

## *Reciprocal Nushūz and Tamkīn of Spouses in Shia and Sunni Exegeses: A Study through the Lens of Mutual Wilāyah of Believers in the Qur'an*

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### ABSTRACT:

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In the realm of marital relations, the terms *tamkīn* (submission) and *nushūz* (disobedience) are frequently used in Islamic jurisprudence and law. While *nushūz* is explicitly mentioned in the Qur'an, *tamkīn*, meaning the opposite state of *nushūz*, is not. Although *nusaūz* is used in the Quaaan for both men and women, in Islamic jurisprudence, and particularly in Iranian law, both *tamkīn* and *nushūz* are predominantly ascribed to wives. The concept of *nushūz* and *tamkīn* in husbands has not been adequately addressed, nor has there been commensurate legislation on the matter. Qur'anic commentaries have also predominantly focused on the *nushūz* of wives, rather than husbands, which may explain the neglect of husbands' *nushūz* in jurisprudence and the lack of corresponding legislation.

This study, grounded in an analysis of three Qrr 'anic verses, Q. 4:34, Q. 4:128, and Q. 9:71, and their interpretation in several prominent Shia and Sunni commentaries across different periods, adopts a Quaaā -by-Qrr aan exegetical approach to explore the concepts of *nushūz* and *tamkīn* for both spouses. Using linguistic, semantic, and hermeneutic methods, the findings of this research indicate that the concept of mutual *tamkīn* between spouses can be articulated based on the principle of mutual guardianship (*wilāyah*) of believers as outlined in verse Q.9:71. In this framework, reciprocal *temkīn*

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between spouses is understood as a commitment to fulfilling religious and ethical responsibilities and a mutual acceptance of enjoining good and forbidding evil in their relationship.

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**KEYWORDS:** Gender studies, Woman in the Qur'an, *Tamkīn* (submission), *Nushūz* (disobedience), *Wilāyuu* (guardianship), Verse 34 of Surah al-s isā'

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## 1. Introduction

The family is the smallest social unit and the most fundamental institution in human society, playing a crucial role in the stability of the broader community. The importance of family stability is emphasized in numerous Islamic injunctions aimed at preserving its integrity. Given that the Qcc'an, as the definitive and sacred source of Islamic law, serves as the primary reference for these rulings, understanding the legal and ethical dynamics of family relations within this text is of significant importance. Gender studies in the Qrr'an is a topic of growing interest among contemporary scholars, explored through various interdisciplinary and comparative approaches that focus on different verses of the Qrr'a. (Darzi 2023; Reda 2019). Marriage, like other contracts, establishes rights and obligations for both parties. Both husband and wife are bound to fulfil their marital duties, and any refusal to uphold these rights constitutes *nushūz* (Khodayari Nejad 2011). The party at fault, whether the wife or the husband, is then referred to as *nāshizah* or *nāshiz* respectively (al-aawharī 9990). Therefore, *nushūz* is a state that can apply to either spouse (Alahmoradi & Ahadi 2015; Karampour 2016; Ghazvini & Gheshlaghi 2022; Ahmadieh & Eshaghi 2016; Yari 2013; Shodar 2020; Chatranbarin 2019). Linguistically, the term *nushūz* connotes elevation, superiority, prominence, refusal, rising, and standing up (al-Jawharī 1990; Qurashī 1992; al-Farāhīdī 1988). Islam, by outlining balanced rights and responsibilities for spouses and emphasizing ethical considerations, seeks to prevent the violation of mutual rights (Sherbafchyzadeh et al. 2019).

The opposite state of *nushūz* is *t m kīn*, which linguistically means empowering, granting capacity, enabling, allowing, and giving control over oneself (al-Rādhīb al-Iṣfacānī 1991; al-aa ī dī 1993; Ḥaaaynī rrr jāfr 1983; al-Fayymnī 1993; al-Ṭurayhī 1996). The extent and boundaries of *tamkīn* for each spouse differ based on their respective duties and natural predispositions (Mohammadi 2004). The concept of mutual *tamkīn* entails that, just as a wife is obligated to fulfil her husband's rights and any refusal constitutes *nushūz*, the husband is equally bound to his duties and is not eermitted to neglect his wife's right..

