

Section 6: Disagreement and reconciliation between husband and wife

Superiority of men over women –Wife's perverseness and desertion to effect – Duty to Allah inculcates all the other duties –Niggardliness and hypocrisy condemned,

Surah An-Nisa', Verse 34

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ
أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَاللَّاتِي تَخَافُونَ
نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنِ اطَّعْنَكُمْ فَلَا تَبْغُوا
عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

34. *"Men have authority over women because Allah has made some of them to excel others and because they spend out of their property (for the support of women). Therefore, the good women are obedient, guarding the unseen as Allah has guarded. And (as to) those (women) on whose part you fear desertion, admonish them, and avoid them in beds and beat them; then if they obey you, do not seek a way against them; verily Allah is Ever-High, Ever-Great."*

Guardianship in the System of a Family

A family is a small unit of the society, similar to a large assembly of people; a family must have a single proper leader. The reason is that a leadership upon a family accomplished by several of men and women in common is of no avail. In this form of leadership, either of husband or wife must be the chief of the family and the other should be his/her assistant and under his/her governance.

Here, by this verse, the Qur'an clearly announces that the guardianship of the family must be given to the man of the family. It says:

"Men have authority over women ..."

Of course, the purpose of this statement is not a sense of casting transgression, inequity and aggression; but the aim is producing a single, fairly regular leadership regarding to the necessary consultations and responsibilities.

The second section of the verse is divided into two parts. In the first part it denotes that this guardianship is for some superiorities that, (for the sake of regularity of the society), *Allah* has assigned for some people comparing some others. It says:

"...because Allah has made some of them to excel others ..."

And, in the second part of the statement it implies that this guardianship is for the sake of the responsibilities that men undertake along the side of financial payments due to women and family members. It says:

"...and because they spend out of their property (for the support of women) ..."

Then, it adds that: with respect to the duties women undertake at home, they are divided into two groups:

The first group are those pious women who, because of the rights *Allah* has set for them, are humble and protect the secrets and rights of their husband when the husband is absent:

"...therefore, the good women are obedient, guarding the unseen as Allah has guarded ..."

That is, always, and at the absence of their husbands in particular, they commit no treachery whether from the point of property, or honour, or protecting the family secrets, and the credit and personality of their husbands.

They also truly follow their duties and responsibilities to fulfil them well. The second group are the women who usually refuse to do their duties. Thus, the signs of disagreement and discord are seen in them.

Confronting such women, men have some duties which they must follow step by step. At the first stage, it says:

"...And (as to) those (women) on whose part you fear desertion, admonish them ..."

For the second stage, it says:

"...and avoid them in beds..."

And, in the third stage, when the discord, disobedience, and the state of heedlessness toward the duties and responsibilities, the limits are transgressed, and the wife severely continues stubbornness and law breaking, so that neither admonishment nor separation from bed, nor heedlessness of man unto her, has any effect and avail, there remains no way save harshness. So, it says:

"...and beat them ..."

It is certain, of course, that if one of these stages affects positively and the woman starts doing her duties, the man has no right to hurt her under any pretext. That is why, immediately after stating this phrase, the Qur'an continue saying:

"...then if they obey you, do not seek a way against them...."

At the end of the verse, it warns men again that they should not abuse their position of guardianship in the family. They ought to think of *Allah Whose Power* is above all powers. It says:

"...verily Allah is Ever-High, Ever-Great."

Surah An-Nisa', Verse 35

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

35. "And if you fear a breach between the couple, then appoint a judge from his people and a judge from her people. If they both desire agreement, Allah will effect harmony between them; Verily Allah is Knowing, All-Aware."

The Family Peace Court

In this holy verse, the Qur'an refers to the discord which happens between a couple, it says:

"And if you fear a breach between the couple, then appoint a judge from his people and a judge from her people. ..."

Then, it continues saying:

"... If they both desire agreement, Allah will affect harmony between them....."

And, in order to warn the concerning arbitrators to employ good intention in the course, it concludes the

verse with this sense that Allah is aware of their intentions. It says:

"... Verily Allah is Knowing, All-Aware."

The 'family peace court', which has been referred to in this verse, is one of the distinguished works of Islam. This kind of peace-court, compared with ordinary courts, has some privileges that cannot be found in other courts. A few of these privileges are as follows:

1. In family environment the treatments cannot be dry and performed legally according to the spiritless court regulations. Hence, the Qur'an instructs that the arbitrators of this court must be of those who have kinship with the couple and are able to move their sentiments along the path of reconciliation.
2. In ordinary courts the two sides of the conflict have to divulge the secrets they have in order to defend themselves. Here, it is certain that if either of woman or man manifests their conjugal secrets for some strangers, they may hurt the feelings of each other so violently that if they be returned home forcefully, there will not exist any sign of their previous sincerity and lay between them.
3. In ordinary courts, judges are often inattentive in the course of dispute, while in the family peace-court, the arbitrators usually do their best to settle peace and sincerity between those two spouses and try to return them home.
4. Moreover, such a family court has none of the problems and heavy expenditures for the couple that the ordinary courts have.

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