To Beat or Not to Beat:
On the Exegetical Dilemmas Over Qur'an, 4:34 *

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ملخص

عالج هذه الورقة الآية 34 من سورة النساء وتركز بشكل خاص على مشكلة الضرب الذي تتبنيه الآية كإجراء تأديبي وتقسيمي للمرأة الناشز، أي التي لا تطيع زوجها. وعالج الورقة مشكلة الضرب عبر قراءة تحليلية لمناوج قدمة وحديثة من مادة التفسير (الطبري والزمخشري من ناحية، ومحمد عبده ورشيد رضا والمودودي من ناحية أخرى)، بالإضافة إلى ثلاثة من القراءات النسوية الحديثة وهي قراءات رفعت حسن (الباكستان) وأمينة ودود (الولايات المتحدة) وفاطمة مرئي (المغرب).

وتدل المادة التفسيرية القديمة على أن هذه الآية كانت مصدر مشكلة أخلاقيات خاصة منذ لحظة إعلان محمد لها. فرغم أن الإطار العام الذي تتلقته الآية وتفترضه، وهو إطار اليمينية الذكرية، لم يكن مصدر مشكلة للمفسرين قديماً وحديثًا أو مثار اعتراض، إلا أن العنف الذي عكسته الآية كان أمرًا مثيرًا إذ نارت منه الحاسة الأخلاقية للكثيرين منهم. وبإضافة ذلك، كان لابد لهم من مواجهة الضرب الذي من الممكن أن يقع بوقوعه الضرب، وتحقيق ذلك برزت استراتيجيات تفسيريتان: ما يمكن تسميته بإستراتيجية "التقييد" وما يمكن تسميته بإستراتيجية "النسخ الفعلي". وتركز الإستراتيجية الأولى على تقييد الضرب وحصره بالإصرار على أن يكون، إن وقع، ضرباً خفيفًاً وغير مبرح، بينما تطلع الإستراتيجية الثانية لأكثر من ذلك وهو الإلغاء الفعلي لحكم الضرب، وذلك تأسيساً على رفض أخلاقي لمبدأ الضرب. وما نلاحظه بهذا الصدد أن مواجهة المفسرين لحكم الضرب استند في واقع الأمر على محاكمة أخلاقيات لأيًا من الزواج وأنهم استندوا في هذه المحاكمة على موقف أخلاقي لم يخل بهم شك في أنه يعول على الموقف القرآني ويجوزه. إلا أن المفسرين واجهتهم مشكلة إيجاد مرجع ديني لموقفهم المعارض للنص.
القرآني والمنقطع عنه، وهنا لجأوا لسلطة الحديث النيوي والذي أضحي أساس الاستراتيجيين.

وعند معالجة وتقييم القراءات النسوية، تلاحظ الورقة التصفيق التفسيري في قراءته رفعت حسن وأمينة ودود، وهو تعسف تفسيري يصدر عن عجزهما عن الاعتراف بإطار الهيمنة الذكرية للآية (وتنص القرياني بشكل عام في واقع الأمر). أما فاطمة مرسي، فإنها تتتبع لهذا الإطار الذي يحكم نظرة وأحكام القرآن، وهذا الانتهاك يمكنها من تقديم أكثر القراءات جذرية وأصلية آية النشور، وتأتي جذريتها وأصلتها من قلبها لميزان الآية إذ يصبح النشور عندها فعلا تحريريا وإبداعيا لتحقيق المرأة الناشئ من خلاله ثورتها على كل ما يستعبدها وبقعبها.

وتلاحظ الورقة في خلاصتها أن استراتيجية "التقييد" هي التي أضحكت سائدة عند غالبية المسلمين في الماضي والحاضر. وتفسر الورقة ذلك بأن القراءة التفاسيرية هي موقف وسط يقر من ناحية واقع عنف آية النشور ويحاول من ناحية أخرى استرضاء الحاسة الأخلاقية بالسيطرة على هذا العنف وكبحه وتخفيه. إلا أن الورقة تلاحظ بأن هذا لا يمكن أن يكون موقفا مقبولا إذا أن أي عنف ضد المرأة، مهما كانت درجه، لا يمكن تبريره ولا يمكن أن يكون مقبولا. وإذا فإن الموقف الوحيد المقبول الذي من الممكن أن يكون أساس إجماع جديد ينقض الإجماع الحالي هو موقف "النسخ الفعلي". وهذا أمر إن حدث سيكون ذا مغزى حاسم وكبير، إذ أنه سيكرس آلة تفسيرية من الممكن أن تفتح الإسلام على أفاق تحولات كبيرة.
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THE VERSE AND THE PROBLEM

The Qurân contains many verses that may be described as “problematic.” Such verses pose problems because of several factors, including what they mean or whether their meaning should be taken literally or figuratively. Sometimes the problem of consistency arises when one verse contradicts another. However, the focus of this paper will be a problem of a different nature, namely that raised by Qurân 4:34 concerning disciplining a wife who commits nushûz (disobedience) by beating her. I will argue that though the dominant expressions of Islam in the past and in the present have had no problem with the patriarchal premises and prescriptions of 4:34 (and, for that matter, with other Qurânic verses of a patriarchal nature), the beating measure has been met with moral unease and resistance by many authorities both past and present. I further argue that the logical corollary of this resistance is what may be described as a “virtual abrogation” or an “abrogative suspension” of the beating measure. This is one of those rare instances when a believer feels that he/she stands on a different and higher moral plane than that which the sacred scripture prescribes.