*Nushūz* represents one of the challenges in marital relationships and, in the Qur'anic context, is used to describe unhealthy behaviors applicable to both spouses. In verses Q. 4:34 and 4:128, *nushūz* is explicitly mentioned in relation to the wife and the husband, respectively. However, due to interpretative shortcomings, the human dignity of women has often been neglected or diminished in related exegeses. Accurately identifying the concept of *nushūz* enables a rational understanding that God never denies the rights of His servants and consistently seeks their ultimate perfection and well-being. Classical exegeses have presented a broad range of interpretations regarding *nushūz* of wives, some of which stem from biased readings of the haaand's authority (*qawwām*), extending beyond the framework described in verse Q. 4:34. Such interpretations often depict men as inherently superior in value and nature, while portraying women as subordinate, obligated to absolute obedience, even beyond the marital relationship. These interpretations sometimes reduce women's human dignity to that of children or the incapacitated (Ghobadi 2015).

In Shi'a jurisprudence, *nushūz* is defined as disobedience to one's oocse (whether by the husband or the wife) (Āmilī Juba'ī 1992). In the Qur'an, the refusal of either spouse to fulfill the rights of the other is referred to as *nushūz*. In Shi'a legal texts, *nushūz* of the husband is described as neglecting his duties in four key areas of the wife's rights: financial oooooo (*nafaqah*), equitable treatment (*qasm*), marital intimacy (*muwāqī'ah*), and good companionship (*ḥusn al-mu'āshirah*) (Najafī 1983; al-Ḥillī 1992).

However, in Iranian law, under Articles 1108 and 1109 of the Civil Code, the term *nushūz* is not applied to the husband, being exclusively associated with the wife. Among the haaand's *nushūz* behaviors, only the failure to provide *nafaqah* is criminalized, while other forms are overlooked (Sherbafchyzadeh et al. 2020; Rezapour 2015; Esmailzadeh 2019). Despite the presence of *nushūz* of the husband in Qur'anic verses, narrations, and Shi'a jurisprudential texts (oo radkhani 1117), it remains absent in legal terminology.

Verse Q. 2:222 states: "They are a garment for you, and you are a garment for them," emphasizing the mutual obligation of both haaand and wife to fulfill each other's rights and needs. If *tamkīn* is limited solely to wives, this verse would lose its comprehensiveness (Khodayari Nejad 2011; Mohammadi 2004). Over time, the concept of *nushūz* has undergone shifts in interpretation within jurisprudential discourse (Ahmadiéh & Eshaghi 2000). The varied jurisprudential views on the haaand's *nushūz* have influenced Iranian law, leading to the exclusive application of *nushūz* to wives. Thus, the term, *nushūz* of the husband, is perceived as alien in the legal discourse. Consequently, many assume *nushūz* is exclusive to women

(Hedayatnia & Seyed Alizade Ganji 2014). This male-centric perspective on *tamkīn* reinforced the notion that husbands are entitled while wives are obligated, illustrating the issue of the husband's *nushūz* (Nazari Tavakkoli & Karachian sani 2018). Despite the Qur'an's definition of these concepts as reciprocal, the focus in both exegeses and legal discourse has been largely on the wife's *nushūz*. This approach contrasts with verse Q. 9:71, which describes mutual guardianship (*wilāyah*) among believing men and women, instructing them to engage in mutual enjoining of good and forbidding of evil.

This research, grounded in an examination of three Qur'anic verses, Q. 4:34, Q. 4:128, and Q. 9:71, and their interpretations in key Shia and Sunni exegeses, aims to reevaluate the notions of *nushūz* and *tamkīn* in marital relationships. Recognizing the Qur'an as the foundational source for understanding ideal spousal dynamics within the family, the study seeks to explore the following questions:

- Can the Qur'anic depiction of *nushūz* for both wives and husbands support the interpretation of *tamkīn* as a reciprocal dynamic between spouses?
- Does the concept of mutual guardianship (*wilāyah*) among believers, highlighted in Q. 9:71, offer insights for conceptualizing mutual *tamkīn* in marital relationships?

The practical and social aim of this study is to enhance women's rights within the family by revisiting their Qur'anic rights and obligations in marital relationships.

## 2. Research Methodology

This study employs a hermeneutic analysis combined with semantic and lexical analysis of three Qur'anic verses: Q. 4:34, 4:128, and 9:71. It follows the interpretive approach advocated by Tabataba'i, known as Qur'an-by-Qur'an exegesis. Tabataba'i considers this method the only correct approach to interpreting the Qur'an, where the Qur'an itself serves as the primary source for understanding its verses. Through careful reflection on similar verses, the meaning of a verse is derived without reliance on external sources (Javadi Amoli n.d.). Analysis refers to breaking down larger units into smaller ones. Semantic analysis in this context is not limited to linguistics or semantics but encompasses a broad range of activities aimed at identifying the components of meaning within a text. Lexical analysis requires knowledge of the sciences that uncover the etymology and history of words (Pakatchi 2017). The term hermeneutics means interpreting and

