naqd al-Rijaal* (Beirut, Lebanon: Daar al-Marifah, 1963), vol. 4, p. 213 and vol. 2, p. 314; Bashaar Maroof and Shuaib al-Arnaaoot, *Tahreer Taqreeb al-Tahdheeb li-l-Haafidh Ahmad ibn Ali ibn Hajar al-Asqalaani* (Beirut, Lebanon: Muassasah al-Risaalah, 1997), vol. 3, p. 435.

| NARRATOR | IMPLICATION FOR THE CASES OF NUSHOOZ | SOURCE (NON-EXHAUSTIVE) | COMMENTS ON THE CHAIN |
|----------|--------------------------------------|-------------------------|---|
| | | | ibn Saad also has some weakness to him. |

A number of important conclusions can be drawn from Table 1. The narration that has the broadest scope, “disobeying in that which is customarily seen as good (*marooif*),” is quoted in some books of *tafseer* (Quranic exegesis) but without any chain of authorities to authenticate it.²⁹ There is the narration from ibn Umar in source works of hadith³⁰ that states that it is the right of the husband that he not be disobeyed in that which is *marooif* and the narration later implies that if such disobedience occurs, a non-injurious beating can take place. However, this narration must be considered *munkar* (rejected) as it has a weak chain and is contradicted by stronger narrations.³¹ The other narrations are much more specific as to what would constitute an act legitimizing disciplining the wife. In one of the narrations which could be “hasan due to supporting evidence,” it mentions *faahishah mubayyinah* (a clearly immoral or heinous act). *Faahishah* is defined in Lane’s *Lexicon* as “a thing excessively, enormously, or beyond measure, foul, evil, bad, abominable, or unseemly.”³² Similarly, al-Raaghbi al-Asfahaani has also stated, “*Al-Fuhsh, al-fahshaa, al-faashishah*: That which is greatly repugnant among actions and words.” He also notes that it is used as a euphemism for illegal sexual intercourse or adultery.³³ Ibn Faaris says

29 Cf., Abdul Haqq ibn Atiyyah, *al-Muharrar al-Wajeez fi Tafseer al-Kitaab al-Azeez* (Beirut, Lebanon: Daar al-Kutub al-Ilmiyyah, 1422 A.H.), vol. 2, p. 48; Abu Abdullah Muhammad ibn Ahmad al-Qurtubi, *al-Jaami li-Ahkaam al-Quraan* (Cairo, Egypt: Dar al-Kutub al-Misriyyah, 1964), vol. 5, p. 173; Abdul Rahmaan ibn Muhammad al-Tha’alabi, *al-Jawaahir al-Hisaan fi Tafseer al-Quran*, (Beirut, Lebanon: Daar Ihya al-Turaath al-Arabi, 1418 A.H.), vol. 2, p. 230. Interestingly, all of these books quote this hadith in the active rather than the passive voice (that is, “The Prophet (peace and blessings of Allah be upon him) said.” vis-à-vis, “It has been narrated that the Prophet (peace and blessings of Allah be upon him) said”). The active voice should be reserved for those narrations that have a strong chain (*isnaad*).

30 See, for example, Abu Muhammad Abdul Hameed al-Kassi, *al-Muntakhab min Musnad Abd ibn Humaid* (Riyadh, Saudi Arabia: Daar Balansiyyah, 2002), vol. 2, pp. 62-63; Abu Bakr Ahmad al-Bazaar, *Musnad al-Bazaar* (Madinah, Saudi Arabia: Maktabah al-Uloom wa al-Hikam, 2009), vol. 12, p. 299; Abu Jafar Muhammad ibn Jarreer al-Tabari, *Tafseer al-Tabari: Jaami al-Bayaan an Taweel Ayi al-Quraan* (Cairo, Egypt: Daar Hijr, 2001), vol. 6, p. 535.

31 As mentioned earlier: This narration is either transmitted from Musa ibn Ubaidah al-Rabadhi from either Sadaqah ibn Yasaar or Sadaqah ibn Yasaar and Abdullah ibn Deenaar. Musa ibn Ubaidah has been unanimously described as a weak hadith. Ibn Hajar even notes that he is particularly weak when it comes to the narrations of Abdullah ibn Deenaar. If the narration is from Sadaqah alone, then there is an additional possible problem, in that he may not have heard directly from ibn Umar. Cf., Shams al-Deen Muhammad al-Dhahabi, *Meezaan al-Itidaal fi Naqd al-Rijaal* (Beirut, Lebanon: Daar al-Marifah, 1963), vol. 4, p. 213 and vol. 2, p. 314; Bashaar Maroof and Shuaib al-Arnaaoot, *Tahreer Taqreeb al-Tahdheeb li-l-Haafidh Ahmad ibn Ali ibn Hajar al-Asqalaani* (Beirut, Lebanon: Muassasah al-Risaalah, 1997), vol. 3, p. 435.

32 See <https://ejtaal.net/aa/#hw4=830,ll=2436,ls=5,la=3355,sg=796,ha=560,br=721,pr=117,aan=472,mgf=673,vi=280,kz=1949,mr=487,mn=1036,uqw=1211,umr=816,ums=686,umj=601,ulq=1321,uqa=328,uqq=277,bdw=h661,amr=h482,asb=h728,auh=h1193,dhq=h419,mht=h683,msb=h183,tla=h80,amj=h591,ens=h379,mis=h1637>

33 Abu al-Qaasim al-Raaghbi al-Asfahaani, *al-Mufradaat fi Ghareeb al-Quraan* (Damascus, Syria: Daar al-Qalam, 1412 A.H.), p. 626.

that *fahsh* is, "A word that signifies ugliness and heinousness in something."³⁴

The words *faahishah mubayyinah* is a Quranic expression that could have a variety of meanings to it.³⁵ In al-Nisaa 25, the word *faahishah* itself (without the word clear added to it), definitely means fornication:

﴿وَمَنْ لَّمْ يَسْتَطِعْ مِنْكُمْ طَوْلاً أَنْ يَنْكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مَّا مَلَكَتْ أَيْمَانُكُمْ مِنَ الْفَاتِيئَاتِ الْمُؤْمِنَاتِ وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُمْ مِنْ بَعْضٍ فَانكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَآتُوهُنَّ أُجُورَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسَوِّغَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ فَإِذَا أَحْصَيْتُمْ فَإِنَّ أُتَيْنَ بِفُجْشَةٍ فَعَلَيْهِنَّ نِصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ ذَلِكَ لِمَنْ خَشِيَ الْعَنَتَ مِنْكُمْ وَأَنْ تَصْبِرُوا خَيْرٌ لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ ٢٥﴾

«And whoever among you cannot [find] the means to marry free, believing women, then [he may marry] from those whom your right hands possess of believing slave girls. And Allah is most knowing about your faith. You [believers] are of one another. So marry them with the permission of their people and give them their due compensation according to what is acceptable. [They should be] chaste, neither [of] those who commit unlawful intercourse randomly nor those who take [secret] lovers. But once they are sheltered in marriage, if they should commit adultery, then for them is half the punishment for free [unmarried] women. This [allowance] is for him among you who fears sin, but to be patient is better for you. And Allah is Forgiving and Merciful(25)» [An-Nisaa: 25]

The same term is also used in the following three verses and have been interpreted by some likewise:

﴿يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفُجْشَةٍ مُبَيَّنَةٍ وَتِلْكَ حُدُودُ اللَّهِ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ لَا تَذَرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا ١﴾

«O Prophet, when you [Muslims] divorce women, divorce them for [the commencement of] their waiting period and keep count of the waiting period, and fear Allah, your Lord. Do not turn them out of their [husbands'] houses, nor should they [themselves] leave [during that period] unless they are committing a clear immorality. And those are the limits [set by] Allah. And whoever transgresses the limits of Allah has certainly wronged himself. You know not; perhaps Allah will bring about after that a [different] matter(1)» [At-Talaq: 1]

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا يَجِلْ لَكُمْ أَنْ تَرْتُوا النِّسَاءَ كَرْهًا وَلَا تَعْضَلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا ءَاتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفُجْشَةٍ مُبَيَّنَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ٩١﴾

«O you who have believed, it is not lawful for you to inherit women by compulsion. And do not

34 Ahmad ibn Faaris al-Raazi, *Mujam Maqaayees al-Lughah* (Beirut, Lebanon: Daar al-Fikr, 1979), vol. 4, p. 478.

35 Cf., Elsaid M. Badawi and Muhammad Abdel Haleem, *Arabic-English Dictionary of Qur'anic Usage* (Leiden, Netherlands: Brill Publishers, 2008), pp. 696-7.

make difficulties for them in order to take [back] part of what you gave them unless they commit a clear immorality. And live with them in kindness. For if you dislike them - perhaps you dislike a thing and Allah makes therein much good(19)» [An-Nisaa: 19]

﴿يُنِسَاءَ النَّبِيِّ مَن يَأْتِ مِنْكُنَّ بِفَحِشَةٍ مُّبَيَّنَةٍ يُضَعَّفَ لَهَا الْعَذَابُ ضِعْفَيْنِ وَكَانَ ذَلِكَ عَلَى اللَّهِ يَسِيرًا ۝٣٠﴾

«O wives of the Prophet, whoever of you should commit a clear immorality - for her the punishment would be doubled two fold, and ever is that, for Allah, easy(30)» [Al-Ahzab: 30]

The word *faahishah* by itself is used for the abominable act of homosexuality in the following verse,

﴿وَلَوْطًا إِذْ قَالَ لِقَوْمِهِ أَتَأْتُونَ الْفَحِشَةَ مَا سَبَقَكُمْ بِهَا مِنْ أَحَدٍ مِنَ الْعَالَمِينَ ۝٨٠﴾

«And [We had sent] Lot when he said to his people, "Do you commit such immorality as no one has preceded you with from among the worlds?(80)» [Al-A'raf: 80]

In any case, this phrase is describing a seriously sinful behavior, such as but not necessarily limited to adultery. It is much more than simply a lapse of proper conduct.³⁶