Verse 4:34 reads: “arrîjālu qawwâmûna ʿalâ ʿinisâʾi bimar faḍḍalâ ʿllâhu baʿdaḥum ʿalâ baʿdîn wâ bimar anfaqu min amwâlihim faʾ-ʿssâliḥātu qânitātun ḥâfizâtun liʾ-ʾghaibî bimar haḥīza ʿllâhu wâ ʾlātī takhâfûna nushûzahunna faʾ-ṭızûhunna wa ʾhjurûhunna fiʾ-ʾmadājīrī waʾdribûhunna faʾin atâʾnakum faʾlā tabghî ʿalâihimma sabîlan inna ʿllâhu kâna ʿalîyyan kâbiran” (“Men are qawwâmûn [maintainers of, in charge of] women because God has granted [men] favor [faḍḍala] over [women] and because of [what] (men) expend on (women) of their property. So, righteous women are devout and guard [in their men’s absence] what God would have them guard. And those whose disobedience (nushûz) you fear, exhort them, and do not share beds with them, and beat them. If they obey you, do not seek a way against them; God is All-High, All-Great”).

The verse outlines the nature of the relationship between men and women within the family institution and deals with the critical moment when this relationship is threatened by wifely insubordination or disobedience (nushûz). Though the verse is thematically connected to the following one, it will be discussed separately because of the focus on the beating problem.

The verse divides into five thematic sub-units of general affirmation, exhortation, crisis, discipline, and reconciliation. From the outset, it affirms the principle of qawwâm (guardianship, oversight): men are charged with a special responsibility vis-à-vis women and are

1. A good starting point in dealing with the key problems raised during medieval times is Ibn Qutaiha’s (d. 276/889) Taʾwil Mawshîil al-Qurʿān, ed. Aḥmad Ṣuqr (Beirut: al-Maktaba al-ʾImamiya, 1981). Both al-Zarkashi (d. 794/1391) in his al-Burhâni fi ʿUqûl al-Qurʿān and al-Suyûṭi (d. 911/1505) in his al-Itqâni fi ʿUqûl al-Qurʿān devote separate chapters to mushkil (problematic verses) as a subject of Qurânic sciences.

hence invested with the power of supervision and control over them. This guardianship rests on a dual basis: the divine preference of men over women (bimā faḍala ʿllāhu baʿdahum ʿala baʿdīn), and the socio—economic role assigned to men (wa bimā anfagū min amwālīhim). The verse then proceeds to characterize the “ideal woman”—a notion that seemingly coalesces with that of an “ideal wife.” Ideal women/wives are righteous (ṣallihāt), devout (qanītāt), and faithful in their husbands’ absence. This characterization may be read as exhortative in nature in that it prompts women to be “ideal” to do what pleases God. The verse then turns to crisis and discipline, when a wife deviates from this norm by engaging in disobedience, and the measures that a husband should take to rectify the situation: reprimanding her, shunning her in bed, and beating her. Finally, the verse warns any husband against abusing a wife who ceases to disobey. A wife’s return to the “fold of obedience” signals reconciliation and the husband can no longer deploy any disciplinary measures against her.

I will deal with the heating problem in the light of the responses of classical and modern tafsīr and the responses of modern Muslim feminists. Since the tafsīr material is vast, I will confine myself to the classical commentaries of Muhammad b. Jarīr al-Ṭabarī (d. 310/923) and Mahmūd b. ʿUmar al-Zamakhshari (d. 538/1143) and the influential modern al-Manār commentary of Muhammad ʿAbduh (d. 1905) and Rashīd Riḍā (d. 1935), as well as the commentary of Abū al-ʿAlā al-Mawdūdī (d. 1979). The treatment of the verse by the contemporary Tunisian historian and modernist Muhammad al-Talbi will also be discussed. The material and concerns of these commentaries provide us with a reasonably comprehensive picture of the range of past and present-day Sunni exegetical responses. The paper concludes with a close examination of the responses of some modern Muslim feminists to verse 4:34 and in particular its beating measure.

RECONSTRUCTING THE HISTORICAL CONTEXT

An appropriate starting point is the contextualization of the verse as presented by the material of asbāb al-nuzūl (occasions of revelation). In his commentary, al-Ṭabarī provides us with six accounts, the most skeletal of which is the one he attributes to Ibn Juraij: “A man slapped his wife. The Prophet wanted [to apply] qiṣṣaṣ (retaliation). As they were in this situation, the verse was revealed.”3 According to another account, attributed to al-Suddī, when the aggrieved woman’s kinsfolk went to the Prophet, he recited the verse to them.4 This suggests that the particular incident was not an “occasion of revelation” in the technical sense, but rather an occasion of making known and circulating a verse that was already in place. This, however, is unlikely, as a verse of such critical importance to gender relations would have been known to the Medina community. By the time of al-Zamakhshari this domestic abuse incident was considerably fleshed out, and so we come across the following account: “Saʿd b. Abī al-Rabīʿ was one of the heads of the Ānṣār, whose wife, Ḥabība bt. Zaid b. Abī Zuhair,5 rebelled against him (nashazat ʿalaihi) and so he slapped her. Her father accompanied her to the Prophet and said, “I gave him my noble daughter in

4. Al-Ṭabarī. Tafsīr. 4: 60-61)
marriage and he slapped her." The Prophet said, "She must retaliate (li-tagassa) from him." And the verse was revealed. The Prophet said, "We wished something and God wished something else. What God wishes is best. And the retaliation was revoked." This incident has generally been accepted by classical and modern exeges of the verse's direct "occasion of revelation."

It is noteworthy that this later, more developed version places the domestic conflict within a broader power context where the abusive husband is a man of political preeminence, a circumstance that could suggest that the husband's political weight might have been a factor that tilted the final decision in his favor. Applying what he describes as an "historical-anthropological" method, Muhammad al-Talibi foregrounds the overall social and political context within which the particular "occasion of revelation" unfolded. Agreeing with the view that dates the verse's revelation between the end of the year 3/625 and the beginning of the year 5/626, he stresses that these were critical years during which the very existence of the embryonic and fragile Muslim community came under threat, as shown by the defeat at Uhud in 3/625. However, besides the external threat there was a simmering internal clash that had to be resolved, namely the gender conflict. The views and interests of women were expressed by a "feminist lobby" represented apparently by no less than Umm Salama, one of the Prophet's wives. This was opposed by an "anti-feminist lobby" represented by 'Umar b. al-Khattāb, the strident, hectoring, and highly influential Companion. In al-Talibi's view, the gender issue made it imperative that a decisive intervention take place: "the verse came to settle a damaging conflict that threatened to throw the community into disorder." In short, the ḥurūz of women, their questioning of and rebellion against male authority, was threatening the "internal front" of the vulnerable, beleaguered Muslim community and had to be firmly dealt with, even if this meant taking the drastic measure of physically beating women into submission.

