

'Husband is forbidden from beating his Wife'

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Abbreviations:

saww: - Sal lal la ho Allay hay Wa Aal lay he Wasallam

azwj: - Az Za Wa Jalla

asws: - Allay hay Salawat Wass Salam

AJFJ: Aja Allah hey wa Fara Jaak

ra: - Razi Allah^{-azwj}

La: - Laan Allah^{-azwj}

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَ صَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَ آلِهِ الطَّاهِرِينَ، وَ سَلَّمَ تَسْلِيمًا.

In the Name of Allah^{-azwj} the Beneficent, the Merciful. The Praise is for Allah^{-azwj} Lord^{-azwj} of the Worlds, and Blessing be upon our Chief Muhammad^{-saww} and his^{-saww} Purified Progeny^{-asws}, and greetings with abundant greetings.

اللَّهُمَّ صَلِّ عَلَى مُحَمَّدٍ وَآلِ مُحَمَّدٍ وَعَجِّلْ فَرَجَهُمْ وَالْعَنِ أَعْدَاءَهُمْ أَجْمَعِينَ

'Husband is forbidden from beating his Wife'

Critics of Islam allege that a Muslim husband is allowed to beat-up his wife! Surely, that is not the case when we carefully scrutinise the Holy Verses of the Quran which have been misinterpreted. Allah^{-azwj} Says in Verse 2:187: هُنَّ لِيَاسٍ لَكُمْ وَأَنْتُمْ لِيَاسٍ هُنَّ (They are clothing for you and you are clothing for them), so only an insane wouldn't take a good care of his/her clothes. So, it's the same Command of Allah^{-azwj} for both the husband and the wife to be together in a cosy relationship, comforting and protecting each other like a comfortable outfit protecting against all hostile weathers, i.e., trials to be faced in various stages of life.

However, prior to separation and calling for mediation, Islam suggests to the husband in order to save his marriage, if he fear his wife is going to rebel, he should caution her, stop intimate relationship and symbolically strike her with a tooth-brush (Verses 4:34-35). The Verse 4:34, is misinterpreted, 'وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ' (And those whose disobedience you fear, admonish them, and forsake (leave) them in the beds, and beat them.)

When it was asked from the 5th Imam^{-asws} about the interpretation of it, Imam^{-asws} replied:

الطبرسي، في معنى الهجر: روي عن أبي جعفر (عليه السلام)، قال: «يحول ظهره إليها»

Al-Tabarsy,

Regarding the Meaning of **and forsake them [4:34]** – It has been reported from Abu Ja'far^{-asws} having said: 'He turns his back to her'.

و في معنى الضرب: روي عن أبي جعفر (عليه السلام): «أنه الضرب بالسواك».

And regarding the Meaning of **and strike them [4:34]** – It has been reported from Abu Ja'far^{-asws} having said: 'It is the beating with the toothbrush (symbolically)'.¹

We present another Hadith in the interpretation of 4:34;

ضا، فقه الرضا عليه السلام وَ أَنَّ النَّشُوزَ فَقَدْ يَكُونُ مِنَ الرَّجُلِ وَ يَكُونُ مِنَ الْمَرْأَةِ

(The book) 'Fiqh Al-Reza^{-asws}' – 'And as for the desertion (4:34), it happens from the man and happens from the woman.

مجمع البيان 3: 69¹

فَأَمَّا الَّذِي مِنَ الرَّجُلِ فَهُوَ يُرِيدُ طَلَاقَهَا فَتَقُولُ لَهُ أَمْسِكْنِي وَ لَكَ مَا عَلَيْكَ وَ قَدْ وَهَبْتُ لَيْلِي لَكَ وَ يَصْطَلِحَانِ عَلَى هَذَا

As for which is from the man, he wants to divorce her, so she says to him, 'Keep me and for you is what is upon you, and I hereby gift my nights to you', and they both reconcile upon this.