The narration from Jaabir is a sound narration (found in *Sahih Muslim* and other works) and gives a concrete example of *nushooz*. The Prophet (peace and blessings of Allah be upon him) stated,

﴿وَلَكُمْ عَلَيْهِنَّ أَنْ لَا يُوطِئْنَ فُرُشَكُمْ أَحَدًا تَكَرَّهْتُمْ، فَإِنْ فَعَلْنَ ذَلِكَ فَاصْرُبُوهُنَّ صَرْبًا غَيْرَ مُبْرَحٍ﴾

“Your rights over them are that they should not allow anyone whom you dislike to tread on your bedding. If they do that, then hit them, but in a manner that does not cause injury or leave a mark.”³⁷

Some of the other narrations would also provide further clues to the meaning of *nushooz*. However, there is a problem. They are all describing the same incident—the farewell khutbah—with varying wordings and weaknesses in their chains. The narration recorded by al-Tahaawi is probably the

36 It should be noted that a secondary meaning of *fahsh* is foul speech. Thus, one finds a hadith in *Sahih al-Bukhari* from Abdullah ibn Amr who said, “يَكُنُّ” “The Prophet (peace and blessings of Allah be upon him) was neither naturally obscene in behavior or language nor forced himself to use foul language.” <https://sunnah.com/bukhari:6035>. Interestingly, Ibn al-Arabi stated, “Everything referred to in the Qur'an as an *faahishah mubayyinah* is related to indecency of speech.” [Al-Qaadhī Muhammad ibn al-Arabi, *al-Masaalik fi Sharh Muwatta Maalik* (Daar al-Gharb al-Islaami, 2007), vol. 5, p. 634.] However, in his *Ahkaam al-Quraan* while discussing *al-Nisaa* 19, the same Ibn al-Arabi does not mention indecent speech at all as a possible interpretation and gives the first interpretation as *zinaa* (illegal sexual intercourse). [See Al-Qaadhī Muhammad ibn al-Arabi, *Ahkaam al-Quraan* (Beirut, Lebanon: Daar al-Kutub al-Ilmiyyah, 2003), vol. 1, p. 467.] Al-Ameer Muhammad ibn Ismaaeel al-Sanaani similarly states, “[Allah’s] statement: ‘unless they commit an *faahishah mubayyinah*’ — when this phrase is used, it refers to the immorality of adultery. In *Al-Kashshaaf*, regarding the verse {unless they commit an obvious immorality}, it is interpreted as defiance, bad character, and harming the husband and his family with vulgar and sharp speech, meaning harshness of the tongue. Then, he quoted from Al-Hasan that what is meant is adultery.” [Al-Ameer Muhammad ibn Ismaaeel al-Sanaani, *Al-Tahbeer li-Eedhaah Maani al-Taiseer* (Riyadh, Saudi Arabia: Maktabah al-Rushd, 2012), vol. 6, p. 456.]

37 Muslim ibn al-Hajjaj, *English Translation of Sahih Muslim* (Riyadh, Saudi Arabia: Darussalam, 2007), Vol. 3, pp. 349-350. For some reason, this author was not able to locate this hadith in the www.sunnah.com database.

most direct and specific: "It is your right over them (your wives) that they do not allow anyone into your houses without your permission, and that they do not permit anyone to share your beds whom you dislike. If they do so, then admonish them, abandon them in their beds, and strike them lightly (in a manner that does not cause harm). But if they obey you, then do not seek any further means against them." From the steps proscribed to be taken, this is clearly in reference to *nushooz*.

NUSHOOZ AS IT APPEARS IN THE BOOKS OF MATHOOR TAFSEER

For the sake of brevity, only the *mathoor*³⁸ tafseers related to *al-Nisaa* 34 and found in *Tafseer al-Tabari*³⁹ will be analyzed here.⁴⁰

Al-Tabari starts his reports by stating, "Making mention of those who say that *nushooz* is hatred and disobedience to the spouse." The first report is from al-Suddi who is reported to have defined *nushooz* as "hatred." The chain of this report back to al-Suddi is slightly weak due to the presence of Asbaat ibn Nasr.⁴¹ Al-Tabari then quotes via his chain ibn Zaid who described *nushooz* as "[the wife] disobeying him and differing from him [that is, her husband]." The chain of this statement of ibn Zaid seems to be sound.⁴²

Al-Tabari then quotes the first part of the narration below. However, it is also recorded at length by al-Baihaqi⁴³ with a different and better chain.⁴⁴ (It is also quoted in its entirety in a number of later works.) Thus, the entirety of its shall be presented here:

عَنْ مُعَاوِيَةَ بْنِ صَالِحٍ، عَنْ عَلِيِّ بْنِ أَبِي طَلْحَةَ، عَنْ ابْنِ عَبَّاسٍ، فِي هَذِهِ الْآيَةِ قَالَ: «تِلْكَ الْمَرْأَةُ تَنْشُرُ، وَتَسْتَخْفُ بِحَقِّ زَوْجِهَا، وَلَا تُطِيعُ أَمْرَهُ فَأَمَرَهُ اللَّهُ عَزَّ وَجَلَّ أَنْ يَعْطَهَا، وَيَذْكَرَهَا بِاللَّهِ، وَيَعْظَمَ حَقَّهُ عَلَيْهَا فَإِنْ قَبِلَتْ، وَإِلَّا هَجَرَهَا فِي الْمَضْجَعِ، وَلَا يَكْلِمُهَا مِنْ غَيْرِ أَنْ يَذَرَ نِكَاحَهَا، وَذَلِكَ عَلَيْهَا شَدِيدٌ، فَإِنْ رَاجَعَتْ وَإِلَّا صَرَبَهَا صَرْبًا غَيْرَ مُبْرَحٍ، وَلَا يَكْسِرُ لَهَا عَظْمًا، وَلَا يَجْرُحُ لَهَا جُرْحًا» قَالَ: {«فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا»} [النساء: 34] يَقُولُ: «إِذَا أَطَاعَتْكَ فَلَا تَتَّجَنَّ عَلَيْهَا الْعِلَّالَ»

From Muaawiyah ibn Saalih—from Ali ibn Abi Talhah—from ibn Abbaas who said concerning the verse:

38 Mathoor refers to tafseers based on reports from the Prophet (peace and blessings of Allah be upon him), Companions, Followers, and Followers of Followers.

39 Muhammad ibn Jareer al-Tabari, *Tafseer al-Tabari: Jaami al-Bayaan an Taweel Ayi al-Quraan* (Daar Hajr, 2001), vol. 6, pp. 697-698.

40 Another very important source for *mathoor* tafseer is ibn Abi Haatim. However, he does not add anything to what al-Tabari recorded.

41 Al-Dhahabi said about him, "Ibn Maeen considered him trustworthy. Ahmad refrained from making a judgement about him. Abu Nuaim considered him weak. Al-Nasaaee said about him, 'He is not strong.'" See Shams al-Deen Muhammad al-Dhahabi, *Meezaan al-Itidaal* (Beirut, Lebanon: Daar al-Marifah, 1963), vol. 1, p. 175.

42 Ibn Zaid was one of the Followers. There is a difference of opinion concerning his status as a narrator but this is a quote of one of his statements not one of his reports.

43 Abu Bakr Ahmad al-Baihaqi, *al-Sunan al-Kubraa* (Beirut, Lebanon: Daar al-Kutub al-Ilmiyyah, 2003), vol. 7, p. 494.

44 Al-Tabari's source is al-Muthannaah ibn Ibraaheem. The contemporary Akram al-Faalooji said about him, "I do not know him and I could not find anyone who knows him." Akram ibn Muhammad al-Faalooji al-Athari, *Mujam Shuyookh al-Tabari al-ladheen Rawaa Anhum fi Kutubihi al-Musanadah al-Matbooah* (Jordan: Daar al-Athariyyah, 2005), vol. 1, p. 420.

The woman is being disobedient and is neglecting her husband's rights, not obeying his commands. Allah, the Almighty, has commanded him to admonish her, remind her of Allah, and emphasize his rights over her. If she accepts this, then all is well. If not, he should avoid her in bed and refrain from speaking to her, but without abandoning their marriage. This should be difficult for her. If she still does not amend her ways, he may strike her, but not severely—without breaking any bones or causing any wounds. Then it is said: "If they obey you, do not seek means against them" (Surah An-Nisa, 4:34), meaning, "If she obeys you, do not unfairly find faults with her."

Although respected as a source of tafseer, the reports via this chain of Ali ibn Abi Talhah do not meet the standards for being an authority in Islamic Law, due to both its chain being broken and one of the narrators being slightly weak.⁴⁵

Finally, al-Tabari quotes Ataa as saying that *nushooz* means, "She loves to part from him. And the same holds true for the man." The chain for this report is also problematic.⁴⁶

⁴⁵ This author has dealt with this chain and its related tafseer in some detail in Jamaal Zarabozo, "The Methodologies of the Quranic Commentators," (American Open University, 1997), pp. 77-79.

⁴⁶ Like the report above, Al-Tabari's source is al-Muthanna ibn Ibraaheem. The contemporary Akram al-Faalooji said about him, "I do not know him and I could not find anyone who knows him." Akram ibn Muhammad al-Faalooji al-Athari, *Mujam Shuyookh al-Tabari al-ladheen Rawaa Anhum fi Kutubihi al-Musanadah al-Matbooah* (Jordan: Daar al-Athariyyah, 2005), vol. 1, p. 420.

NUSHOOZ AS DEFINED BY JURISTS

Nushooz is defined in works on fiqh, as expected. The definitions vary and it is enlightening to see what is specifically mentioned and what is not mentioned.