Al-Talibi is correct in emphasizing the fact that all the warriors during that crucial period were men was a major underlying factor that would have swung the balance in their favor and compelled the Prophet to take their side. Al-Talibi, however, overstates the case. The


8. Apparently, within the nascent Muslim community the distinct groups of Meccans and Medinians displayed different attitudes towards women. This was summed up in a statement in which ʿUmar reportedly said, "As Qurašīs, we were dominated by women. When we came to Medina, we found that the women dominated their men. Our women mixed with their women and so they rebelled against their husbands. I went to the Prophet and told him that women had rebelled against their husbands. The Prophet gave his permission that women be beaten. A crowd of women took flight to the apartments of the Prophet's wives, making complaints against their husbands. The Prophet said, 'Tonight seventy women, all of them complaining against their husbands, took flight to Muhammad's wives. These [men] are not among the best of you.'" (Al-Fākhr al-Rāzī, Al-Taṣrif al-Kābīr, Cairo n.d., 10: 90). ʿUmar Ibn al-Khaṭṭāb's personal oppressive attitude towards women is borne out by a report attributed to al-ʾAṣgāfī b. Qais who said that while he was once staying with ʿUmar as his guest, ʿUmar beat his wife. He then told him that the Prophet said that a man should not be asked why he had beaten his wife. See Ismāʿīl b. Kathīr, Taṣrif ʿIbn Kathīr (N.p.: Dār al-Andalus, n.d.), 2: 278.

primary condition that informs the verse, and for that matter all the verses comprising the category of aḥkām al-nisā' (laws concerning women), is a power relationship based on male precedence and dominance. As such, the political marginality of women in Medina was but a function of the overall power relationship within which they operated. Obedience to male authority was not an abnormal requirement arising out of the exceptional adversity of a community under threat but a necessary corollary of the nature of the gender power relationship that was in place in the society of the founding community.

THE GENDER RELATIONSHIP AND QAWĀMA

As indicated above, medieval and most modern exegetes have had no problems accepting this situation of male supremacy and dominance as the norm. As far as they are concerned, verse 4:34 expresses the “natural” order of things. At the heart of this dominance stands the verse’s notion of qawāma which is sacralized by al-Ṭabarī in terms of a relationship of ta’dīb, i.e., a relationship in which men are entrusted with the task of educating and disciplining women in the ways of God.¹⁰ According to this logic, the word of God and his intentions are mediated by men. The authority of the Prophet, who acts as mediator between God and humankind, is passed on to men who are the ultimate interpreters and guardians of the traditions. The most fundamental obligation of obedience to God is realized through this mediative procedure, involving the Prophet vis-à-vis the umma and humankind on the one hand and Muslim men vis-à-vis Muslim women on the other. The logic of the situation is as follows: inasmuch as obedience to the Prophet is ultimately obedience to God, a wife’s obedience to her husband, in what does not violate the law, is ultimately obedience to God. Al-Ṭabarī’s logic is echoed by al-Mawdūdī, who stresses that “it is the duty of the wife to refuse to obey her husband, if and when he orders her to do a thing that is against the commandment of Allah.” Al-Mawdūdī goes on further to embrace what he sees as a corollary of this, namely that “if the husband orders her not to observe a certain voluntary religious devotion, she must obey him, otherwise her devotion will not be accepted.”¹¹ This leads to the conclusion that outside the strictly prescribed domain of what is obligatory, a wife anxious to draw near to God by means of supererogatory works stands to incur the wrath of God if her husband does not approve of what she does.

As verse 4:34 makes clear, qawāma is inextricably linked with a divine preference of men over women on the one hand and men’s financial provision for their wives on the other. Though the verse expounds these conditions by two subordinate clauses, hence adding two distinct arguments (1) bimā faḍḍalā ‘llāhu baʿd dahum ‘alā baʿḍīn and (2) wa bimā anfaṣāqī min awwalīhim), al-Ṭabarī fuses the two and exclusively focuses on the provision aspect.¹² By contrast, al-Zamakhshāri sees the logical distinction and engages in providing justification for the Qur’ānic preference of men. He provides a long list of qualities and prerogatives that make men excel over women. What he catalogues can be divided into three categories. The first comprises qualities that are perceived as “intrinsic” in that they define the very essence of maleness in opposition to the essence of femaleness. These qualities are: reason (‘aql), prudence (ḥāṣm), firm will (‘azm), and strength (qawwāl). The second category is of a “social” nature. This is the level where male dominance translates into specific social practices that institutionalize its power. To this category belong: literacy

¹⁰. Al-Ṭabarī, Taṣfīr, 4: 59.
¹². Al-Ṭabarī, Taṣfīr, 4: 59.
(kitāba), chivalry (jurūsiyya), the military skills of men (ramy, lit. the throwing of spears and arrows), the emergence of prophets and scholars from among their ranks, and the basing of descent (initisāb) upon the male agnatic tie. The third category is made up of prerogatives that the shari‘a has conferred upon men. Among these are: their privileging with the “greater imāmāte (al-imāma al-kubrah)” (the leadership of the Muslim community) and the “lesser imāmāte (al-imāma al-sughrah)” (the leadership of communal prayer), fighting the holy war (jihād), the performance of the call to prayer (adhān), delivering the Friday sermon (khutba), taking pious retreats in mosques (i‘tikāf), the giving of testimony in the penal offenses of ḥudud and qisas,\(^\text{13}\) acquiring a greater share in inheritance, the privileging of agnization in inheritance (ta‘ṣīb), taking the burden of bloodwit (ḥamāla), performing collective oath (qasāma),\(^\text{14}\) possessing the powers of guardianship in marriage (wilāya), and possessing the unilateral right to divorce and its repeal. Evidently, there is a degree of correlation between some of the elements of these categories, and so the belief that men are intellectually superior to women is usually adduced as the basis of the shari‘a stipulation that one male witness equals two female witnesses. Two curious qualities al-Zamakhshari includes combine the biological and the social, namely that men excel over women by virtue of having beards and being able to wear turbans (... wa ‘um ashāb al-līha wa ‘al-‘amā‘im).\(^\text{15}\)