pertains to understanding ambiguous situations or content. In some approaches, hermeneutic scholars emphasize the author's intent in interpreting the text, while others focus on philosophical inquiries into understanding, potentially reducing the role of authorial intent (Rezaei Esfahani 2003). Among the oldest forms of content analysis, hermeneutic analysis is particularly suited for written texts. This method involves clarifying implicit messages in the text and interpreting its deeper meanings beyond its apparent structure. Hermeneutic analysis, as a form of content analysis, serves to uncover hidden meanings and penetrate the deeper layers of textual structure (Oloumi 2009). The research analyses 14 Qur'anic exegeses—eight Shia and six Sunni—to achieve its objectives. These exegeses were selected through purposeful sampling, focusing on the most renowned and influential works representing various interpretive schools across different historical periods. This selection aims to maximize diversity, ensuring a comprehensive understanding of the topic. The selected exegeses, categorized into Shia and Sunni groups, are detailed in the accompanying tables.

### 3. Literature Review

One of the most debated verses in contemporary Islamic scholarship is verse Q. 4:34, which has garnered significant attention from researchers across diverse cultures and societies. Numerous studies have been conducted on this verse, focusing predominantly on proposing new interpretations and perspectives. For instance, Rahman (2018) argues that both traditionalist and neo-traditionalist readings of the verse, particularly regarding the term *wa-dribūhunna*, are overly reliant on textual interpretations and prophetic traditions. These interpretations fail to address the role of the Prophet, who never struck his wife, or his saying, “The best among you does not strike.” Similarly, Ghauri (2015) highlights how misunderstandings of this verse have been used to justify domestic violence in Islam, proposing the development of a rigorous hermeneutic methodology for interpreting such verses. Saqib (2021), on the other hand, suggests that interpreting this verse alongside the first ten verses of Surah al-Nūr reveals nuances that distinguish its actual meaning from the patriarchal perspectives prevalent in traditional commentaries, thereby highlighting a disconnect between the origins of Islam and the narratives of early Islamic law.

While much of the debate in these studies revolves around the issue of *wa-dribūhunna* and its interpretative complexities, some research has shifted focus to the concept of *nushūz*, challenging its traditional understanding as disobedience to one's husband and proposing alternative

views. For example, Ibrahim and Abdalla (2010) interpret *nushūz* as sexual immorality, while Saqib (2021) associates it with marital infidelity. Bakhtiar (2011), in her critical English translation of the Qrr 'an—the first by a woman—addresses errors made by male interpreters over the past 14 centuries regarding this verse. She argues that any member of the Muslim community who becomes aware of injustice or wrongdoing committed in the name of God or Islam has a responsibility to speak up and seek reform.

Moreover, Ghafournia (2017) observes the emergence of a rich tradition of egalitarian and woman-centered approaches to interpreting the verse. Among most egalitarian scholars, there is consensus that this verse cannot be used to justify any form of violence against women, as such an interpretation would contradict the Qrr 'an's core message of oocial jttt ice.

There is often a significant gap between the teachings of the Qrr 'an and practices observed in Islamic societies. Many judgments about Islam are based on these unprincipled societal behaviours rather than authentic Qrr 'anic guidance. This discrepancy often stems from misinterpretations of Qrr 'anic verses, resulting from deviation from the original traditions of the Prophet and infallibles, and reliance on fabricated or Israeli traditions (Judaic-Islamic narrations). These distortions have pervaded societal norms and produced harmful consequences. For example, the notion that a woman must obey her husband unconditionally in all aspects of life is based on weak foundations, as some supporting narrations are fabricated and incompatible with Qrr 'anic text and rational reasoning (Ghobadi 2015). Contrary to traditional cultural interpretations, women are not obligated to absolute obedience to their husbands (Zeajeldi & Parhammehr 2015). The scope of *tamkīn* is influenced by social customs and cultural norms, making it challenging to define a fixed boundary (Khodayari Nejad 2011).