According to *al-Mausooah al-Fiqhiyyah*, the Hanafi definition for *nushooz* is simply, "The wife leaving the house of her husband without due right to do so."⁴⁷ Al-Zailaee adds a little to this, describing the woman who is committing *nushooz* as, "she who leaves the house of her husband without his permission, preventing herself from being accessed by him."⁴⁸ The leading Hanafi scholar al-Kasaani wrote,

Nushooz in marriage is when the wife unjustifiably withholds herself from her husband, leaves his home without his permission, stays away, or travels without his consent. However, if she is in his home and withholds herself, according to one narration, she is still entitled to maintenance (financial support), because she remains confined for his rights and he generally benefits from her presence outwardly and predominantly, thus the meaning of 'submission' is considered fulfilled.⁴⁹

The Hanafi ibn Nujaim has stated,

Nushooz can occur from either spouse, and it is when each one dislikes the other, as mentioned in *Al-Mughrib* (a classical Arabic lexicon). In *Al-Misbah* (another lexicon), it states that when a woman rebels against her husband, the verb *nashazat* is used from the roots of *q'ad* (to sit) and *darab* (to strike), meaning she disobeys and refuses to comply with her husband. Similarly, when a man rebels against his wife, *nashaz* applies in both ways: he abandons her and distances himself from her."⁵⁰

In al-Dardeer's commentary on a standard work of Maliki fiqh, *al-Sharh al-Kabeer*, he states, The term *nushooz* refers to a departure from obligatory obedience, such as when she prevents him from enjoying her, or leaves without his permission to a place she knows he would not allow, or neglects the rights of Allah the Exalted, such as performing ritual purification or prayer. It also includes locking the door against him [and not allowing him in].⁵¹

Another Maliki jurist and Quran commentator, al-Qurtubi described *nushooz* as, "[The wives] disobedience and arrogance regarding what God has obligated them to do in terms of obedience to their husbands."⁵²

47 Ministry of Waqf and Islamic Affairs, *Al-Mausooah al-Fiqhiyyah* (Kuwait: 1427 A.H.), vol. 40, p. 284.

48 Uthmaan ibn Ali al-Zailaee, *Tabyeen al-Haqaiq sharh Kanz al-Daqaiq* (Cairo, Egypt: al-Matbaah al-Kubraa al-Ameeriyyah, 1313), vol. 3, p. 52.

49 Alaa al-Deen al-Kasaani, *Badaai al-Sanaai fi Tarteeb al-Sharaai* (Beirut, Lebanon: Daar al-Kutub al-Ilmiyyah, 1986), vol. 4, p. 22.

50 Zain al-Deen ibn Nujaim, *al-Bahr al-Raa'iq Sharh Kanz al-Daqaiq* (Daar al-Kitaab al-Islaami, n.d.), vol. 4, p. 82.

51 See Muhammad al-Dasooqi, *Haashiyah al-Dasooqi ala al-Sharh al-Kabeer* (Beirut, Lebanon: Daar al-Fikr, n.d.), vol. 2, p. 343.

52 Abu Abdullah Muhammad al-Ansaari al-Qurtubi, *al-Jaami li-Ahkaam al-Quran* (Cairo, Egypt: Daar al-Kutub al-Misriyyah, 1964), vol. 5, pp. 170-171.

From the Shafiee school, al-Sherbeen described nushooz in the following passage, going against the obedience of her husband, such as if she leaves his residence without his permission, or she does not open the door for him to enter, or she does not allow him access to herself without a valid excuse like illness. Otherwise, she remains within her rights, as mentioned by Al-Mawardi. Or if he calls her and she is occupied with her own needs, or she claims that she is divorced.⁵³

Ibn Katheer, also a Shafiee, wrote, “the *naashiz* [the woman committing nushooz] is the one who rises against her husband, abandons his commands, turns away from him, and harbors dislike for him.”⁵⁴

In the Hanbali school, numerous works have presented a fairly consistent definition of *nushooz* as, in essence, “The wife’s disobedience of her husband concerning those acts of obedience that are obligatory upon her from the rights of marriage.”⁵⁵

Ibn Taimiyyah has defined it in the following manner, “It is: when she disobeys her husband and distances herself from him, such that she does not obey him when he calls her to the bed, or she leaves his house without his permission, or similar acts that involve refusal to fulfill what is obligatory upon her in terms of obedience to him.”⁵⁶

In many of the above definitions, one can see a common thread of nushooz consisting of a woman disobeying her husband in specific types of actions that are either central to her role as a wife or that have been specifically spelled out in the texts of hadith. In fact, Saalih al-Sadlaan, a contemporary scholar who has written a small treatise on nushooz, concluded,

Studying these different definitions, one finds that *al-nushooz* on the part of the wife, according to its legal definition as defined by the jurists, revolves around any of four characteristics:

- (1) She does not beautify herself for her husband when he desires that from her.
- (2) She disobeys her husband with respect to coming to his bed and she refuses to respond to his calls.
- (3) She leaves the house without his permission or without any legal right to do so.
- (4) She allows people into her house/bed.
- (5) She does not perform her obligatory religious duties, such as failure to perform the prayers, fasting of Ramadhan, performing pilgrimage or any other obligatory act of Islam.⁵⁷

53 Shams al-Deen al-Khateeb al-Shirbeeni, *Mughni al-Muhtaj ila Marifah Maani Alfaadh al-Minhaaj* (Beirut, Lebanon: Daar al-Kutub al-Ilmiyyah, 1994), vol. 4, p. 415.

54 Ismaaeel ibn Katheer, *Tafseer al-Quraan al-Adheem* (Dar Taibah, 1999), vol. 2, 294.

55 Cf., Muwaffaq al-Deen ibn Qudaamah, *al-Kaafi fi Fiqh al-Imaam Ahmad* (Beirut, Lebanon: Daar al-Kutub al-Ilmiyyah, 1994), vol. 3, p. 92; Muhammad ibn Uthaimen, *Al-Sharh al-Mumti ala Zaad al-Mustaqni* (Riyadh, Saudi Arabia: Daar ibn al-Jauzi, 1428), vol. 12, p. 464; Saalih al-Fauzaan, *Al-Mulakhis al-Fiqhi* (Riyadh, Saudi Arabia: Daar al-Aasimah, 1423 A.H.), vol. 2, p. 376.

56 Taqiy al-Deen Ahmad ibn Taimiyyah, *al-Fataawaa al-Kubraa li-ibn Taimiyyah* (Beirut, Lebanon: Daar al-Kutub al-Ilmiyyah, 1987), vol. 3, p. 338.

57 Saalih al-Sadlaan, *Marital Discord* (Denver, CO: Al-Basheer Publications, 1996), p. 18.

A Further Discussion of a Shafiee View

In al-Raazi's Quranic commentary, one finds a very different understanding of the concept of nushooz, where it is not simply the wife failing to perform specific acts obligated upon her by Allah. In this passage, Al-Raazi has attributed this understanding to al-Shafiee himself. Al-Raazi wrote, Imam Al-Shafi'i, may Allah be pleased with him, said [concerning the verse], "As for those [women] whom you fear may show nushooz," nushooz can occur either through words or actions. As for words, it is when she used to respond positively when he called her and would be humble in speech when he addressed her, but then her behavior changed. As for actions, it is when she used to stand up to greet him when he entered or would hasten to fulfill his requests and eagerly go to his bed when he desired her, but then she changed in all of these matters. These are signs indicating her rebellion and disobedience.⁵⁸

This is an interesting passage. One could surmise that perhaps every marriage goes through a "honeymoon" period and then cools off over time. According to this passage, if at one time, the wife was quite exuberant and then over time lost some of that excitement, she is committing nushooz.

The passage is problematic for a couple of reasons.

First, al-Raazi died in the year 606 A.H. while al-Shafiee died in 204 A.H. Al-Raazi does not present any chain of authorities for this statement. In addition, this author could not find anyone before al-Raazi attributing such a statement to Imam al-Shafiee. Given the manner in which people adhere to *madhhabs*, it is a very serious matter to attribute a statement, especially one of this nature, to the founder of the madhhab. In fact, after al-Raazi, this same quote attributed to al-Shafiee can be found in a number of later works, all of whom at one time or another used al-Raazi as a reference even if they did not attribute this particular quote to him.⁵⁹ (Note that similar views can be found in Shafiee works of fiqh but without any direct attribution to Imam al-Shafiee.⁶⁰)

Second, what is the proof that such behavior on the part of the wife constitutes nushooz? Nushooz is definitely a serious matter—it is considered a major sin and could lead to the wife being disciplined by the husband. It seems that the burden of proof as to what constitutes nushooz falls upon the claimant that a specific action is a type of nushooz. At least in the earlier definitions given by the jurists, they restricted themselves to clear obligations on the part of the wife.

58 Fakhr al-Deen al-Raazi, *Mafaateeh al-Ghaib* (Beirut, Lebanon: Daar Ihyaa al-Turaath al-Arabi, 1420 A.H.), vol. 10, pp. 71-72.

59 See, for example, Siraaj al-Deen Umar ibn Aadil al-Hanbali al-Numaani, *al-Lubaab fi Uloom al-Kitaab* (Beirut, Lebanon: Daar al-Kutub al-Ilmiyyah, 1998), vol. 6, p. 363; Ibraaheem al-Biqaaee, *Nadham al-Durar fi Munaasib al-Ayaat wa al-Suwar* (Cairo, Egypt: Daar al-Kitaab al-Islaami, n.d.), vol. 5, p. 271; Ahmad ibn Hajar al-Haitami, *al-Zawaajir fi Iqtiraaf al-Kabaair* (Beirut, Lebanon: Daar al-Fikr), vol. 2, p. 73. One can also find this passage being quoted from al-Raazi in contemporary works. See, for example, Aayid al-Harbi, "al-Nushooz bain al-Zaujain," *Majallah Al-Jaamia al-Islaamiyyah*, Madinah, Saudi Arabia, vol. 37, No. 128, p. 27; Nawaal al-Eid, *Huqooq al-Marah fi Dhau al-Sunnah al-Nabawiyyah* (Daar al-Hadhaarah li-l-Nashr wa al-Tauzee, 2012), p. 912.

60 See, for example, Abu al-Husain al-Yemeni, *al-Bayaan fi Madhhab al-Imaam al-Shafiee* (Jeddah, Saudi Arabia: Daar al-Minhaaj, 2000), vol. 9, p. 528; Yahya ibn Sharaf al-Nawawi, *al-Majmoo Sharh al-Muhadhdhib* (Beirut, Lebanon: Daar al-Fikr), vol. 16, p. 448.