Al-Zamakhshari’s list was a systematic articulation of the medieval perspective of his time. Though modern exegetes tend not to reproduce his list, they are still, on the whole, informed by the patriarchal assumptions of this perspective. A case in point is what is expressed by Muhammad ʿAbduh and Rashid Riḍā in their modern commentary Taṣfir al-Manār. They are at great pains to stress the supreme advantages of qawwāma and its conformity with what is “natural.” Drawing on a physical analogy, they maintain that a man is like a “head” and a woman is like a “body,” adding that men should not abuse their privilege and power and women ought not to find such privilege and power burdensome or offensive. A woman’s “natural role” (wazīfa fīrīsiyya) consists of pregnancy, childbirth, and the bringing up of children.\(^\text{16}\) For ʿAbduh, a man’s privilege and power over a woman rest on “natural” (fiṣr) and “acquired” (kabīl) grounds. The “natural” argument claims that men have a more mature disposition (miṣājāt), are more beautiful, and have superior thinking capacity.\(^\text{17}\) As for what is “acquired,” men are far more resourceful when it comes to earning a living and that is why they have been entrusted with the tasks of maintaining women, protecting them, and managing their affairs. On account of this, men enjoy a “natural” position of leadership and control (riyāsa). When a marriage takes place and a man pays a dower this entails a woman’s voluntary acceptance of the husband’s leadership. However, ʿAbduh is anxious to emphasize in this connection that the leadership to which he refers is supervisory in nature, where the subordinate party is by no means completely deprived of

13. On these offenses see the entries “Hadīd” and “Kisās” in the Encyclopaedia of Islam.
14. On qasāma see entry “Kasam” in Encyclopaedia of Islam.
15. Al-Zamakhshari, al-Kashshāf, 1: 496. On the encouragement to grow beard and on the significance of the wearing of turbans, see entries “ṣahā” and “talbān”, respectively, in Encyclopaedia of Islam.
17. Ibd., 5: 69. As regards beauty, ʿAbduh contends, “It may sound peculiar to say that men are more beautiful than women. However, beauty is closely associated with the fulfillment and perfection of creation. Physically, humans are but animals that are subject in creation to the same pattern. As such, we see that all male animals are more perfect and more beautiful than female animals. We can see this in cocks and hens, in rams and ewes, and in lions and lionesses.” Echoing what al-Zamakhshari says about beards as a quality of male excellence, ʿAbduh adds that men’s beards and moustaches constitute a characteristic of physical perfection.
power. Furthermore, he maintains that divine preference operates on the level of the collective class of men as opposed to the collective class of women, acknowledging that there are individual women who are more superior to individual men. However, what Ḥabīb says in this respect is of an equivocal nature as he remains committed to an outlook that separates men and women in an essentialist manner and firmly vests riyyāsā in men. Ḥabīb’s notion of riyyāsā is taken up by Šāhūdi as the heart of qawāmah and hence the ultimate basis of all the shari’ā stipulations pertaining to women which we came across in al-Zamakhshāri’s list.18

Two issues that might be raised in connection with the qawāmah institution, particularly in the modern context, concern the woman’s financial autonomy on the one hand and the legal implications of a reversal in her economic role on the other. What happens if the wife is a working woman who contributes to the family’s maintenance or if the husband is no longer in a financial position to provide and it is the wife who is the sole provider? Does this place her in a position of co-qawāmah or full qawāmah? Neither Ḥabīb nor Šāhūdi raises these issues in the course of their discussion of qawāmah.19

ON DETERMINING THE NATURE AND SCOPE OF NUSHŪZ

A central problem with which Muslim authorities have had to grapple is the nature and extent of the act of nushūz to which the verse refers. An initial problem arose in the light of the formulation, “wa ’l-tāhāhāf nushūzahumna” (“And those whose disobedience you fear”): is khauf (fear) in this context merely a matter of assumption (ṣamm) or anticipation (rajā’)? on the husband’s part? Furthermore, does such an assumption or anticipation carry sufficient weight to implement the recommended measures to rectify nushūz? Al-Ṭabarī tells us that some authorities have maintained that khauf in this context is synonymous with īlūn (knowledge): one’s reaction follows the actual occurrence of the act of nushūz. Other authorities modified this, equating knowledge with a husband’s “reasonable suspicion” on account of symptoms of “improper” conduct on his wife’s part.20

In connection with this, the commentators of al-Manār pose two questions: if khauf in this context indicates “knowledge,” why does the Qurʾān not use this word? Furthermore, why does the Qurʾān not employ an explicit expression such as, “those who commit nushūz”? The answer they give is based on what they perceive as the Qurʾānic ideal of conjugal life which is characterized by “love, affection, agreement, and harmony.” Accordingly, the Qurʾān does not wish to ascribe nushūz to women as an act that they are found to commit. Instead, the verse uses a construction that subtly implies that “[nushūz], being a break with what is normative and a departure from what is natural, is not to take place.”21

According to this rationale, the implicit message of the Qurʾānic expression is to stress the lofty status of women and the duty of men to treat them well.