The ii gnificance of women's rights and the haaaand's oll igation to fulfil them is emphasized to the extent that neglecting these rights can render a haaaand's jorr ney iinfl. Ayatollah aa nkarani notes that if a man travels withott his wife's eermission, intending to neglect her rights, the journey becomes sinful, and he must perform full prayers. Furthermore, many jurists consider vows by husbands that prevent them from fulfilling specific marital duties as invalid (cited by Tavajjohi 2010). However, there is no specific legal framework addressing *nushūz* by men, except for criminalizing non-provision of maintenance (*nafaqah*). Non-financial marital obligations are not legally enforced, leaving women to prove her hardship (*'usr wa ḥaraj*) in court if they face marital neglect (Sherbafchyzadeh et al. 2019). This gap discourages many women from pursuing legal action, although criminalizing male *nushūz* could better protect women (Sherbafchyzadeh et al. 2020). The lack of clarity in defining *nushūz*, especially its practical

manifestations, creates inconsistencies among jurists and confusion in family courts, often prolonging proceedings. Clear delineation of *nushūz* is essential for effective judicial resolution of marital disputes (Nedaei & Seyyed Bonabi 2019; Tavajjohi 2010). Studies also suggest that recognizing male *nushūz* in legal codes could help moderate divorce rates by balancing enforcement mechanisms (Jalilian 2017). Current conditions grant men maximum rights with minimal obligations, while women are burdened with minimal rights and maximum responsibilities. Recognizing *tamkīn* as a mutual right and duty could alleviate psychological burdens on women and improve marital satisfaction (Sherbafchyzadeh et al. 2020).

While previous studies have explored male and female *nushūz* and related issues, none have specifically addressed mutual *tamkīn* between spouses, which is the central focus of this study. By building on these foundational works, the present research aims to fill this gap and provide a nuanced perspective on reciprocal spousal obligations.

#### *4. Comparative Study of the Interpretations of Q. 4:34, 128 & 9:71*

In this section, we examine the interpretations of three verses, Q. 4:34, 128 & 9:71, based on 14 significant Sunni and Shia commentaries. The results of this analysis are summarized and categorized in the following tables.

##### *4.1. Interpretative Views on Verse Q. 4:34*

In this section, we will undertake a brief exploration of the various perspectives and interpretations offered by commentators regarding the terms *nushūz*, *qawwām*, and *qānit* as they appear in Q. 4:34. We will examine how different scholars from both Sunni and Shia traditions have understood these concepts in relation to their implications for marital relationships, gender roles, and the responsibilities of spouses. By analyzing diverse interpretations, we aim to illustrate the complexities surrounding these terms and the importance of context in their application within Islamic jurisprudence and ethical discussions. The results of our examination of the commentators' views will be summarized and presented in a table for clarity and ease of comparison (table 1).

Table 1. Comparative study of the concepts of *nushūz*, *qawwām* & *qānit* in Shiite and Sunni interpretations of verse Q. 4:34

	Exegeses		<i>Qawwām</i>	<i>Qānit</i>	<i>Nushūz</i> of wife
1	al-Mizān T'ābatabāii 1996)	Shiite exegeses	Responsibility for another's affairs	Continuous obedience and submission	Disobedience to husband
2	Nimuneh (Makarem Shirazi 1995)		Husband's leadership in the family	Submissive	Avoiding her responsibilities
3	Tasnīm (Javadi Amoli 2017)		Managing affairs and meeting the wivee's needs	Righteous, obedient to God, adherent to marital obligations	Wife's disobedience
4	Makhzan al-'rřfān (Amin 1982)		Responsibility for another's affairs	Continuous submission and obedience	Wife's disobedience out of pride and arrogance
5	al-uu rhān (al-Baḥānī 1995)		Supporting and protecting the wife	Obedient	Wife's refusal of having sex with her husband
6	Kanz al-'rřfān Flāḍil Miqdād 1998)		Leadership over the wife	Obedient	Disobedience to the husband
7	Majma' al-aa yān (al-Ṭabiiṣī 1993)		Provision of wife's needs and authority over her	Obedient to God and her husband	Dominance over the husband
8	al-Tibyān (al-Ṭūsī 1997)		Responsibility for the wivee's affairs	Obedient to God and her husband	Disobedience and arrogance towards the husband
9	al-Manār (Rashid Rida 1990)	Sunni exegeses	Protection and guardianship of wife	Obedient to God and her husband	Wife's denial of marital rights, dominance over the husband
10	ūū ḥ Al-Ma'ānī (al-Ālūsī 1994)		Supporting, leading, and having authority over wife	Submissive and obedient to God and her husband	Disobedience to the husband
11	al-Baḥr al-Muḥīt A'Abū Ḥayyān 1999)		Authority to discipline the wife	Obedient to the husband's rights and God	Bad temper, disobedience to the husband, hatred of husband, refusal of having sex with her husband
12	al-Kashshāf (al-Zamakshāī 1986)		Commanding and controlling wife	Obedient to the orders of her husband	Disobedience to the husband
13	Tafsīr Ibn al-'Aaabi (Ibn al-'Aaabi 2001)		Stewardship over wife's affairs	Obedient	Disobedience to the husband
14	Aḥkām al-Qurān (al-Jaṣāṣ 1985)		Leadership and protection of wife	Obedient to God and her husband	Disobedience to the husband



Based on the various perspectives of the exegetes and adopting a Qrr 'an-by-Qrr 'an exegetical approach, the following concise reading of the verse Q. 4:34 can be derived.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ

*Men are the managers of women*

This phrase signifies that men are responsible and obliged to manage women's affairs so that women can live comfortably under their guardianship. Two reasons for this responsibility are mentioned in the verse.

بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ

*Because of the advantage Allah has granted some of them over others,*

This phrase does not necessarily imply the superiority of men over women. A similar phrase appears in other verses, such as Q. 4:32 and Q. 16:71, without suggesting gender-based superiority. Furthermore, by analogy to verse Q. 9:71, the believing men and women are allies of one another, the notion of one-sided male guardianship over women is entirely refuted.

Therefore, within the context of marital relationships, this verse explains that men are entrusted with protecting and providing for women comprehensively. This responsibility necessitates certain characteristics in men, such as greater physical strength for tasks like earning lawful sustenance or greater rationality over emotionality for managing family affairs. However, this does not indicate a blanket superiority of men over women, as exceptions exist e.g., men who are more emotional than rational or women who possess greater physical strength than men.

وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ

*and by virtue of their spending out of their wealth.*

Men bear financial responsibilities toward women, such as providing for their needs, paying dowries, compensations, gifts, etc. This obligation establishes men as financial providers within the marital framework. The verse also divides women into two categories:

فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ

*So righteous women are obedient, care-taking in the absence [of their husbands] of what Allah has enjoined [them] to guard.*

The first category refers to virtuous women who obey God's

commandments. The term *qānitāt*, here, by analogy to verse Q. 16:16 and Q. 66:12, implies obedience to God, as indicated by the explicit mention of “to Allah” in the former and the context of the story of Mary, who had no husband, in the latter.

وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ

*As for those [wives] whose misconduct you fear,*

The second category refers to women whose disobedience is feared—not confirmed but only apparent through signs. In such cases, the verse recommends three sequential remedies, escalating in intensity:

فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ

*[first] advise them, and [if ineffective] keep away from them in the bed, and [as the last resort] beat them.*

First, you should provide advice and counsel; if that does not prove effective, turn away from them in bed. Finally, if the previous two methods are ineffective, it is time for *wa-dribūhunna*. Interpretations of this phrase vary among scholars and include meanings such as avoiding, leaving the house, reducing financial support, or symbolic, non-injurious punishment as a last resort to prevent the wife from falling into clear immoral acts or marital betrayal (*fāhishah mubayyanah*).

فَإِنْ أَطَعْتَكُمْ فَلَا تَتَّبِعُوا عَلَيْهِنَّ سَبِيلًا

*Then if they obey you, do not seek any course [of action] against them.*

If the wife corrects her behavior, the husband must not seek grounds to mistreat or pressure her.

إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

*Indeed Allah is all-exalted, all-great.*

This final clause reminds husbands of Allah’s ultimate power and authority, greater than their own.

## 4.2. Interpretative Views on Verse Q. 4:128

In this section, we provide a concise overview of the perspectives of exegetes regarding the concept of *nushūz* in Q. 4:128 (table 2).

Table 2. Comparative study of the concepts of *nushūz* of husband in Shiite and Sunni interpretations of verse Q. 4:128

	Exegeses		<i>Nushūz</i> of Husband
1	al-Mizān (Ṭābatabāiī 1996)	Shiite exegeses	Husband's lack of interest in his wife
2	Nimuneh (Makarem Shirazi 1995)		Rebellion and defiance
3	Tasnīm (Javadi Amoli 2017)		Arrogance and disobedience of the husband towards the wife
4	Makhzan al-'rffān (Amin 1982)		Misbehavior of the husband
5	al-uu rhān (al-Baḥānī 1995)		Husband's lack of interest in his wife and decision to divorce
6	Kanz al-'rffān Fāḍil Miqdād 1998)		
7	Majma' al-aa yān (al-Ṭabīīsī 1993)		Husband's disobedience and mistreatment towards wife
8	al-Tibyān (al-Ṭūsī 1997)		Husband's arrogance towards the wife
9	al-Manār (Rashid Rida 1990)	Sunni exegeses	Ambition and arrogance leading to mistreatment of the spouse
10	Rūḥ Al-Ma'ānī (al-Ālūsī 1994)		Husband's arrogance towards the wife
11	al-Baḥr al-Muḥīṭ Aḥū Ḥayyān 1999)		Husband distancing himself from the wife
12	al-Kashshāf (al-Zamakhsharī 1986)		Rebellion
13	Tafsīr Ibn al-'Aaḥabī (Ibn al-'Aaḥabī 2001)		
14	Aḥkām al-Qu"ān (al-Jaṣāṣ 1985)		Arrogance rooted in dislike towards the wife