As just noted, nushooz is considered a major sin on the part of the wife.⁶¹ As a result, one would expect that the Prophet (peace and blessings of Allah be upon him) would point out when any of his wives committed nushooz. A hadith in *Sahih al-Bukhari* states,

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنِّي لَأَعْرِفُ غَضَبَكَ وَرِضَاكَ» قَالَتْ: قُلْتُ: وَكَيْفَ تَعْرِفُ ذَلِكَ يَا رَسُولَ اللَّهِ؟ قَالَ: "إِنَّكَ إِذَا كُنْتَ رَاضِيَةً قُلْتَ: بَلَىٰ وَرَبِّ مُحَمَّدٍ، وَإِذَا كُنْتَ سَاخِطَةً قُلْتَ: لَا وَرَبِّ إِبْرَاهِيمَ" قَالَتْ: قُلْتُ: أَجَلٌ، لَسْتُ أَهَاجِرُ إِلَّا اسْمَكَ

Narrated `Aisha: Allah's Messenger (ﷺ) said, "I know whether you are angry or pleased." I said, "How do you know that, Allah's Messenger (ﷺ)?" He said, "When you are pleased, you say, 'Yes, by the Lord of Muhammad,' but when you are angry, you say, 'No, by the Lord of Abraham!' " I said, "Yes, I do not leave, except your name."⁶²

In this hadith, the anger that was felt by Aishah (may Allah be pleased with her) towards the Messenger of Allah (peace and blessings of Allah be upon him) was of a personal nature, and not related to religious commands. According to the passage from al-Raazi, it seems that Aishah (may Allah be pleased with her) was committing nushooz. Yet, there is no evidence from the Prophet (peace and blessings of Allah be upon him) that there was anything wrong with his wife's behavior.

Is Hatred a Necessary Component of Nushooz?

A contemporary author, Noor Hasan Qaaroot, being dissatisfied with the lack of inclusiveness/exclusiveness in most of the definitions given for nushooz derived her own definition as: "The dislike of one of the spouses for the other and the refusal to fulfill the rights that Allah has obligated for the spouse."⁶³ In many of the definitions of nushooz, one comes across the words for hatred or dislike (البغض، الكراهية). Here are some other examples:

Concerning the verse, "As for those from whom you fear *nushooz*," ibn Qutaibah said, "That is: The woman has hatred for her husband."⁶⁴ Ibn al-Mundhir has quoted the same from Abu Ubaidah.⁶⁵ In his *tafseer*⁶⁶, al-Qurtubi quotes Abu Mansoor the linguist defining nushooz, "It is a dislike by one of the spouses for the other or by each of them for the other." The language expert al-Raaghib al-Asfahaani stated, while discussing al-Nisaa 128, "[The word nushooz] is mostly used for the woman having hatred for the man but in this case the most apparent meaning is the man having hatred for the woman."⁶⁷ Numerous other examples can further be provided, including in

61 In al-Dhahabi's work it is major sin number 47 while in al-Haitami's work it is major sin number 280. See Shamsuddin Muhamad al-Dhahabi, *al-Kabaair* (Beirut, Lebanon: Daar al-Nadwah al-Jadeedah), p. 172; Ahmad ibn Hajar al-Haitami, *al-Zawaajir an Iqtiraaf al-Kabaair* (Daar al-Fikr, 1987), vol. 2, p. 72.

62 <https://sunnah.com/bukhari:6078>.

63 Noor Hasan Qaaroot, *Mauqaf al-Islam min Nushooz al-Zaujain wa Ahadihimaa* (1995), pp. 51-2.

64 Abdullah ibn Muslim ibn Qutaibah, *Ghareeb al-Quran* (Daar al-Kutub al-Ilmiyyah, 1978), p.126.

65 Abu Bakr ibn al-Mundhir, *Kitaab Tafseer al-Quran* (Madinah, Saudi Arabia: Daar al-Maathur, 2002), vol. 2, p. 689.

66 Op cit., vol. 5, p. 172.

67 Abu al-Qaasim al-Raaghib al-Asfahaani, *Tafseer al-Raaghib al-Asfahaani* (Makkah, Saudi Arabia: Umm al-Quraa University, 2001), vol. 4, p. 181.

some works of fiqh.

If this quality of hatred/dislike is accepted as part and parcel of the definition of the word nushooz—and not simply a description of what usually accompanies nushooz—it greatly changes the understanding of the concept. Nushooz is now no longer “specific acts of disobedience” but is an “attitude of rebellion/disobedience/defiance.” Interestingly, al-Nisaa 34 states, “if you fear nushooz,” (which many have interpreted as knowing) instead of “if you witness nushooz.” If individual acts constitute nushooz, then once one sees it, it exists and there is no question of “fearing” it exists. However, if individual acts themselves do not constitute nushooz, with nushooz being more than that, having an feeling of hatred and dislike in the heart, it would be very understandable to say, “if you fear nushooz,” as the feelings in the heart cannot actually be witnessed.

In any case, in the books of fiqh and fataawaa, nushooz has repeatedly simply been understood as acts and the question of hatred/dislike has been ignored. In legal terms, it would be difficult to handle or conceive of a situation of a loving wife yet who refuses to obey her husband in those matters that she is obliged to obey him. Hence, acts of disobedience are taken as a proxy for hatred/dislike of the wife.

Hate Without Disobedience

Hatred without disobedience puts the wife in the best legal position for requesting a *khula* (agreed upon separation instigated by the wife). Perhaps that was the situation of the wife of Thaabit ibn Qais described in the following hadith:

عَنْ ابْنِ عَبَّاسٍ، رَضِيَ اللَّهُ عَنْهُمَا قَالَ جَاءَتْ امْرَأَةٌ ثَابِتِ بْنِ قَيْسِ بْنِ شَمَّاسٍ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَتْ يَا رَسُولَ اللَّهِ مَا أَنْقَمَ عَلَيَّ ثَابِتٍ فِي دِينٍ وَلَا خُلُقٍ، إِلَّا أَنِّي أَخَافُ الْكُفْرَ. فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " فَتَرُدِّينَ عَلَيْهِ حَدِيثَهُ ". فَقَالَتْ نَعَمْ. فَرَدَّتْ عَلَيْهِ، وَأَمَرَهُ فَفَارَقَهَا.

Narrated Ibn `Abbas: The wife of Thabit bin Qais bin Shammas came to the Prophet (ﷺ) and said, "O Allah's Messenger (ﷺ)! I do not blame Thabit for any defects in his character or his religion, but I am afraid that I (being a Muslim) may become unthankful for Allah's Blessings." On that, Allah's Messenger (ﷺ) said (to her), "Will you return his garden to him?" She said, "Yes." So she returned his garden to him and the Prophet (ﷺ) told him to divorce her.⁶⁸

ACTS THAT MAY OR MAY NOT CONSTITUTE NUSHOOZ

In this section there will be a discussion of actions that are sometimes construed as being nushooz.

⁶⁸ <https://sunnah.com/bukhari:5276>.

The goal here is to be brief and not exhaustive, both with respect to the evidence related to the particular act as well as conditions that may apply to the act. Some of these acts are agreed upon as constituting nushooz. Such agreement most likely stems from the strong evidence related to them.

Earlier it was stated that the burden of proof would fall on the one who claims that an act constitutes nushooz. Someone may counter that and say that the correct position is the opposite, given the clear texts related to the obligation of the wife to obey the husband. That topic shall be dealt with toward the end of this paper, in-shaa-Allaah.

NOT RESPONDING TO THE CALL TO HAVE SEXUAL RELATIONS

One of the important goals of marriage in Islam is to allow both partners to meet their natural sexual needs in a way that is good and beneficial for society. If the wife, in particular, refuses to do so, it could lead to a great deal of evil as the husband may look for alternative outlets.

The wife must allow her husband to have sexual intercourse with her at any time that he desires it, provided, of course, that she is not menstruating, fasting during one of the days of Ramadhan, or has any other Shareeah excuse. This point is clear from many hadith of the Prophet (peace be upon him). The Messenger of Allah said,

وَالَّذِي نَفْسِي بِيَدِهِ، مَا مِنْ رَجُلٍ يَدْعُو امْرَأَتَهُ إِلَى فِرَاشِهَا، فَتَأْبَى عَلَيْهِ، إِلَّا كَانَ الَّذِي فِي السَّمَاءِ سَاخِطًا عَلَيْهَا حَتَّى يَرْضَى عَنْهَا»

Abu Huraira (Allah be pleased with him) reported Allah's Messenger (ﷺ) as saying: "By Him in Whose Hand is my life, when a man calls his wife to his bed, and she does not respond, the One Who is in the heaven is displeased with her until he (her husband) is pleased with her."⁶⁹ The Prophet (peace be upon him) also said,

إِذَا دَعَا الرَّجُلُ امْرَأَتَهُ إِلَى فِرَاشِهِ فَأَبَتْ أَنْ تَجِيءَ لَعَنَتْهَا الْمَلَائِكَةُ حَتَّى تُصْبِحَ

"If a man calls his wife to his bed and she refuses to come, the angels curse her until the morning."

(Recorded by al-Bukhari.) There are numerous other hadith that convey the same meaning.

However, even given the numerous texts that point to this right of the husband, scholars have still understood this right—like all rights actually—within the context of the Prophet's statement:

لَا ضَرَرَ وَلَا ضِرَارَ

⁶⁹ <https://sunnah.com/muslim:1436c>.