فَإِذَا نَشَرَّتِ الْمَرْأَةُ كُنُشُوزَ الرَّجُلِ فَهُوَ الْخُلْعُ إِذَا كَانَ مِنَ الْمَرْأَةِ وَحَدَهَا فَهُوَ أَنْ لَا تُطِيعَهُ وَ هُوَ مَا قَالَ اللَّهُ تَبَارَكَ وَ تَعَالَى - وَ اللَّائِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَ اهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَ اضْرِبُوهُنَّ

When the woman desert like the desertion of the man, it is 'Al-Khul'a', when it happens from the woman alone, so she does not obey him, and it is what Allah^{-azwj} Blessed and Exalted Says: **And for those whom you are fearing desertion, advise them and forsake them in the beds and strike them. [4:34].**

فَأَهْجُرْ أَنْ يُجُولَ إِلَيْهَا ظَهْرُهُ فِي الْمَضْجَعِ وَ الضَّرْبُ بِالسِّوَاكِ وَ شِبْهِهِ ضَرْبًا رَفِيقًا

The forsaking is him turning his back towards her in the bed, and beating with the 'toothbrush' (Siwak - symbolically) and it's an example of a friendly touch.

وَ أَنَا الشِّقَاقُ فَيَكُونُ مِنَ الرَّوْجِ وَ الْمَرْأَةِ جَمِيعًا كَمَا قَالَ اللَّهُ وَ إِنْ حَفِظْتُمْ شِقَاقَ بَيْنِهِمَا فَاذْعَبُوا حَكْمًا مِنْ أَهْلِهِ وَ حَكْمًا مِنْ أَهْلِهَا وَ يَخْتَارُ الرَّجُلُ رَجُلًا وَ الْمَرْأَةُ رَجُلًا فَيجْتَمِعَانِ عَلَى فُرْقَةٍ أَوْ عَلَى صَلْحٍ

And as for the breach, it happens from the husband and the wife, both together, just as Allah^{-azwj} Said: **And if you fear a breach between the two, then appoint a judge from his family and a judge from her family; [4:35]**, and the man choses a man and the woman chooses a man. They both gather upon either separation or upon reconciling.

فَإِنْ أَرَادَا إِصْلَاحًا فَمِنْ غَيْرِ أَنْ يَسْتَأْمِرَا وَ إِنْ أَرَادَا التَّفْرِيقَ بَيْنَهُمَا فَلَيْسَ لَهُمَا إِلَّا بَعْدَ أَنْ يَسْتَأْمِرَا الرَّوْجَ وَ الْمَرْأَةَ.

If they both want reconciliation, then it is not for them (the reconcilers) to mediate, but if they (husband and wife) want separation, it isn't for them (reconciler) to mediate except after seeking instruction of the husband and the wife".²

The Verse 4:34 refers to near break-down marriage conditions, as the next Verse (4:35) further explains the conditions of distressed relationship:

وَإِنْ حَفِظْتُمْ شِقَاقَ بَيْنِهِمَا فَاذْعَبُوا حَكْمًا مِنْ أَهْلِهِ وَحَكْمًا مِنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا {4:35}

And if you fear a breach between the two, then appoint a judge from his family and a judge from her family; if they both desire reconciliation, Allah will Harmonise between them; Allah was always most-Knowing, Aware [4:35]

بحار الأنوار (ط - بيروت)، ج101، ص: 58²

محمد بن يعقوب: عن محمد بن يحيى، عن أحمد بن محمد، عن علي بن الحكم، عن علي ابن أبي حمزة، قال: سألت العبد الصالح (عليه السلام) عن قول الله عز و جل: **وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَ حَكَمًا مِنْ أَهْلِهَا**، قال: «يشترط الحكمان إن شاءا فرقا، و إن شاءا جمعا، ففرقا أو جمعا جاز».

Muhammad Bin Yaqoub, from Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Ali Bin Abu Hamza who said,

'I asked Al-Abd Salih^{-asws} (7th Imam^{-asws}) about the Words of Allah^{-azwj} Mighty and Majestic **And if you fear a breach between the two, then appoint a judge from his family and a judge from her family [4:35]**. He^{-asws} said: 'The two judges are required (one from each side), if they so desire, they (effect) separation, and if they so desire, they (effect) togetherness. Thus, separation or togetherness, it is allowed'.³

In another Hadith:

و عنه: عن محمد بن يحيى، عن أحمد بن محمد، عن ابن محبوب، عن أبي أيوب، عن سماعة، قال: سألت أبا عبد الله (عليه السلام) عن قول الله عز و جل: **فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَ حَكَمًا مِنْ أَهْلِهَا**، أ رأيت إن استأذن الحكمان، فقالا للرجل و المرأة: أليس قد جعلتما أمركما إلينا في الإصلاح و التفريق؟ فقال الرجل و المرأة: نعم. و أشهدا بذلك شهدوا عليهما، أ يجوز تفريقهما؟ قال: «نعم، و لكن لا يكون إلا على طهر من المرأة من غير جماع من الزوج».