The medieval and modern exeges simultaneously agree that nushūz is an act of disobedience on the part of the wife. Al-Ṭabarī’s material, however, adds the elements of haughty

18. Ibid., 5: 70.
19. Avoiding these issues has been the position of many modern exeges. A notable exception is the Lebanese Muhammad Ḥusayn Faḍl Allah, in whose view qawāmah derives from the twin conditions of divine preference and financial provision; hence a woman can never be in a position of qawāmah. Min Waḥy al-Qurʾān (Beirut: Dār al-Zahra’, 1986), 7: 154–55.
20. Al-Ṭabarī, Taḥṣīl, 4: 64.
arrogance (*istīlāʿ*) and hatred (*bughd*). It is clear from this material and his own definition that arrogance and hatred are perceived as active qualities that can translate into manifest acts of disobedience. According to a tradition attributed to Mujahid (d. 104/722), *nushūz* is specifically associated with a woman’s refusal to share her husband’s bed. Al-Tabari’s own definition incorporates this element and adds a broader category involving a woman’s sharp disagreement with her husband—a disagreement that he views as being motivated by aversion. A tradition attributed to ‘Ata’ lays stress on this element of aversion and accordingly *nushūz* is a woman’s or a man’s wish to leave the other partner. When we turn to the commentary of al-Manār, we find that ‘Abdulh situates *nushūz* within the context of his notion of *rivāsah*, arguing that by committing the disruptive act of *nushūz* and challenging her husband’s authority, a woman is not only engaged in serious disobedience but is also acting against her own “nature.”

The evidence of the exegetical material suggests a consensus that disobedience is an open category including acts of both religious and non-religious, mundane nature.

**RECTIFYING THE NUSHŪZ SITUATION**

When a wife engages in this serious act of defiance, the husband has to act in accordance with specific Qur’ānic recommendations. The three recommendations of verse 4:34 are expressed as simple co-ordinates; the first is preceded by the conjunction *fa* (and thereupon) and the second and third are connected by the conjunction *wa* (and). As such, it is possible to read the three recommendations as three options simultaneously open to the husband and hence the choice of any particular course(s) of action is left to his discretion. However, medieval and modern exegetes read these recommendations “sequentially,” the order of the recommendations indicating a progressive implementation of the corrective measures. The aggrieved husband ought to start rectifying the situation by admonishing his wife; if this does not work, he should refuse to share her bed; should this fail as well, then, and as a last resort, he can beat her. Al-Mawdūdī highlights the Prophet’s extreme reluctance to allow beating. Yet, as the verse has to be justified, he adds, “But the fact is that there are certain women who do not mend their ways without a beating.”

In expounding on the act of admonition, some authorities highlight the religious, stressing the husband’s duty to make his rebellious wife think of God’s wishes. Other scholars refer only to practical advise and warning. The authors of *al-Manār* combine both by maintaining that some women may be influenced by being reminded of God’s displeasure and anger, while in the case of others a threat of deprivation from material comfort might turn out to be more effective.

The “sexual deprivation” measure expressed by “*wa ḥjurūhunna fi l-maḍājiʿ*” (and abandon them in bed) proved confusing to the exegetes. For one thing, if a woman’s disobedience is motivated by her dislike or hatred of her husband, such an abstention on his part would be most desirable as far as she is concerned. Though the majority of scholars

24. Ibid., 4: 64.
held that the measure has to do with refusing to have sex with the wife, as the Qur’ānic phrase clearly implies, some of them put a different construction on the phrase. They contended that the phrase is not about forbidding the performance of the sex act itself but rather a particular manner of its performance—the husband can have sex with his disobedient wife but should signal his indignation by not speaking to her during the act.29

Al-Ṭabarī tries to solve the problem by offering a radical reinterpretation of the key term “ḥṣr” (abandonment, avoidance, abstention, separation). Looking into the word’s etymology, he concludes that it is to do with “binding or tying up as in the tying up of a camel from its loin and wrists.” Hence, he argues, the measure recommended when the verse says “wa ḥṣrāḥumma” is to tie up the disobedient wife.30 This is a reading that al-Zamakhshārī caustically dismisses as simply distasteful.31 Agreeing with the latter, the commentators of al-Manār declare that scholars like al-Ṭabarī knew little of the psychology of women and what motivates them to engage in nushāz: a woman may love her husband but be foolish enough to disobey him, a woman may disobey her husband to test his affection, a woman may disobey her husband to make him satisfy her material needs, and a woman may unwittingly disobey her husband because her family misguides her.32

Another problem that the scholars had to address was of a very practical nature: should the husband abandon the wife’s bed in the literal sense of not sleeping next to her? Appreciating the practical difficulties involved, most scholars contented themselves with the husband sharing the wife’s bed while turning his back to her. Riḍā adopts a similar position and elaborates on it. He maintains that what the verse intends is sexual abstention without leaving the bed. He further argues that leaving the bed and the bedroom is not part of the punishment; indeed such an act would so much aggravate the situation that the prospect of reconciliation would recede. For Riḍā, being physically together in bed is an essential requirement in restoring the rapport between husband and wife.33 The image we find in the medieval material of a sulky and resentful husband turning his back on his wife disappears in the world of Riḍā’s modern exegesis where the emphasis is placed on communication.

But what if this measure fails? If we follow the exegetical tradition and read the verse sequentially this would be the point when the husband is permitted to beat his adamantly and tenaciously disobedient wife. The permission is simply expressed by the verb “aḍribūḥumma” without any qualifications. As in many instances of Qur’ānic exegesis the unspecificity of a Qur’ānic construction is made specific by the extra-Qur’ānic material. In dealing with this verse, the exegetes follow two strategies to qualify the verb “aḍribūḥumma”: a “limitation” strategy and a “virtual abrogation” strategy. What is described here as a “limitation” strategy is a reading of the beating measure that has achieved a near-consensus status among exegetes and jurists. Pushed to its logical extreme, this can turn into what may be described as a “virtual abrogation” strategy. Let us turn now to precisely what this entails.