“There is not to be any causing of harm nor is there to be any reciprocating of harm.”⁷⁰ Thus, for example, one finds in standard Shafiee works of fiqh that a woman would not be committing nushooz for not having sexual relations with her husband if she has some kind of disease or injury that is made worse by sexual intercourse or even if the husband’s private organ is too large for her to bear.⁷¹ Contemporary scholars have extended this to a wife being bothered by her husband smoking and the smell that that leaves on him. An online fatwaa states, “Smoking is a sin, and the questioner should repent from it. The wife must obey her husband in the marital bed. The husband's sin does not justify her refusal to be intimate with him. If she is genuinely harmed by the smell of smoke, she is not sinful for refusing intimacy. The husband should prevent harm to his wife.”⁷²

Interestingly, this author has come across some earlier fataawaa that demonstrate that some scholars did not consider refusing to please the husband in every sexual matter as a type of nushooz. Note the following passage from Ahmad ibn Hajar al-Haitami, a Shafiee scholar who died in 974 A.H.:

And he [al-Haitami] was asked about whether a wife who refuses to allow her husband conjugal rights due to his unkempt appearance and excessive filth would be considered as committing nushooz. He answered, saying she would not be considered as committing nushooz in this case, and similarly, any situation that obliges a woman to remove something based on the principle stated in the text that anything causing harm to a person must be removed by the husband. And he was asked about whether a wife is obliged to comply if her husband requests her to raise her thighs and move them during intercourse, and if she refuses, would she be considered as committing nushooz? He – may Allah have mercy on him – answered, saying: What is obligatory upon her is to make herself available for intercourse in a way that makes it easy for the husband, and she is not obligated to do more than that, even if it results in increased enthusiasm and energy for the act. This is the prevailing view, although it is possible that she may be required to do what is necessary for him to climax, or to avoid causing harm to the husband by refusing. Some scholars have issued a fatwa stating that if the husband has a condition that prevents him from having intercourse except while lying down and he asks her to be on top and take the active role, she is not obliged to comply with that request and her financial support does not cease if she refuses.

70 This hadith is recorded by ibn Maajah and others. It is a hasan hadith. This author has dealt with the details of its hadith grading in Jamaal Zarabozo, *Commentary on the Forty Hadith al-Nawawi* (Denver, CO: Al-Basheer Publications, 1999), vol. 2, p. 934.

71 See, for example, Yahya ibn Sharaf al-Nawawi, *Minhaaj al-Taalibeen wa Umdah al-Mufteen fi al-Fiqh* (Beirut, Lebanon: Daar al-Fikr, 2005), vol. 1, p. 264.

72 <https://www.islamweb.net/ar/fatwa/106530/%D8%AD%D9%83%D9%85-%D8%A7%D9%85%D8%AA%D9%86%D8%A7%D8%B9-%D8%A7%D9%84%D8%B2%D9%88%D8%AC%D8%A9-%D8%B9%D9%86-%D9%85%D8%B9%D8%A7%D8%B4%D8%B1%D8%A9-%D8%B2%D9%88%D8%AC%D9%87%D8%A7-%D8%AD%D8%AA%D9%89-%D9%8A%D8%AA%D8%B1%D9%83-%D8%A7%D9%84%D8%AA%D8%AF%D8%AE%D9%8A%D9%86#:~:text=%D8%A7%D9%84%D8%A5%D8%AC%D8%A7%D8%A8%D9%80%D9%80%D8%A9,%D8%A3%D9%86%20%D9%8A%D9%85%D9%86%D8%B9%20%D8%A7%D9%84%D8%B6%D8%B1%D8%B1%20%D8%B9%D9%86%20%D8%B2%D9%88%D8%AC%D8%AA%D9%87.>

This matter is subject to scrutiny, and the more correct view is the opposite, as long as it does not cause harm to her.⁷³

One also finds in a standard Maliki work, "Know that if she allows him intercourse but prevents him from other forms of enjoyment, she is not *naashizah* (committing nushooz)."⁷⁴

THE WIFE LEAVING THE HOUSE WITHOUT THE HUSBAND'S PERMISSION

In her Master's Thesis, Buqinah presents the statements of a number of women who were beaten by their husbands. Here is one of the cases she presents:

I live alone in our house. I don't have any children. My husband prohibits me from watching TV, so I get quite bored. Early in our marriage I went with my mother-in-law to visit her sister without permission from my husband. He yelled at me a little and told me not to do that again, as it is not allowed for a wife to leave the house without permission. I apologized and he was happy. After a while, I was all alone in my house and felt very bored. I went out in the middle of the day to visit my sister who lives close by. I did not tell my husband about it as I knew that he would prohibit me. I planned on returning home before he returns from work but he returned early that day and found me missing. He called me many times but my phone was on silent. After I returned, he asked me why I went out and I said just to get some relaxation. He said, "That is not a convincing reason or necessity for you to leave without my permission." Thus, he struck me. I recognize my error and I know that that striking was not out of hatred or to humiliate me, but to discipline me.⁷⁵

The wife leaving the house without the permission of the husband is a virtually universally mentioned as an act of nushooz. There is possibly a consensus on this point. (Perhaps it is seen as a corollary to being available to the husband for his sexual needs. However, that seems a little far-fetched.) The strongest proof that can be offered for this right of the husband is the following hadith:

إِذَا اسْتَأْذَنْتِ امْرَأَةٌ أَحَدَكُمْ إِلَى الْمَسْجِدِ فَلَا يَمْنَعُهَا

"If the wife of any of you seeks permission to go to the mosque, do not prevent her."⁷⁶ (Recorded by al-Bukhari and Muslim.) If the wife needs to seek permission to go to the mosque, it goes

73 Ahmad ibn Hajar al-Haitami, *al-Fataawaa al-Fiqhiyyah al-Kubraa* (al-Maktabah al-Islaamiyyah), vol. 4, p. 208.

74 Muhammad ibn Abdullah al-Khurashi, *Sharh Mukhtasar Khaleel li-l-Khurasi* (Beirut, Lebanon: Daar al-Fikr), vol. 4, p. 191.

75 Marwah Buqinah, "Ahkaam Tadeeb al-Zaujah ind Nushoozihaa fi al-Fiqh al-Islaami" (Master's Thesis, Jaamia al-Shaheed Hamma Lakhdar, 2017-2018), p. 17. This is a summarized translation.

76 <https://sunnah.com/bukhari:873>.

without saying that she needs permission for other ventures out of the house.⁷⁷

Even given that leaving the house without the husband's permission is an agreed upon act of nushooz, the scholars have differed over the exact limits of this right of the husband, with most scholars recognizing that the right is not absolute. In particular, such a right could contradict other obligations upon or rights of a Muslim woman or such a right could cause harm to the woman. Only one issue shall be dealt with here—and briefly: Does the wife have the right to visit her parents even if her husband is not allowing it? In other words, would this constitute nushooz on her part if she were to visit her parents without the husband's permission?⁷⁸ Qaasim notes that in the Hanafi school, in general, the wife has the right to visit her parents (some say once weekly) and if she does so against the husband's will, she is not committing nushooz. In their view, the obligation of her treating her parents well—at least to the extent of visiting them weekly—trumps the husband's right over her. The Shafiees, on the other hand, consider such an act by the wife as an act of nushooz. (One of the evidences that they present is a weak hadith discussed in an earlier footnote.) The Hanbalis say that it is not allowed for the wife to visit her parents without her husband's permission. At the same time, though, they argue that it is not proper for the husband not allow his wife to visit her parents. (Thus, some Hanbalis take the opposing view.) After reviewing the different opinions and their evidence, Qaasim himself concludes that the woman has the right to visit her parents even if her husband should object. Furthermore, he argues that for a husband to prevent his wife from fulfilling such an important act he is simply abusing his right of authority (التعسف في استعمال الحق), which may cause harm to peace in the family. (The exception to this, he argues, would be if it is confirmed that when the wife visits her family the result is some kind of

77 Other evidence for this obligation of the wife includes the verse, “And stay in your houses and do not display yourselves like that of the times of Ignorance” (*al-Ahzaab* 33). According to Zaidan, this verse states a general principle: “The scholars of *tajfeer* say that this verse means that the order to stay in the houses is a general order for all women. They are ordered to stay in their houses and they are prohibited from leaving them except due to some Shariah need. This is the basic principle with respect to the relationship of the woman and her house.” [Abdul Kareem Zaidan, *Al-Mufasssal fi Ahkaam al-Marah* (Beirut: Muassasah al-Risaalah, 1993), vol. 7, p. 288.] Even if one were to accept that argument, it still does not restrict her exiting from the house to the permission of the husband. In addition, sometimes the following hadith from *al-Mujam al-Ausat* is presented as an argument:

عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، أَنَّ رَجُلًا خَرَجَ، وَأَمَرَ امْرَأَتَهُ أَنْ لَا تَخْرُجَ مِنْ بَيْتِهَا، وَكَانَ أَبُوهَا فِي أَشْفَلِ الدَّارِ، وَكَانَتْ فِي أَغْلَاهَا، فَمَرَضَ أَبُوهَا، فَأَرْسَلَتْ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَذَكَرَتْ لَهُ ذَلِكَ فَقَالَ: «أَطِيعِي زَوْجَكَ» فَمَاتَ أَبُوهَا، فَأَرْسَلَتْ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: «أَطِيعِي زَوْجَكَ» ، فَأَرْسَلَتْ إِلَيْهَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ اللَّهَ غَفَرَ لِأَيِّهَا بِطَاعَتِهَا لِزَوْجِهَا»

“It was reported that the Prophet, peace and blessings be upon him, said: A man went out and instructed his wife not to leave her house. Her father was living downstairs in the house, while she was living upstairs. Her father fell ill, so she sent a message to the Prophet, peace and blessings be upon him, informing him of the situation. He said, ‘Obey your husband.’ Later, her father passed away, so she sent another message to the Prophet, peace and blessings be upon him, and he again said, ‘Obey your husband.’ The Prophet, peace and blessings be upon him, then sent a message to her saying, ‘Indeed, Allah has forgiven her father because of her obedience to her husband.’” However, this is a weak hadith, as al-Albani has demonstrated. (See al-Albani, *Irwaa*, op cit., vol. 7, pp. 76-77). Another hadith that is often quoted is:

