

## Chapter 7: Disciplinary Action

*As for those women whose recalcitrance and offensiveness you have reason to fear, admonish them, and refrain from any contact with them, and wathrebuhun<sup>1</sup> them if this becomes unavoidable and fair to prevent very serious harm caused by them against themselves or others; but if they want to keep you company, do not try in any way to be unfair or harmful to them.*

(4:34)

**Fatma:** Does Islam condone physical punishment?

**Sayyid:** Islam does not advocate or promote physical punishment. Islam encourages mutual cooperation, respect, and compassion within a marriage.

The Prophet once said, “I am astonished at a man who beats his wife, whereas it is he himself more than his wife who deserves beating.”<sup>2</sup>

“One should never torture one’s wife physically or otherwise, because whoever does so has violated the norms set by the Almighty and his Messenger,” said the Prophet.<sup>3</sup>

“How does anyone of you beat his wife as he beats his stallion and then embrace her?” said the Prophet.<sup>4</sup>

The Prophet, who was a prime example of ethical leadership, never struck any woman, animal, or any person who was aggressive toward him. Aisha, wife of the Prophet, once said, “The Prophet never hit a servant, or a female, or anyone else, except in performing jihad (defending Islam).”<sup>5</sup>

**Fatma:** Referring to the sensitive verse you lightly touched upon, “**wazribuu-hunn**” (a light tap) in “Matrimonial Rights,” you explained earlier some of the reasons and under which circumstances this rule may be applied. You briefly mentioned that a woman could impose the same infliction upon her husband by administering the sentence through the Islamic courts. Could you elaborate on this subject?

**Sayyid:** The Qur’an does not promote disciplinary action as the first or only means of reform, or as an obligated rule. The Qur’an states two important actions that must be taken beforehand. In the final

junction, disciplinary action should be administered only if it may be foreseen as a means to end the problem.

It is also important to note that this rule is applied only to adverse and consequential situations that pose a danger to the sanctity of the family. The precept must not be used in cases of typical or expectant disagreements that arise normally during a marriage.

The Qur'an does not mandate that one must implement this rule; this is not an obligatory injunction. The Qur'an advises the husband or wife to take initial steps to amend the situation by admonishment, seeking family intervention, and professional or religious counsel for the disobedient partner. Secondly, if the problem continues, then physical association should be suspended by the example given of not sharing the bed with the spouse.

After all measures have been explored and exhorted, and the situation continues, and if it may be conclusive that reprimanding may be a form to solve the predicament, then it may be administered. However, there is a difference between which spouse executes the action.

The Qur'an permits the husband as the executor of the verdict, but rightfully remains silent about the wife implementing the action on the husband. This does not mean, however, that husbands cannot incur the same ruling.

Islam advises the wife to pursue the sentence through the Islamic courts. The Islamic courts have the authority to physically reprimand husbands. Islam does not want wives to physically encounter their disobedient husbands since the men may become violent toward the wives.

**Fatma:** What degree of infliction is permitted?

**Sayyid:** The method and measure of administering this sentence is strictly regulated. The action must not be more than a light tap. The tap should not leave any physical marks, bruises, or broken bones. If the action incurred such marks, then the person reprimanding must pay an indemnity. The Prophet said, "O people, do not beat your women with sticks because such an act has reprisal [Qisas]."6

For some people, a minor disciplinary action may deter their misbehavior while for others it has no effect. If the partner foresees that reprimanding would not have an effect on resolving the situation then it is best to divorce instead of prolonging and aggravating the situation.

**Fatma:** You cite that under "adverse and consequential matters and as a means to reform the situation if the partner is open to change then disciplinary action may be sought." Yet, the manner of judgment, "a light tap," seems to be comparative considering that the partner is radically misbehaving; generally a light tap may not be instrumental. Why do you suppose that the Qur'an makes it a point to incorporate such an injunction?

**Sayyid:** Scholars deem that marital relationships should be unfettered from any form of physical

punishment. However, to punish lightly could be as a form of bringing about a sense of shame, embarrassment, or belittlement. Sometimes people who behave erratically seem to be immune or less intuitive to their actions. Sometimes, and for some people, they need to be reminded — awakened in a manner which might rekindle their inner consciousness in realizing the severity of their actions.

**Fatma:** I have read in some Islamic literature that, if a wife refuses her husband conjugal rights, then he may implement his disciplinary right to reprimand her. True?

**Sayyid:** This is not a valid justification for disciplinary action. The only occasion when physical disciplinary action may possibly be administered is when the situation poses dire consequences to the individual, the partner, or the family, and may be foreseen as a means to end the problem. Most scholars recommend that husbands seek assistance from the Islamic courts rather than resorting to the physical infraction in an attempt to resolve any situation.

**Fatma:** You discussed in “Matrimonial Rights” that men and women are equal in condemnation; however, the Qur’an states that if a woman is convicted of lewdness, then her sentencing would be home imprisonment until death.

Yet if the man is guilty of lewdness, then repented, and amended his way, then he was left alone. Could you explain this matter?

**Sayyid:** This verse was later abrogated in the Qur’an. The sentencing for fornication and adultery is equal concerning men and women.

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1. Described by the Prophet as a light tap.
  2. Bihar Al-Anwar.
  3. Irshadul Qulub.
  4. Sahih Al-Bukhari.
  5. Al-Tabaqat Al-Kubra, v. 1, p. 368.
  6. Bihar Al-Anwar.
  7. Qur’an, 4:15–16.

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