The “limitation” strategy was based on a tradition that qualifies the beating of a disobedient wife as “light” or “not grievous” (ghair mubarrih).34 In al-Ṭabarī’s material the tradition figures as an exegetical tradition attributed to Sa‘īd b. Jubair, al-Sha‘bī, Ibn ʿAbbās, Qatāda, ʿAṭā’, ʿIkrima, Muḥammad b. Ka‘b, and al-Ḥasan. Ibn ʿAbbās is credited with two

33. Ibid., 5: 73.
34. Abdullah Yusuf Ali integrates this qualification, translating “aḍribūḥumma” as “beat them (lightly)." The Holy Qur’ān, 190.
traditions that set further qualifications: a husband should not injure his wife to the point of breaking a bone and in beating her he may use a toothpick. Moreover, the same tradition figures in al-Tabari’s material as a prophetic tradition.

The commentators of *al-Manār* rely on al-Tabari’s material, insisting that the beating should not be harmful. Both commentators, however, go to great lengths in trying to justify beating as a disciplinary punishment. ’Abduh claims that it is neither contrary to reason nor unnatural to beat women, but he quickly adds that this is a measure that can only be justified under exceptional circumstances, when the moral fiber of society is seriously undermined. His logic takes it for granted that women are more susceptible than men to the influences of moral depravity. For Riḍa, *nushūz* opens the floodgates of chaos and beating is a legitimate and sometimes necessary measure to restore order. Engaging in one of his typical polemics, he dismisses out of hand those who oppose wife beating, dubbing them as “imitators of Westerners” and goes on to open fire on Westerners whose conduct is in any case far from exemplary because they engage in beating their wives.

The material of *al-Manār* does, however, contain another significant exegetical line. Though ’Abduh argues that beating can be justified under certain circumstances his real argument lies somewhere else. On the authority of al-Bukhārī and Muslim, he quotes a tradition in which the Prophet dissuades his companions from beating their wives by saying, “Would you beat your wife [during the day], as you would beat your slave, and then have sexual intercourse with her at night?” In commenting on this tradition, ’Abduh stresses the profound intimacy involved in the relationship between men and women and describes this relationship in terms of striving to realize a state of “total union” (*ittihād tāmm*). He strongly protests that it is unacceptable for a man to humiliate his wife “who is part of him” by “beating her with his whip or hand.” ’Abduh goes on to argue that a decent man would not identify with such harsh conduct. On the authority of al-Baihaqi, he relates a tradition attributed to Umm Kulthūm, daughter of Abū Bakr, in which she says that in the early days of Islam men were not allowed to beat their women but when they [the men] complained to the Prophet, he gave his permission while adding, “Though the best of you would not beat their wives (ِّْاَََِّاَ رُهٍَِّْ)’ ’Abduh argues that this is a permission that amounts to virtual prohibition and states that he had been guided to this ultimate prohibition before coming across the Prophetic traditions indicating it.

If the emphasis on limiting wife beating by insisting on its light nature discloses a degree of resistance to the beating measure, then the insistence that the best of Muslims cannot beat their wives is a virtual abrogation of what the verse allows. As we have seen, the evidence of the exegetical material clearly demonstrates that neither the moderation nor the virtual abrogation are modern in their provenance. Though we do not have enough information about the scale of wife beating during the Prophet’s time, the exegetical material provides us with a glimpse of the gender tensions within the Medina community. The degeneration in certain situations of such tensions into physical violence is attested by a report attributed to Asmā’, daughter of Abū Bakr, involving the senior companion al-Zubair b. al-‘Awwām: “I was the fourth among the wives of al-Zubair b. al-‘Awwām. When he became angry with any of us he would beat her with a *mishāj* (a piece of wood

35. Al-Tabari, *Tafsir*, 4: 70–71. The word used for toothpick here is *siwāk* which is a small branch or stick.
37. Ibid., 5: 74–75.
38. Ibid., 5: 73. The whip image is probably borrowed from a tradition attributed to the Prophet in which he says, “Hang your whip where your wife could see it” (*al-Zamakhshari, al-Kashf*, 2: 70).
upon which clothes were hung) till it broke.”

If we juxtopose what Asmâ’ reports with the report of Umm Kultûm that ’Abduh cites we catch a glimpse of an overall picture of a situation where the problem had reached a point where the Prophet had to intervene and speak against the practice. What Umm Kultûm’s report seems to suggest is that the beating measure could have been a reversal of an earlier decision. This indicates that the beating practice might have been so entrenched that the Prophet realized that his earlier injunction was ineffective and a better approach to the problem would be the suggestion of alternative measures while keeping beating as a last resort or (if one does not read the verse sequentially) keeping it as one among other measures that are equally open to the incensed husband. Though the Prophet had to bow to the rooted practice, it makes sense that he would encourage his followers to conform to his earlier injunction by reiterating that not beating one’s wife carries a higher moral worth.

THE FEMINIST INTERVENTION

What we face is an anomalous situation where Qur’ânic authority and Prophetic authority are pitted against each other and where those who oppose beating rely on a Prophetic tradition to bring about an effective abrogation of a Qur’ânic measure. It is however important to bear in mind that ’Abduh does not represent this total break with the Qur’ânic measure. For a radical articulation of a virtual abrogation of the beating measure one must turn to the feminist intervention. Though verse 4:34 has recently aroused the intense interest of many Muslim feminists, I will focus on three treatments that interrogate the prevalent readings of the text and challenge them by advancing their own re-readings, namely those of the Pakistani Rifat Hassan, the American Amina Wadud, and the Moroccan Fatima Mernissi. I believe these treatments provide a reasonably accurate picture of some of the significant ways in which modern Muslim women have grappled with this verse.