عَنِ ابْنِ عُمرَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، أَنَّ امْرَأَةً أَتَتْهُ، فَقَالَتْ: مَا حَقُّ الزَّوْجِ عَلَى امْرَأَتِهِ؟ فَقَالَ: «لَا تَمْنَعُهُ نَفْسَهَا وَإِنْ كَانَتْ عَلَى ظَهْرِ قَتَبٍ، وَلَا تُعْطِي مِنْ بَيْتِهِ شَيْئًا إِلَّا بِإِذْنِهِ، فَإِنْ فَعَلَتْ ذَلِكَ كَانَ لَهُ الْأَجْرُ وَعَلَيْهَا الرُّزْقُ، وَلَا تَصُومُ تَطَوُّعًا إِلَّا بِإِذْنِهِ، فَإِنْ فَعَلَتْ أَحْتَمَ، وَلَمْ تُؤَجِّرْ، وَأَنْ لَا تَخْرُجَ مِنْ بَيْتِهِ إِلَّا بِإِذْنِهِ فَإِنْ فَعَلَتْ لَعَنَتْهَا الْمَلَائِكَةُ الْمَلَائِكَةُ الْعُصْبُ وَمَلَائِكَةُ الرَّحْمَةِ حَتَّى تَثُوبَ أَوْ تُرَاجِعَ» قِيلَ: وَإِنْ كَانَ طَالِمًا؟ قَالَ: «وَإِنْ كَانَ طَالِمًا

It was narrated from Ibn Umar that a woman came to the Prophet, peace and blessings be upon him, and asked, "What is the right of a husband over his wife?" He replied, "She must not refuse him herself, even if she is on the back of a saddle. She must not give anything from his house except with his permission; if she does so, the reward will be for him, and the sin will be upon her. She must not fast voluntarily except with his permission; if she does so, it will be sinful for her, and she will not be rewarded. She must not leave his house except with his permission; if she does so, the angels of wrath and mercy will curse her until she repents or returns." It was asked, "Even if he is oppressive?" The Prophet, peace and blessings be upon him, replied, "Even if he is oppressive." In *al-Targheeb wa al-Tarheeb*, al-Mundhiri states that al-Tabaraani recorded this hadith. However, in *Majma al-Zawaaid*, al-Haithami only mentioned al-Bazaar and Abu Yala recording it. The chain of the hadith contains Husain ibn Qais who is a weak narrator; some have even accused him of being a liar. Cf., Abdullah al-Darweesh, *Bughyat al-Raaid fi Tahqeeq Majma al-Zawaaid wa Manba al-Fawaaid li-l-Haithami* (Beirut: Dar al-Fikr, 1992), vol. 4, p. 563; Abu Yala al-Mausili, *Musnad Abu Yala* (Jeddah: Dar al-Qiblah li-l-Thiqaafah al-Islamiyah, 1988), vol. 3, p. 49; Abdullah ibn Adi, *al-Kaamil fi Dhuafaa al-Rijal* (Beirut: Dar al-Fikr, 1984), vol. 2, pp. 762-764.

78 For details and a review of the differing opinions on this issue, see Ali Muhammad Ali Qaasim, *Nushooz al-Zawjah: Asbaabuhu wa Ilaajuhu fi al-Fiqh al-Islaami* (Alexandria, Egypt: Daar al-Jaamia al-Jadeedah li-l-Nashr, 2004), pp. 30-49.

harm or evil.)

On this particular point of a wife visiting her parents—and thus keeping good ties with them—one could argue that it is part of the husband's responsibilities that his wife is fulfilling her obligations to Allah, which include being good to her parents. Thus, it would fall under the guidance of both the following verse and hadith:

﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۗ﴾⁷⁹

«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. » [An-Nisaa: 34]

كُلُّكُمْ رَاعٍ وَمَسْئُولٌ عَنْ رَعِيَّتِهِ فَالْإِمَامُ رَاعٍ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ وَالرَّجُلُ فِي أَهْلِهِ رَاعٍ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ وَالْمَرْأَةُ فِي بَيْتِ زَوْجِهَا رَاعِيَةٌ وَهِيَ مَسْئُولَةٌ عَنْ رَعِيَّتِهَا وَالْخَادِمُ فِي مَالِ سَيِّدِهِ رَاعٍ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ

Narrated Abdullah bin 'Umar: I heard Allah's Apostle saying, "Everyone of you is a guardian, and responsible for what is in his custody. The ruler is a guardian of his subjects and responsible for them; a husband is a guardian of his family and is responsible for it; a lady is a guardian of her husband's house and is responsible for it, and a servant is a guardian of his master's property and is responsible for it."⁷⁹

ALLOWING SOMEONE INTO THE HOUSE WITHOUT THE HUSBAND'S PERMISSION

The question of allowing anyone unto the husband's bedding or in the house is actually addressed in the hadith related to the Farewell pilgrimage. On the narration from *Sahih Muslim*, one finds,

وَلَكُمْ عَلَيْهِنَّ أَنْ لَا يُوطِئَنَّ فُرُشَكُمْ أَحَدًا تَكْرَهُونَهُ، فَإِنْ فَعَلَنَّ ذَلِكَ فَاضْرِبُوهُنَّ ضَرْبًا غَيْرَ مُبْرِحٍ

"Your rights over them are that they should not allow anyone whom you dislike to tread on your bedding. If they do that, then hit them, but in a manner that does not cause injury or leave a mark." (Recorded by Muslim.) In addition, in a hadith recorded in al-Bukhari and Muslim, the Messenger of Allah (peace be upon him) said,

وَلَا تَأْذَنَ فِي بَيْتِهِ إِلَّا بِإِذْنِهِ

"Do not allow anyone into his house except by permission."⁸⁰

The principles related to this act have been summed up in a fatwaa on islamqa.info, which shall be

⁷⁹ <https://sunnah.com/bukhari:7138>.

⁸⁰ <https://sunnah.com/bukhari:5195>

presented here in its entirety:

The issue of permission to enter the marital home may be summed up in the following points:

Firstly: If the husband gives his wife clear permission to admit a specific person who is one of her mahrams or a woman, or if his permission is general, then it is permissible for the wife in that case to admit them to his house, according to scholarly consensus.

Secondly: If the husband has remained silent and not given permission, then she should do what she thinks is most likely to be appropriate, and allow to enter his house those whom she thinks her husband would most likely not mind if they entered his house, of those for whom it is permissible to enter upon the wife in her husband's absence of mahrams and women. But if she thinks it most likely that her husband would not want a specific person to enter the house in his absence, then it is not permissible for her to admit him. This is according to scholarly consensus.

It says in al-Mawsoo'ah al-Fiqhiyyah (30/125): One of the husband's rights over his wife is that she should not allow anyone to enter his house except with his permission, because of the report narrated by Abu Hurayrah (may Allah be pleased with him), that the Messenger of Allah (peace and blessings of Allah be upon him) said: ["No woman should fast when her husband is present without his permission, and she should not allow anyone to enter his house when he is present without his permission."](#) Narrated by al-Bukhari (4899) and Muslim (1026).

Ibn Hajar quoted al-Nawawi as saying: This hadeeth indicates that the wife should not overlook the right of the husband not to let anyone enter his house except with his permission. This is to be understood as referring to situations where she does not know whether her husband would approve. But if she knows that her husband would approve of it, then there is no sin on her, such as one whose custom is to admit guests to a place that is prepared for them, whether he is present or not, so admitting them does not need special permission from him.

To sum up, his permission is important and must be taken into account, whether it is specific or in general terms. End quote.

Thirdly: If the husband has clearly stated that he does not want a specific person to be admitted, or anyone to enter his house in his absence, then it is haram for her to allow anyone to enter her husband's house.

But does the husband have the right to tell his wife not to allow her parents or mahrams to enter and visit her? There is a difference of opinion among the scholars concerning this issue and there are two views: that it is permitted and that it is not permitted.

It says in al-Mawsoo'ah al-Fiqhiyyah (24:82): The correct view according to the Hanafi madhhab, which is also the Maliki view, is that the husband should not prevent the wife's parents from entering upon her once a week, and he should not prevent other mahrams from doing so once a year. The same applies to her children from another husband if they are small; the husband should

not prevent them from entering upon her once every day. But if he thinks that her parents will corrupt her, then they should be allowed to enter with a woman appointed by the husband whom he trusts, and her wages are to be paid by him.

The Shaafi'i view, which is also one view among the Hanafis, is that he may disallow them to enter, the reason being that the house is his property and he has the right to forbid anyone to enter his property.

The Hanbalis are of the view that the husband does not have the right to forbid her parents to visit her, because that is severing ties of kinship. But if he knows from circumstantial evidence that some harm will be caused by their visit, or by the visit of one of them, then he may forbid it. End quote.

The most correct of these opinions is that the husband has no right to prevent his wife's parents and mahrams from visiting her, because that is severing ties of kinship, and severing ties of kinship is haram in all cases. So it is not permissible for the husband to try to cause something haram to happen, rather he should strive to reconcile and uphold ties of kinship. It is well known that honouring the wife's mahrams is honouring the wife and keeping good company with her. The Prophet (peace and blessings of Allah be upon him) said: "[The best of you is the one who is best to his family.](#)" Narrated by al-Tirmidhi (3895); he said: this is a saheeh ghareeb hasan hadeeth. It was also classed as saheeh by al-Albani in al-Saheehah (1174).

If he is suspicious about one of his wife's mahrams or he thinks it most likely that one of them or one of the parents will try to cause trouble between him and his wife, then in that case it is permissible for him to prevent them from visiting, so as to ward off trouble, and there is no sin on him in that case...And Allah knows best.⁸¹

THE WIFE FAILING TO SERVE THE HUSBAND

Buqinah presents the following case study,

Since we got married, my husband has asked me to take care of the house. I don't do it and sometimes I do the opposite of what he says. I was very stubborn. First my husband bore that and advised me to change my ways, but with not success. It got to the point that one time he did not speak to me for two days and then I apologized to him and promised I would not repeat my ways. Soon after I did, as that is how I have been since I was young. One day, my husband called me and said we would have guests at night and to prepare a meal. When he came in the evening, before the guests, he found that I had not prepared anything and was simply watching television. He asked me why did not prepare the meal. I said that I had forgotten. He struck me and yelled at

⁸¹ <https://islamqa.info/en/answers/112048/a-wife-should-not-let-anyone-enter-her-husbands-home-except-with-his-permission>

me, saying that that is enough, and returned me to my family and I have been here ever since. Both families are hoping for a reconciliation.⁸²

In this author's many decades of dealing with Muslim couples, failing to serve the husband is perhaps the number one cause of the wife being physically disciplined by the husband.