This verse addresses the issue of the husband's *nushūz*. In Islamic jurisprudence, *nushūz* is considered as the opposite state of *tamkīn*. Since the Qur'an explicitly uses *nushūz* for both spouses, it can be understood that *tamkīn* also applicable to either partner. Most interpretations, reflecting the verse's occasion of revelation, suggest a reconciliatory solution for the husband's *nushūz*, where the wife may need to forgo part of her rights to establish peace (e.g., forfeiting her dowry or other financial entitlements). However, this interpretation appears problematic. Excessive concessions in response to wrongdoing—such as a wife relinquishing her dowry—might not only fail to make the wrongdoer aware of their error but could also embolden further misbehavior. The phrase *yusliḥā baynahumā* (they

reconcile between themselves) in this verse is in the dual form, indicating that reconciliation is a mutual responsibility. Thus, the husband must also contribute to this bilateral peace process, potentially making compromises to win back the wife's affection.

### 4.3. Interpretative Views on Verse Q. 9:71

The examination of Q.9:71 can provide valuable guidance on the dynamics of *nushūz* and *tamkīn* within marital relationships. The verse emphasizes mutual responsibility between believing men and women, offering a framework for equity and collaboration in resolving conflicts (table 3).

Table 3. Comparative study of the concepts of Reciprocal *wilāyah* between believing men and women in Shiite and Sunni interpretations of verse Q. 9:71

	Exegeses	Reciprocal <i>wilāyah</i>
1	al-Mizān (Tābatabāii 1996)	Believing men and women take on the affairs of each other.
2	Nimūneh (Makarem Shirazi 1995)	Believing men and women are friends and supporters of each other
3	Tasnīm (Javadi Amoli 2017)	Believing men and women hold reciprocal guardianship over one another
4	Makhzan al-'irfān (Amin 1982)	Some believers are friends of others
5	al-uu rhān (al-Bahā'ānī 1995)	Being guardians of each other
6	Kanz al-'irfān (Fāḍil Miqdād 1998)	
7	Majma' al-aa yān (al-Ṭabii sī 1993)	Believing men and women are helpers and supporters of each other
8	al-Tibyān (al-Ṭūsī 1997)	Believers are loyal to and supportive of their friends
9	al-Manār (Rashid Rida 1990)	A believing man and woman have guardianship and custodianship over each other
10	Rūh Al-Ma'ānī (al-Ālūsī 1994)	Support and solidarity among believers
11	al-Baḥr al-Muḥīṭ (Aḥū Ḥayyān 1999)	Believers are allies of one another
12	al-Kashshāf (al-Zamakhsharī 1986)	
13	Tafsīr Ibn al-'Aaabī (Ibn al-'Aaabī 2001)	
14	Aḥkām al-Qu'ān (al-Jaṣāṣ 1985)	

As shown in the table above, the term *awlīyā'* in the context of Q. 9:71 has generally been interpreted as allies, supporters, or friends. However, when adopted a Qrr 'an-by-Qrr 'an exegetical approach, other connotations emerge. For example, in verses such as Q. 2:257, 2:120, and 18:102, *wilāyah* also implies guardianship and authority. Thus, the phrase *ba'ḍuhum awlīyā'u ba'ḍ* in Q. 9:71 can also signify reciprocal guardianship among believing men and women.

This phrase conveys mutual responsibility and equity between men and women, particularly in the framework of enjoining good and forbidding evil. This mutuality is evident both socially and within the family structure. The reciprocal nature of this *wilāyah* is emphasized by the linguistic structure of *ba'ḍ... ba'ḍ*, which in Arabic conveys a bidirectional relationship. Within the family, this mutual guardianship allows for shared responsibilities in maintaining rights and ensuring adherence to divine commands. If a husband exhibits *nushūz* (failure to fulfill divine responsibilities, including neglecting his wife's rights), the wife is religiously and ethically obligated to counsel or admonish him. Similarly, the husband is required to do the same if the wife exhibits *nushūz*.