The starting point for Hassan is the question of whom the verse addresses. She contends that it addresses all men and women of the Muslim community rather than men or husbands and proceeds to deal with the key term “qawwâlah,” stressing that linguistically the term means “breadwinners” or “those who provide a means of support or livelihood.” She further contends that the verse’s opening statement does not refer to qawwâlah descriptively but normatively. Qawwâlah as such is the “Islamic concept of division of labor in an ideal family or community structure.” This “division of labor” is inextricably bound up with a woman’s unique function of childbearing and rearing: “The fact that men are qawwâlah does not mean that women cannot or should not provide for themselves, but simply that in

40. Al-Zamakhshari, al-Kashshâf, 2: 71. Commenting on this incident al-Talbi says, “What the daughter of the first caliph says does not indicate that she deplores or disapproves of her beating” (Ummat ’l-Wasaq, 120). What al-Talbi contends is informed by a “modernist” prejudice in the light of which he makes the following sweeping judgment about the Arabs of the Prophet’s time: “The mentality of these people is not like our mentality; their moral standards are not like ours. Their hearts were harsher” (p. 119). Undoubtedly, the generality of women were more vulnerable and had less legal protection during that time. However, it would be inaccurate and presumptuous to claim that they were “less sensitive” and hence accepted the physical violence of their husbands. When it comes to Asmâ’ in particular, we come across a report according to which she complained to her father about al-Zubair’s abuse. See Muhammad b. Ahmad al-Qurtubi, al-Jami’ li-hijâm ’l-Qur’ân (Beirut: N.p., n.d.), 3: 172.

view of the heavy burden that most women shoulder in childbearing and rearing, they should not have the additional obligation of providing the means of living at the same time.” This conditional qawāima gives rise to the preference to which the same statement refers. Hassan insists that this preference does not apply to all men vis-à-vis all women but rather to some men who are “more blessed with the means to be better providers than are other men.”

Another point on which she insists is that “the function of breadwinning must be performed by men (not just husbands) in the Muslim ummah.”

Basing her position on this biological-social division of labor, Hassan advances a radical reconstruction of the verse’s notion of nushẖāz. Nushẖāz has nothing to do with domestic disobedience on the part of a single wife against her husband, rather it is “a mass rebellion on the part of women against their role as childbearers . . . If all or most of the women in a Muslim society refused to bear children without just cause as a sign of organized defiance or revolt, this would mean the end of the Muslim ummah.” Consequently, Hassan also reconstructs the verse’s disciplinary measures to fit her particular reading. The first step that men should take is to search and understand the rebellion’s causes and to counsel women. Failing this, men should take the more drastic step of isolating the rebellious women from others. Declaring that the word ḍarāba in the context of this verse does not mean “beat” but rather “hold in confinement,” Hassan maintains that the final step is a confinement of rebellious women for a longer period of time.

What Hassan puts forward is one of the most forced readings of the verse. For her arguments to work, one has to disregard the verse’s language and its specific context. Though the verse opens with a declarative sentence that is gender neutral in its address, the rest of the verse is specifically addressed to men who encounter the nushẖāz of their women and can only make sense as such. Hassan’s suggestion that nushẖāz means in this context a reproductive mass rebellion is an extremely far-fetched proposition that cannot be justified on the grounds of the verse’s evidence or the historical context of the Muslim community. This untenable stance leads her to the other far-fetched suggestions that the verse’s measure of “wa ḥjurūhunna fī l-madḏājī” refers to a setting of rebellious women apart from others and that “wa ḍribūhunna” refers to a measure of prolonged collective incarceration. Though Hassan has offered valuable insights as regards many issues that face modern Muslim women, her treatment of this verse exhibits a hermeneutic excess that has on the whole been shunned by most other Muslim feminists.

Turning to Wadud, we find that in her reading of the verse and what happens when nushẖāz takes place, she proceeds from a different position. She does not read the verse’s recommendations as disciplinary measures against a recalcitrant wife but rather as sequential steps “for resolving disharmony between husband and wife.” As the Qur’ān uses the term nushẖāz for both the male and the female, Wadud argues that it cannot mean “disobedient to the husband.” One would agree with Wadud that the term nushẖāz could be understood in terms of disharmony. This, indeed, is an understanding that did not escape some early commentators, as reflected in al-Ṭabarī’s material. An exegetical tradition attributed to Ibn Zaid mentions the term khilaf (disagreement, disharmony) in connection with nushẖāz and, as we have seen in the tradition attributed to ʿAtā, he defines nushẖāz in terms of a


43. See ibid., 265.

44. Amīna Wadud, Qurʾān and Woman: Rereading the Sacred Text from a Woman’s Perspective (Oxford: Oxford Univ. Press, 1999), 74.

45. Ibid., 75. On the Qurʾānic use of nushẖāz in connection with men see below.
woman’s or a man’s wish to leave her or his spouse. It is, however, important to bear in
mind the Qur’anic concept of the overall power structure within which men and women
operate. Whereas a man’s *mushūz* is an act of marital “disharmony” that the Qur’ān recommends to be settled amicably through reconciliation (*ṣulh*), a woman’s *mushūz* is an act of “disobedience” that is addressed through a different set of measures. The emphasis by commentators on the element of “disobedience” in defining *mushūz* is not a case of unwarranted exegetical prejudice but is reasonably justified by the verse’s evidence which explicitly contrasts a wife’s *mushūz* with her obedience to her husband (*fā-in atu ‘nakum fa-lā tabghū ‘alaihimna sabilan* “If they then obey you, look not for any way against them”).

Wadud describes the first measure recommended by 4:34 as “a verbal solution.” This can take place between husband and wife or can involve arbiters as recommended by verses 4:35 or 4:128. In suggesting this reading, Wadud overlooks the significance of the verb *izāhuma*, which clearly places the husband in a position of authority (already affirmed by the principle of *qawāma*) allowing him to admonish his wife. The second measure of refusing to share the wife’s bed is read by Wadud as a “cooling-off period which would allow both the man and the woman, separately, to reflect on the problem at hand.” When dealing with the beating measure, Wadud expresses a position of profound ambivalence. She points out that the verb *daraba* “does not necessarily indicate force or violence” as illustrated, for example, by the phrase *daraba ‘Lāhu mithāla*” (“God sets forth as a parable or example”). Does this mean that she reads the verb figuratively rather than literally? It is not clear why she raises the point in the first place, as she does not seem to deny the literal sense of the word. She goes on to argue that the fact that the Qur’ān uses the first form of the verb *daraba* rather than the second intensive form of *darraba* is a clear illustration of the verse’s concern to put an end to excessive domestic violence. In her final assessment, the verse’s reference to beating “should be taken as prohibiting unchecked violence against females . . . [T]his is not permission, but a severe restriction of existing practices.”

