

# Has Islam Permitted The Man To Punish His Wife?

The answer of this question can be inferred with precision from the anecdote of the honourable Prophet of Islam when he rhetorically asks those who have incorrect behaviour:

"How can you embrace your wife with the same hand that you beat her with?"<sup>1</sup>

Through this meaningful expression, it is clear that our holy Prophet who is the authority on Islamic divine rules, by this question and answer, seriously disapproved beating and punishing of the wife by the husband.

To those who use verse 33 of Chapter "The Woman" of the Glorious Quran, to prove discrimination between men and women, it is necessary to explain logical and correct meaning of this verse before explaining our reasons in this regard:

The Woman

Sura – 4 The Woman

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 اطَّعْتُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

**[4:34] Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore, the righteous women are devoutly obedient, and guard in the (the husband's) absence what Allah would have them guard. As to those women on whose part you fear disloyalty and ill-conduct, admonish them (first), (next) refuse to share their beds, (and last) do dharb (have separation); but if they return to obedience, seek not against them means (of annoyance) for Allah is Most**

## ***High, great (above you all)***

For understanding of the real meaning of this verse, please pay attention to the following points.

### **Meaning Of Responsible (Protector And Maintainer)**

The word "Responsible" in this verse means to be in charge of protection and maintenance of the family. For this reason in lexical meaning, the word "Responsible"; applies to whoever understands effective responsibility. Since the responsibility of undertaking and providing the subsistence and supporting the financial requirements of a family, according to Islam, is on man, the overlord in this verse of the Quran, has introduced men as the supporter of women. The men are responsible for undertaking the subsistence of life and providing the expenses of the family members.

### **Encouraging righteous women**

Those who have question regarding this verse in the Glorious Quran did not pay enough attention to this verse which encourages and exalts the proper characteristics of righteous and benefactor women, who are devoutly obedient, courteous, modest and chaste, compared to the admonished disloyal and disobedient women. Therefore, the rule of encouraging and appreciating its correct meaning is superior to the threat to and affliction pain on women.

### **What is the meaning of "Disloyalty and ill- conduct" in this verse?**

It is obvious that every difference in opinion and taste in even trivial affairs of the family like selecting the colours of clothing or the kinds of food and so on do not mean "disloyalty and ill-conduct". Because intellectuals never accept that these differences in taste or opposition in trivial affairs are causes to punish or injure the wife. Therefore, the literal meaning of the word "rebellion" is women who disobey divine rules and without any reason, harm her matrimonial relationship or betray her husband.

### **Prevention of Disobedience and Rebellion**

Obviously, there are some of the members in each society who break the laws and are rebellious. However, the rules of each society provide different methods in order to prevent committing of crimes and controlling them. It is not limited to men or women or any other specific group but all of the people in the society should follow them.

The Glorious Quran discusses the ways of admonishing disobedient men, women and all the lawbreakers. At the end of the above verse, the Quran explains some of the ways of preventing and controlling the disobedient women who infract the sanctity of the divine laws.

In this verse, the three recommended steps in response to preventing disobedience and rebelliousness are as follows:

- Admonish and advise as the first measure;
- next refuse to share their beds; and
- lastly have dharb (separation) from them.

The meaning of admonishment and advice is clear. But other two ways, "refusing to share their beds" and "separation", need more explanations.

Allamah Tabatabai in "Tafsir Al Mizan" has expressed that the expression, "refuse to share their beds", does not mean to break-up the marriage and leave the bed totally, but it means to remain living together and just separating their beds or the husband turning his face and paying no attention to her. Other interpreters believe that it means the total separation of man from their beds.

### What is the meaning of "dharb" in this verse?

The word "dharb" in Arabic language has different meanings. It has different meanings in different dictionaries. For instance, in the book, "Lesan Al Arab", it means: achieve and invoke. In order to prove this meaning for "dharb", refer to a poem of "Kumait" who is a famous literal Arabian poet. In this poem he argued that "dharb" is request and the "dharaba" also means requested.

Also, in "Lesan Al-Arab" the word "dharb" means prevention or prohibition, and it says "I do dharb one person from other person". It means that I prevent him. Also others hold that the term means "to separate or keep away".