The initial phrase of Q. 9:71 and 4:34 exhibit a relationship of *'umūm wa khuṣūṣ min wajh* (partial overlap in generality). The verse Q. 9:71 addresses mutual *wilāyah* broadly within the Muslim community, emphasizing shared responsibility. In contrast, Q. 4:34 applies a specific framework within the family, et all ihning the man's r primary role of caretaking. Thus, it seems that *wilāyah* is usually associated with the spiritual and noble aspects of individuals, whereas being *qawwām* is primarily related to their material dimensions such as providing financial support or physical protection and assistance (Sherafat 2019). While Q. 4:34 establishes husbands as *qawwām* (caretaking authority) within the family due to specific attributes, this is not absolute. If the husband lacks these attributes—such as the financial capacity to provide or the moral strength to lead effectively—the basis for being *qawwām* is voided (Javadi Amoli 2017, 18:545). This nuanced understanding reflects a balance between the collective and individual aspects of *wilāyah*, offering a framework for equitable relationships both in society and within the family.

Some interpretations unequivocally attribute husband's eeing *qawwām* over his wife to the supposed superiority of men over women. This group of exegetes portrays men as inherently more capable and superior to women in intellect, decision-making, and even in their creation. This perspective often extends to interpreting the term *qānitāt* as obedient to their husbands, presenting women as entirely subordinate to their husbands and defining the boundaries of their *tamkīn* as aoodtt e mmission to their haaand'' dei res.

However, this interpretation contradicts the broader understanding of *qānit* in the Qur'an, where it generally refers to obedience to God. Thus, a woman is only obliged to obey her husband in matters directly aligned with divine guidance, such as those encompassed by enjoining good and forbidding evil. Outside this domain, unconditional obedience to her husband is neither obligatory nor a requirement of her *tamkīn*.

Another group of exegetes attributes men's advantage to the inherent differences between the sexes and their respective roles, emphasizing physical capabilities without equating these differences to moral or spiritual superiority. This perspective rejects the idea that such physical advantages are indicators of nearness to God or absolute superiority.

A critical point in this discussion is the choice of words in Q. 4:34. Had God intended to establish the absolute superiority of men over women, the verse would have used the phrase *bimā faḍḍalahum 'alayhinna* (because He has preferred them over women) instead of *bimā faḍḍala Allāh ba'dahum 'alā ba'd* (because God has preferred some of them over others) (Fāḍil ii qdād ))). This linguistic nuance demonstrates that not all men are superior to all women. The preference in question refers specifically to the abilities necessary for managing and providing for the family, which is a functional rather than an intrinsic or spiritual distinction. Moreover, being *qawwām* is framed as a responsibility rather than an unconditional right. Recognizing being *qawwām* as a duty rather than an absolute privilege resolves many of the ambiguities and misconceptions surrounding this verse.

The initial part of Q. 9:71 offers an important lens for understanding the concepts of *qawwām*, *qānit*, and *nushūz* in Q. 4:34. This verse states that believing men and women are guardians (*awlīyā'*) of one another, implying a mutual relationship of care and responsibility that transcends gender. According to Rashid Rida (1990), the *wilāyah* also can mean to be *qawwām*, interpreting the phrase as, "Believing men and women are mutual guardians and caretakers of each other."

The continuation of Q. 9:71 lists qualities of believers, including *amr bil-ma'rūf wa nahy 'an al-munkar*. Within marital relationships, *nushūz* represents *munkar* (wrongdoing), and *tamkīn* represents *ma'rūf* (good conduct). Thus, the mutual guardianship of believing spouses enables them to admonish each other to fulfil their obligations and avoid *nushūz*, which includes disobedience to God's command, such as serving chastity. If either spouse engages in *nushūz*, the other is obligated to intervene appropriately, emphasizing the reciprocal nature of *tamkīn* and *nushūz*.

The first step in addressing *nushūz* for both spouses is admonition

(*maw'izah*). If this fails, subsequent measures diverge for men and women due to their distinct roles and responsibilities. In the case of a husband's *nushūz*, the wife should seek recourse through legal authorities. For a wife's *nushūz*, the husband is instructed to refrain from physical intimacy and, then if necessary, apply *ḍarb* (a term with various interpretations, often misunderstood as physical punishment). The phrase *wa-ḍribūhunna* has been subject to significant debate among scholars and exegetes. It should be noted that this phrase does not mean "to strike," because if the fear of *nushūz* (disobedience) were considered a reason for physical punishment, it would contradict the principle of proportionality between the cause and the penalty. Additionally, the context of several verses indicates the necessity of maintaining a good relationship between husband and wife, which reflects the sacred law's concern for this matter. Therefore, any physical violence against the wife under the pretext of fearing *nushūz* contradicts the broader context of the verses. Since men and women are considered equal in human dignity in Islam, such a significant difference in how the disobedience of a wife or husband is addressed cannot be inferred. Upon reviewing Qur'anic evidence, the gradual corrective measures outlined in the verse, the need for proportionality between the cause and the penalty, and the general coherence of related legal rulings, it seems that the best interpretation of *wa-ḍribūhunna* is the severance of relations between the couple. However, since the right of divorce belongs to the husband, it is not feasible for a wife to sever her relationship with the husband in response to his *nushūz*. This is why the treatment of *nushūz* differs between the two verses concerning men and women (Khodadadi et al. 2021).