The fundamental dilemma that Wadud faces is clear. Despite her feminist-informed rejection of any form of discrimination or violence against women, she ultimately finds herself in the position of advancing a reading of the verse that does not seem to discount at least some degree of domestic violence. In arguing primarily against “excessive” violence rather than against any form of violence against women, she effectively reproduces the “limitation” strategy position rather than one which truly resonates with her feminism.

Mernissi deals with verse 4:34 in the context of a broader claim that Islam was originally an egalitarian project that was intent on liberating women but was derailed by the vested interests of Meccan men, led by ‘Umar b. al-Khaṭṭāb, who were more at ease with pre-Islamic traditions. She finds in Umm Salama, one of the Prophet’s wives, an outspoken and dauntless early feminist. Umm Salama’s protest that the Qur’ān addresses only men is credited to the revelation of verse 33:35 which announces to Muslim men and women the good news that God has prepared for them forgiveness and great reward. Mernissi reads in this verse a manifesto of gender equality. This equality, however, was not to be realized because of the opposition it encountered—an opposition so intense that the voice of Heaven had to yield to its pressure. Mernissi deals with violence against women in the context of this Qur’ānic retrogression from an Islamic ideal that is best represented by the Prophet’s conduct as described by Ibn Sa’d: “The Prophet never raised his hand against

46. Ibid., 76.
one of his wives, nor against a slave, nor against any person at all." 48 Quoting a Prophetic statement prohibiting the beating of women, she comments, “The Prophet abhorred violence toward women and stubbornly adhered to that attitude.” 49

Mernissi reconstructs nushūz as an act of defiance and self-fulfillment that goes beyond the domestic realm to encompass public space. As such, nushūz becomes a feminist statement against the religious and social norms that stifle a woman and curb her freedoms. Two of Mernissi’s rebellious heroines who embody nushūz as an act of public defiance are Sakina bt. al-Husain, the Prophet’s great granddaughter, and ʿAisha bt. Ṭalḥa, the granddaughter of Abū Bakr. Sakina is a model nāṣhīz (one who commits nushūz) on account of the conditions she stipulated in her marriage contract with Zaid b. ʿAmr, one of her husbands, insisting that he would not marry another woman or prevent her from acting in accordance with her own free will. She attended the Quraish Nobility Council, invited poets to her house, never put on the veil, and set the tone for fashion in her time. 50

In her celebration of the rebellion of Muslim women, Mernissi takes the radical step of appropriating the term nushūz and investing it with a positive significance. She, however, makes the erroneous claim that the word nushūz is a gender-specific term that signifies women’s rebellion. This, however, is not the case, as the Qurʾān uses the term in verse 4:128 in connection with men as well: “If a woman fears nushūz or disinclination on the part of her husband, no blame attaches to them if they seek mutual reconciliation, as reconciliation is best; and souls are inclined to avarice. If you do good and be godfearing, surely God is knowing of what you do.” The Qurʾān hence envisages two situations of nushūz while recommending different measures for each.

Another term that Mernissi appropriates is bidʿa (innovation). Nushūz as an act of rebellion against oppression can be identified with a creative urge to affirm one’s individuality and uniqueness and this makes it intimately entwined with bidʿa. In opposition to the orthodox tradition which has always viewed bidʿa with suspicion, she redefines the term as “the capacity of the individual to change his or her fate, life and thoughts about people and things, and to act critically in accordance with one’s own assessment of the situation.” 51 The key terms in her redefinition are “change” and “critical” and what she ultimately wants to achieve is to shake Islamic societies to the core and radically transform them, a revolutionary goal that cannot be realized without the mobilization of the creative, subversive powers of women. The transgressor of verse 4:34 who is subjected to male guardianship and male violence is called upon to affirm her individuality, her autonomy, and her right to rebel.

What Mernissi articulates is the most radical position on the issue of nushūz. She decenters what the verse and the exegetes say and boldly proceeds to embrace and celebrate the act of nushūz itself as an act of supreme liberation that brings about not only the liberation of women but that of the entire umma.

CONCLUSION

The beating measure of verse 4:34 has presented past and present-day exegetical scholars with a most troubling and difficult ethical dilemma. Since the measure could not have been “edited out” of the Qurʾānic text, the next best achievable step was to “bracket” it.

48. Quoted in ibid., 156.
49. Ibid., 155.
51. Ibid., 111.
This “bracketing,” in turn, generated two competing readings: one which stressed the light and lenient nature of beating a wife who commits mushârâ, and a more radical reading that rejected any physical abuse against women and effected a virtual abrogation of the beating measure. The extra-Qur'ânic ethical frame of reference that these readings invoked was no less than the Prophet’s own statements (whether these statements are authentic or not does not matter in this respect). The first reading (what has been described here as a “limitation” strategy) has come to prevail and to embody the overwhelming consensus of Muslim authorities in the past and the present. This appeal may be due to the fact that this reading was perceived as the best compromise that preserves the integrity of the Qur'ânic utterance while going some way toward addressing the ethical concerns raised by beating one’s wife. The compromise nature of this reading, however, makes it ultimately untenable since it still allows a degree of domestic violence. A real rejection of domestic violence is only possible through the adoption of the reading of virtual abrogation. If the virtual abrogation reading becomes the basis of a new consensus among Muslims today, this offers the possibility of the establishment of virtual abrogation as an active and effective hermeneutic tool in transforming the Islamic tradition.


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