In this book the term "dharb" means "to separate or keep away".

Therefore, this word has different meanings and it does not mean "beat" only. Even some of the intellectuals believe that the word "dharb" in this verse, is not necessarily "beat the woman", but means demand and request for getting their attention by the help of psychological ways, and preventing them from committing actions of guilt and by Islamic legal system.

Also Islamic traditions interpreting this verse, conclude that the purpose of "dharb" in this verse is not related to hurt somebody as commonly believed.

With regards to the anecdotes told by some of the great commentators of the Glorious Quran, like Tabarsi in "Majma Al-Bayan" and Allameh Tabatabai in "Tafsir Al Mizan" it is found from an authentic justifiable book such as "Wasail Al-Shia", that Imam Ja'far Sadiq (a.s.) while explaining "dharb" says: "Beat your wife with a toothbrush". It is obvious that, the purpose of this word in this verse is not to smack and beat by lash and whip but is a very delicate way of catching the attention of the other side.

For this reason, the Prophet of Islam Muhammad (s.a.w.w.) told some of the men who beat their wife in astonishment:

"How do you embrace your wife while you beat her?"

### To whom is this verse address to?

As mentioned, the word "dharb" in this verse does not mean to beat or strike as is commonly understood. But if someone considers that it as a physical punishment, then here is a question: "To whom is this verse addressed to and who is responsible for preventing rebellious women when they are disobedient? Is this verse addressed to husbands and can these husbands punish or admonish their disobedient wives, or are the legal authorities and justice system responsible for it?"

Our answer to this question is as follows:

According to the rules of admonishment and prohibition and penal laws in Islam, the advice to disobedient wives regarding this matter can be made by their husbands, relatives and acquaintances. Husbands do not share the beds with them. But, legal authorities and judges are responsible for carrying punishment including corporal punishment and no one else can proceed to punish the women by themselves. For instance, the Glorious Quran states:

***"And (as for) the man and the woman who steals, cut off their hands as a punishment for what they have earned". (5:38)***

It is obvious that, common people are not addressed in this verse. Therefore, no individual person can punish a thief and cut off his hand. Punishment for thieves should be operated in special conditions. For example:

- The value of the stolen goods is equal to or exceeding the specified amount.
- A person who steals due to hunger and poverty is not liable to punishment.
- He commits the crime by breaking and entering the property of the owner.

Obviously, the judge is responsible for recognizing the mentioned conditions in Islamic Jurisprudence as he is expected to know the principles of Islamic Jurisprudence. There are several other conditions related to the issue which the lay people are not familiar with.

This Islamic rule shall be applied when punishing disobedient women. Therefore, the court of justice and judges, who knows the rights and Islamic Jurisprudence and the principles of the civil law are responsible for recognizing women's disobedience or rebellion. An ordinary person without any knowledge about legal laws is not authorized to evaluate his wife's behaviour and judge it as disobedience and rebellion and act like a judge and punish his wife.

## Conclusion

As mentioned, it is clear that firstly: the word "dharb" in this verse of the Chapter "The Woman", does not mean to beat or strike. Secondly, if we consider the word "dharb" in this verse means to punish physically the disobedient person, the authorized judge is responsible for recognizing and determining the type of the crime and its punishment.

Therefore, Islam does not authorize and permit a man to punish his wife on his own recognition.

1. Hadith mentioned in al-Mizan, by Allamah Tabataba'i, Commentary of Surah al-Nisa', vol. 8, verses 32-35, A Discourse On Men's Authority Over Women pages 202-213, the hadith is mentioned at page 208. Here is the Arabic and exact reference to the hadith, and its translation:

محمد بن يعقوب ، عن حميد بن زياد ، عن الحسن بن محمد بن سماعة ، عن غير واحد ، عن ابان ، عن أبي مريم ، عن أبي جعفر عليه السلام قال : قال رسول الله صلى الله عليه وآله : أ يضرب أحدكم المرأة ثم يظل معانقها

From Abi Maryam from Abi Ja'far (AS) said, the Messenger of Allah (SAWAS) said: "how does any of you hit his wife, then remains embracing her?"

Source: -al-Kulayni, al-Kafi, vol. 5, pg. 509, hadith # 10 [Al-Islam.org editing]

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