Exegetes must consider the broader Qur'anic context, ethical principles, and linguistic nuances. For instance, the term *qawwāmūn* is frequently associated with justice (*qisṭ*), and *qānit* often signifies devotion to God alone. Thus, interpreting *qānitāt* as "completely obedient to their husbands" is inconsistent with the Qur'an's general usage of the term. Furthermore, if *nushūz* in Q. 4:34 is understood as disobedience to the husband, scholars must explain why the same term in Q. 4:128 is not correspondingly understood as disobedience of the husband toward the wife. Moreover, if this verse is viewed as reflecting a hierarchical structure of authority and obedience within the family, the interpreters should also clarify how this interpretation aligns with the concept of mutual *wilāyah* between believing men and women (Karimpour & Badreh 2023).

In the context of husband's *nushūz*, Q. 4:128 emphasizes reconciliation, declaring, *wa-ṣulḥu khayr* (reconciliation is better). This principle applies universally to all contracts, particularly marriage, which holds a sacred status in Islam. The verse encourages spouses to compromise on certain

rights to preserve the sanctity of the marital bond, which benefits both individuals and society. The Qur'an consistently underscores the importance of good conduct of husbands toward their wives. For instance, multiple verses regarding divorce exhort men to treat their wives with kindness and fairness (e.g., Q. 2:228, 232, 234, 236 & 241). When God repeatedly commands men in various verses to treat their former wives with kindness during divorce, it becomes evident that He places even greater importance on a husband's good conduct toward his current wife. For instance, in Q. 4:19, He explicitly commands men to engage in *ma'rūf* (kind treatment) with their wives (*wa 'āshirūhunna bil-ma'rūf*). As previously mentioned, poor conduct by a husband constitutes *nushūz* on his part. Thus, mutual *tamkīn* is not only implied but required within a marital relationship.

## 5. Conclusions

The examination of Qur'anic verses and their interpretative views highlights a framework of mutual responsibility and equity in marital relationships (Q. 2:187 & 228), challenging traditional gender-biased interpretations. According to Q. 4:34 & 128, the term *nushūz* applies to both spouses, indicating reciprocal obligations. Thus, *tamkīn* as the opposite state of *nushūz* is a mutual responsibility. These verses, alongside the concept of mutual guardianship (*wilāyah*), refute the notion that *tamkīn* is exclusive to women or that *nushūz* is solely a wife's transgression.

According to verse Q. 4:19, a husband is obligated to treat his wife with kindness (*ma'rūf*). Since poor conduct by the husband constitutes one form of *nushūz*, this verse also implies the necessity of the husband's *tamkīn*, supporting the reciprocal nature of *tamkīn* in marital relationships.

Exegetes have often provided extensive commentary on *nushūz* of the wife as mentioned in verse 4:34, but they have only superficially addressed the husband's *nushūz* in verse 4:128. This disparity in focus has likely contributed to the restriction of *nushūz* exclusively to wives within Islamic jurisprudence, leaving the concept of the husband's *nushūz* largely unaddressed.

Verse Q. 9:71 emphasizes that guardianship (*wilāyah*) is not gender-specific; believing men and women are guardians of one another. This mutual *wilāyah* enables them to enjoin good (*amr bil-ma'rūf*)—defined here as adherence to divine boundaries and their mutual obligations—and forbid evil (*nahy 'an al-munkar*), which includes *nushūz*, or neglect of duties toward one another. Within the marital relationship of two believers, if one spouse engages in *nushūz*, the other is religiously and ethically obligated to dissuade them. Hence, this verse also highlights the reciprocal nature of



*tamkīn* and *nushūz*.

Adopting a just perspective that upholds the equal intrinsic dignity of men and women, and employing a Qrr'an-by-Qrr'an interpretative approach, it is essential to reassess the interpretations of *nushūz* of the wife and give due attention to the haaaand's *nushūz* in jurisprudence and law. Additionally, it is recommended to establish appropriate legal provisions addressing the haaaand's *nushūz*, grounded in verse Q. 9:71 and other relevant evidence.

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