Before one could ever state that it is a form of nushooz not to serve the husband, one should first prove that it is an obligation on the wife to serve the husband.

According to al-Ghaamdi, the opinion of the majority of the scholars of the Shafiee and Hanbalis, some of the Malikis, and the Dhaahiris is that the wife is not required to cook, clean, or do any other household chores.⁸³ Although he does not mention it, this is also a standard opinion among the Hanafis. For example, according to *Hedaya*, a well-known work on Hanafi fiqh,

The maintenance of the wife's servants is incumbent upon her husband, as well as that of the wife herself, provided he be in opulent circumstances, because he is obliged to provide his wife's maintenance, "so far as may suffice" [as foresaid], and it is not sufficient, unless her servants also be supported, they being essential to her case and comfort; but it is not absolutely incumbent upon him to provide a maintenance for more than one servant, according to [Abu] Haneefa and Mohammad. Aboo Yoosaf says he must provide maintenance for two servants, as one is required for service within the house, and the other out-of-doors. -The arguments of [Abu] Hanifa and Mohammad on this point are two fold: First, one servant may answer both purposes whence two are unnecessary; Secondly, if the husband were himself to undertake all the services required by the wife, it would suffice, and a servant would be unnecessary; and, in the same manner, it suffices if he constitute any single servant his substitute therein; wherefore a second servant is not requisite. The learned in the law say that the rate of maintenance due from an opulent husband to his wife's servants is that same as that due from a poor husband to his wife, -namely, the lowest that can be admitted as sufficient- [Abu] Haneefa says that a husband who is poor is not required to find maintenance for his wife's servants; and this is an approved doctrine, as it is to be supposed that the wife of a poor man will serve herself. Muhammad holds that it is due from a poor husband in the same manner as from one more opulent.⁸⁴

Thus, one may note that, according to the Hanafis at least, the husband is not only responsible for the maintenance of the wife, but is also responsible for the cooking, cleaning and general maintenance of the house by either hiring a servant, doing the work himself or by being lucky enough to have a wife who is willing to do it out of her own free will. If the wife refuses to help out in these areas, she is not to be held responsible and she cannot be reprimanded.

⁸² Buqinah, op cit., p. 18. The translation is a summary.

⁸³ Abdul Hameed al-Ghaamidi, *Khidmah al-Marrah Zaujaha* (Riyadh, Saudi Arabia), p. 24.

⁸⁴ Hamilton, op cit., p. 112.

This was also the opinion of al-Nawawi. Commenting on the hadith that states that Asma used to take care of many of her husband's needs, al-Nawawi wrote, That is all part of the goodness and kindness that people follow. This is where the woman serves her husband in those things that she mentioned, such as preparing food, cooking, washing clothing and so forth. This is all voluntary work on the part of a woman towards her husband and her good dealings with him. These are all good acts on her part. None of that is obligatory upon her. If she refused to do any or all of that, she would not be sinful. In fact, he must do those jobs for her and it is not permissible for him to force her to do any of them. This is what the woman does on a voluntary basis only. It is a beautiful custom that women have been following since the first generations until now. Only two things are obligatory upon the woman: keeping herself ready and prepared [sexually] for her husband and staying in his house.⁸⁵

Al-Ghaamidi says that a second opinion is that it is obligatory on the wife to serve the husband according to what is "good customarily" (*al-marooif*), according to how women of her status would serve their husbands. He says that this is the opinion of the Hanafis, the majority of the Malikis, AbuThaur, ibn Taimiyyah, and ibn al-Qayyim.⁸⁶

This is not the proper place for a detailed discussion of the evidence on both sides of this question. In this author's opinion, the burden of proof would be on those who say that this is an obligation, as would be the case for any obligation. Although al-Ghaamdi produces numerous pieces of evidence, none of them are truly direct and proving what they wish to establish. Even if it were the custom of the time of the Prophet (peace and blessings of Allah be upon him) for women to serve their husbands, that, in itself, would not prove that this is an obligation on all Muslim women such that failing to do so would be considered nushooz.

In any case, this author has tried to do an extensive search to see if he could find any example of a scholar calling failing to perform household duties a case of nushooz. Using the Shamela database⁸⁷ and searching through the fiqh sections as well as the fatawaa section, this author has failed to come up with one such example.⁸⁸ (The search shall continue, though, in-shaa-Allaah).

OBEDIENCE AND QIWWAAMAH

Allah has said,

⁸⁵ Yahya al-Nawawi, *Sharh Sahih Muslim* (Beirut: Dar al-Fikr, n.d.), vol. 14, pp. 164-165.

⁸⁶ Al-Ghamdi, op cit., pp. 33-34.

⁸⁷ <https://www.shamela.ws/>

⁸⁸ The topic is nushooz and woman who is committing nushooz can be either called *naashiz* or *naashizah*. So far, this author has been searching for *naashizah*. Over 300 results across the books of the various fiqh schools as well as the fatawaa have been analyzed so far with no results indicating that failing to do household chores constitutes nushooz.

﴿الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَاللَّي تَتَّخِفُونَ نُسُورَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَأَضْرِبُوهُنَّ فَإِنِ اطَّعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا﴾⁸⁹

«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 [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand(34)» [An-Nisaa: 34]

This verse in and of itself demonstrates that there is supposed to be wifely obedience to the husband. The position of authority of the man is established in the verse—and there can be no authority without some right of obedience. Furthermore, righteous women are described as “devoutly obedient”—which could mean obedient to Allah, obedient to their husbands, or both. Then later in the verse, Allah says, “But if they obey you [once more], seek no means against them.”

The verse establishing the *qiwwamah* or place of authority of men/husbands has a purpose behind it, as is clear from the wording itself. The head of the household is supposed to be establishing, supporting, and fulfilling roles. In *al-Mausooah al-Fiqhiyyah al-Kuwaitiyyah*, it states,

Qiwaamah in the language comes from the verb 'qaama' (to stand over something), meaning to protect it and look after its interests. From this comes the term 'qayyim,' which refers to someone who takes care of something, oversees it, and rectifies it. 'Qiwaam' is a form of the word used for emphasis, indicating thorough oversight, management, and diligent protection. Al-Baghawi said: 'Qiwaam' and 'qayyim' have the same meaning, but 'qiwam' is more emphatic. It refers to someone who is responsible for interests, management, and discipline.⁸⁹

Thus, al-Shaukaani explains this verse, saying, “[Allah] said: Men are the guardians (or maintainers) over women. The intended meaning is that they protect them, just as rulers and leaders protect their subjects.”⁹⁰ Bin Baaz noted, “The guardianship by men is a responsibility of duty, not a position of honor.”⁹¹

Thus, it is a duty of and heavy responsibility on the husband much more than it is a right of the husband. The husband is not some authoritarian ruler who can boss his wife around concerning any of his wishes and whose obedience is absolute. The husband’s authority is related to the obligation

89 Ministry of Religious Endowments and Islamic Affairs, *Al-Mausooah al-Fiqhiyyah* (Kuwait: 1427 A.H.), vol. 34, p. 75.

90 Muhammad ibn Ali al-Shaukaani, *Fath al-Qadeer* (Damascus, Syria: Daar ibn Katheer, 1414 A.H.), vol. 1, p. 531.

91 Abdul Azeez ibn Baaz, *Majmoo Fataawaa al-Allamah Abdul Azeez ibn Baaz* (Muhammad ibn Saad al-Shuwaimir), vol. 3, p. 53.

on his shoulders to protect his family from the Hell-fire and do what is best for them in this world as well. When it comes to those types of issues, he is the head of the household and his decisions must be listened to and obeyed.

It is part of Allah's wisdom that He did not leave the basic foundation of the structure of the society without leadership and guidance. It is clearly in the hands and responsibility of the husband. It is now upon the husband's shoulders to fulfill that responsibility in the correct manner.

In addition to the above verse, though, one can find numerous hadith such as the following:

فَإِنِّي لَوْ كُنْتُ أَمِيرًا أَحَدًا أَنْ يَسْجُدَ لِغَيْرِ اللَّهِ، لِأَمْرَتِ الْمَرْأَةِ أَنْ تَسْجُدَ لِزَوْجِهَا، وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ، لَا تُؤَدِّي الْمَرْأَةُ حَقَّ رَبِّهَا حَتَّى تُؤَدِّيَ حَقَّ زَوْجِهَا

If I were to command anyone to prostrate to anyone other than Allah, I would have commanded women to prostrate to their husbands. By the One in Whose Hand is the soul of Muhammad! No woman can fulfill her duty towards Allah until she fulfills her duty towards her husband.⁹²

There is no doubt that besides the position of authority over women, husbands have many rights over their wives. Some of these rights are very demanding and extensive. Depending on the nature of the husband, always responding to his sexual needs could be exhausting, especially if the wife does not have the same level of libido as the husband. Similarly, never leaving the house without the explicit or implicit permission of the husband must also be psychologically consuming. She must obey her husband when he makes decisions on behalf of the family, including, in general, moving from one locale to another. Religious speaking, some of the most important obligations on a Muslim woman are those that she must fulfill towards her husband—as she is free of other burdens, such as financially providing for a family, taking part in jihad, and the like. In many ways, she is very bound to her husband, as described in the above hadith.

Wives not Slaves

In a hadith quoted earlier—which has a weak chain but possible reaches the level of hasan due to supporting evidence—the Prophet (peace and blessings of Allah be upon him) is reported to have said,

اسْتَوْصُوا بِالنِّسَاءِ خَيْرًا، فَإِنَّمَا هُنَّ عَوَانٌ عِنْدَكُمْ

“Indeed I order you to be good to the women, for they are but captives with you.”⁹³ The Prophet (peace and blessings of Allah be upon him) has likened wives to captives in the light of the heavy and confining rights the husband has over her, as just described.

However, in the light of the Quran, one should not take this similitude of the Prophet (peace and

92 <https://sunnah.com/ibnmajah:1853> . See Muhammad Naasir al-Deen al-Albaani, *Silsilat al-Ahaadeeth al-Saheehah* (Riyadh, Saudi Arabia: Maktabah al-Maarif, 2002), vol. 7, p. 1097.

93 <https://sunnah.com/tirmidhi:1163>

blessings of Allah be upon him) too far.⁹⁴ Allah has stated about marriage,

﴿وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ﴿٢١﴾﴾

«And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought(21)» [Ar-Rum: 21]

One should not expect this relationship of affection and mercy to be the result of a master-slave type relationship.

The idea that the husband is the king of the castle and any refusal to perform any request is nushooz with all of its possible negative consequences seems foreign to the spirit of the texts and rulings of the scholars. For example, earlier in this paper it was shown that even refusing rather simple sexual performance acts was not considered nushooz by the Shafiee al-Haitami. Similarly, the Hanafi scholar ibn Nujaim stated, “A woman is not required to obey her husband in everything he orders, but rather in matters related to marriage and its consequences, especially if his orders cause her harm.”⁹⁵ The Hanbali scholar ibn Qudaamah stated,

If she (the wife) wants to drink something that does intoxicate her, he (the husband) has the right to prevent the Muslim woman from doing so because they both believe it is forbidden. However, if she is a non-Muslim (dhimmi), he does not have the right to prevent her from it. This was stated by Ahmad (Imam Ahmad ibn Hanbal) because she believes it is permissible in her religion. He has the right to compel her to wash her mouth from it and from all other impurities so that he can enjoy intimacy with her mouth. It is also derived that he has the right to prevent her from it due to the unpleasant smell, similar to garlic. The same ruling applies if he marries a Muslim woman who believes that a small amount of nabeedh (fermented drink) is permissible; does he have the right

94 Another narration that is often quoted is ... *الْبَيْعُ رِقَابٌ* “Marriage is slavery...” This statement is mentioned in numerous books of fiqh as a hadith of the Prophet (peace and blessings of Allah be upon him) without mention of any source or chain of authorities. Similarly, it is mentioned a number of times by ibn Taimiyyah as a statement of Umar ibn al-Khattaab, also without any mention of a source or chain of authorities. Ibn al-Qayyim simply says, “It is stated by one of the *salaf* [early generations].” Upon closer inspection, one can find this narrated via chains of authority only as a statement of Asmaa bint Abi Bakr. With a chain back to Asmaa bint Abi Bakr (may Allah be pleased with her), it is recorded by Saeed ibn Mansoor, by ibn Abi Dunyaa in *al-Iyaal*, by Abu Taahir al-Mukhallis, and by al-Baihaqi in *Sunan al-Kubraa*. After recording the narration from Asmaa bint Abi Bakr, al-Baihaqi stated, “It is narrated as a statement of the Prophet (peace and blessings of Allah be upon him) but the narration as a statement of a Companion is sounder.” (Al-Baihaqi’s statement does not in any way imply that it is sound either way.) Other than this statement of al-Baihaqi, this author could not find any hint of this narration being traced back as a statement of the Prophet (peace and blessings of Allah be upon him). The strongest of the chains going back to Asmaa bint Abi Bakr is that of al-Mukhallis. Unfortunately, though, the grading of the chain will be determined by one’s attitude toward the very controversial ibn Laheeah. Saeed ibn Mansoor’s and Ibn Abi Dunyaa’s narrations also go through ibn Laheeah. Al-Baihaqi’s chain does not go back through ibn Laheeah but it has three problematic narrators (Abdullah ibn Hurmuz al-Fadaki, Saeed ibn Ubaid, and Muhammad ibn Ubaid). For the chains of this report back to Asmaa bint Abi Bakr, see Muhammad ibn Abdul Rahmaan al-Mukhallis, *al-Mukhallisiyyaat* (Qatar: Wizaarah al-Auqaaf wa al-Shuoon al-Islaamiyyah, 2008), vol. 4, p. 111; Abu Uthmaan Saeed ibn Mansoor al-Jauziyaani, *Sunan Saeed bin Mansoor* (India: Daar al-Salafiyyah, 1982), vol. 1, p. 191; Abu Bakr ibn Abi Dunyaa, *al-Iyaal* (Damam, Saudi Arabia: Daar ibn al-Qayyim, 1990), vol. 1, p. 266; Abu Bakr Ahmad al-Baihaqi, *al-Sunan al-Kubraa* (Beirut, Lebanon: Daar al-Kutub al-Ilmiyyah, 2003), vol. 7, p. 132. For examples of this statement narrated as a hadith of the Prophet (peace and blessings of Allah be upon him) in works of fiqh, see Alaa al-Deen al-Kasaani, *Badaai al-Sanaai fi Tarteeb al-Sharaai* (Beirut, Lebanon: Daar al-Kutub al-Ilmiyyah, 1986), vol. 2, p. 247; Muhammad ibn Abdul Hameed al-Asmandi, *Tareeqah al-Khilaaf fi al-Fiqh bain al-Aimmah al-Aslaaf* (Cairo, Egypt: Maktabah Daar al-Turaath, 2007), p. 66. For an example of ibn Taimiyyah quoting this as a statement of Umar ibn al-Khattaab, see Taqi al-Deen Ahmad ibn Taimiyyah, *al-Fataawaa al-Kubraa li-ibn Taimiyyah* (Beirut, Lebanon: Daar al-Kutub al-Ilmiyyah, 1987), vol. 3, p. 106. For the statement from ibn al-Qayyim, see Muhammad ibn Abi Bakr ibn Qayyim al-Jauziyyah, *Zaad al-Maad fi Hudaah Khair al-Ibaad* (Beirut, Lebanon: Musassah al-Risaalah, 1994), vol. 5, p. 171.

95 Zain al-Deen ibn Nujaim, *al-Bahr al-Raaiq Sharh Kanz al-Daqaaiq* (Daar al-Kitaab al-Islaami, n.d.), vol.5, p. 77.

to prevent her from it? There are two opinions on this matter. The Shafi'i school of thought holds a similar view on this entire issue.⁹⁶

There is another hadith which is of relevance to this discussion. Al-Aajurri records:

عَنْ أُمِّ مُبَشِّرٍ وَكَانَتْ بَعْضُ خَالَاتِهِ قَالَتْ: دَخَلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَيَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا وَأَنَا عِنْدَهَا فَوَضَعَ يَدَهُ عَلَيَّ رُكْبَتَيْهَا فَأَسْرَّ إِلَيْهَا شَيْئًا دُونِي فَدَفَعْتُ فِي صَدْرِهِ , فَقُلْتُ: مَا لَكَ يَا كَذَا وَكَذَا تَفْعَلِينَ هَذَا بِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ؟ فَضَجِكَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: «دَعِيهَا فَإِنَّهُنَّ يَفْعَلْنَ هَذَا وَأَشَدَّ مِنْ هَذَا»

Narrated by Umm Mubashshir, who was one of his aunts: The Messenger of Allah (peace and blessings be upon him) entered upon Aisha (may Allah be pleased with her) while I was with her. He placed his hand on her knees and whispered something to her without me hearing. She then pushed him away in his chest. I said, "What is wrong with you, doing this to the Messenger of Allah (peace and blessings be upon him)?" The Messenger of Allah (peace and blessings be upon him) laughed and said, "Leave her, for they [his wives] do this and more than this."⁹⁷

As described earlier, nushooz is considered a major sin. One would not expect the Prophet (peace and blessings of Allah be upon him) to laugh and acquiesce to major sins. In this author's view, this report does not quite reach the level of *hasan* (due to a couple of narrators who have neither approving nor disapproving conclusions made about them). However, the quality of this narration can be said to be far superior to many reports quoted in the books of fiqh or tafseer, especially those which have no known chains back to the Prophet (peace and blessings of Allah be upon him). Thus, for those scholars, they should include this narration in their overall understanding of nushooa.

CONCLUSIONS

As noted earlier, both al-Dhahabi and al-Haitami consider nushooz to be a major sin. In addition, the consequence of possibly being physically disciplined by one's husband demonstrates that this is indeed a major issue. Like all major issue, it behooves the Muslim scholars to study it deeply and to ensure that the Muslim masses have a decent understanding of the concept. Perhaps on both of these fronts, the status quo leaves a lot to be desired.

There are many topics that it was not possible to cover in this short paper. However, this author believes that it has been established the nushooz does not refer to any time a wife "disobeys" her husband. There are certain types of actions concerning which a Muslim wife is definitely expected to obey her husband—many of them being agreed upon. Some of these are related to the husband's position of authority and deal with the general interest of the family as a whole. Others are most

96 Muwaffaq al-Deen ibn Qudaamah, *al-Mughni* (Cairo, Egypt: Maktabah al-Qaahirah, 1964), vol. 7, p. 295.

97 Abu Bakr Muhammad al-Aajurri, *al-Shareeah* (Riyadh, Saudi Arabia: Daar al-Watn, 1999), vol. 5, p. 2406.

specific, such as answering the husband's call to sexual relations.

At the same time, it has also been demonstrated that even in those acts that are agreed upon as wifely obligations, there exists differences of opinion to the extent that the wife is obliged to obey the husband, such that in some cases disobedience even in those actions does not constitute nushooz. This would include aspects such as refusing sexual relations under certain conditions or visiting one's parents without the husband's permission (given the difference of opinion on that point).

In addition, this paper also highlighted how many scholars have included the component of "hatred/dislike" in their definition of nushooz. If this is accepted, this clearly changes the perception of what constitutes or does not constitute nushooz. It is not simply an act but an attitude of hateful defiance.

Finally, this author would like to add that the steps to remedy nushooz as described in al-Nisaa 34 also deserve in-depth study, with a focus on weeding out views and narrations that are not sound. Unfortunately, in contemporary times, as shown in the introduction, al-Nisaa 34 has actually become a source of controversy, even among some Muslims themselves. The fact that a Quranic verse has become a source of controversy is a sign that something is not quite right.

هَذَا وَاللَّهُ أَعْلَمُ

وَصَلِّ اللَّهُمَّ وَسَلِّمْ وَبَارِكْ عَلَى نَبِيِّنَا مُحَمَّدٍ وَآلِهِ وَصَحْبِهِ