And from him (Al Kulyani), from Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Ayoub, from Sama'at who said,

'I asked Abu Abdullah^{-asws} about the Words of Allah^{-azwj} Mighty and Majestic **then appoint a judge from his family and a judge from her family [4:35]**, 'Do you^{-asws} think that the two judges are allowed, so they say to the man and the woman, 'Have you not made both of your matters to us regarding the reconciliation and the separation?' So, the man and the woman say, 'Yes'. So, both of their witnesses testify to that, is it permissible for them to affect a separation?' He^{-asws} said: 'Yes, but it does not happen until the woman is clean from not having been copulated with from the spouse'.

قيل له: أ رأيت إن قال أحد الحكامين: قد فرقت بينهما، و قال الآخر: لم افرق بينهما، فقال: «لا يكون تفريق حتى يجتمعا جميعا على التفريق، فإذا اجتمعا على التفريق جاز تفريقهما».

It was said to him^{-asws}, 'Do you^{-asws} see that if one of the two judges were to say, 'I have decided for the separation between the two of them', and the other one says, 'I do not affect a separation between the two of them?' So, he^{-asws} said: 'The separate does not come about until there is consensus between the two judges upon the separation. So, if they were to coincide upon the separation, their separation is permitted'.⁴

³ الكافي 6: 146 / 1.

⁴ الكافي 6: 146 / 4.

Husband refuses to divorce his wife?

عن محمد بن سيرين، عن عبيدة، قال: أتى علي بن أبي طالب (عليه السلام) رجل و امرأة مع كل واحد منهما فقام من الناس ،

From Muhammad Bin Sareyr, from Ubeyda who said,

'A man and a woman came over to Ali^{-asws} and with each one of them was a group of people. So, Ali^{-asws} said: 'Send for a judge from his family and a judge from her family'.

فقال علي (عليه السلام): «فابعثوا حكما من أهله، و حكما من أهلها» ثم قال للحكمين: «هل تدريان ما عليكما! إن رأيتما أن تجمعا جمعتهما، و إن رأيتما أن تفرقا فترقا»

Then he^{-asws} said to the two judges: 'Do you two know what is upon you (your responsibilities)? If you both view that they should be together, gather them, and if you two see that there should both separate, separate them'.

فقلت المرأة: رضيت بكتاب الله علي ولي. فقال الرجل: أما بي الفرقة فلا. فقال علي (عليه السلام): «ما تبرح حتى تقر بما أقرت به».

So, the woman said, 'I am pleased with the Book of Allah^{-azwj} against me and for me'. But the man said, 'As for regarding the separation, so no'. So Ali^{-asws} said: 'You will not depart until you accept with what she has accepted with'⁵.

'Striking with the Green branch' is the Punishment for Immorality:

The critics of Islam, go a further step and quote a Holy Verse (38:44) that a husband can beat his wife with a green branch but this is completely unrelated Verse and falsely ascribed to husband and wife interactions but rather Verse establishes the punishment for the immoral acts between unwell persons, as per its interpretation from Ahadith.

وَحُدُّ يَدَيْكَ ضِعْفًا فَاضْرِبْ بِهِ وَلَا تَحْنُتْ ۗ إِنَّا وَجَدْنَاهُ صَابِرًا ۗ نِعْمَ الْعَبْدُ ۗ إِنَّهُ أَوَّابٌ {38:44}

(We Said): "And take a green branch in your hand and strike with it and do not break your oath!" We Found him to be patient, the excellent servant. He was penitent [38:44]

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عِيْسَى عَنْ ابْنِ مُحَمَّدٍ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ بَرِيْعٍ عَنْ حَنَّانِ بْنِ سَدِيْرٍ عَنْ يَحْيَى بْنِ عَبَّادِ الْمَكِّيِّ قَالَ قَالَ لِي سُفْيَانُ الثَّوْرِيُّ إِنِّي أَرَى لَكَ مِنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) مَنْزِلَةً فَسَلُّهُ عَنْ رَجُلٍ رَزَقَ وَ هُوَ مَرِيضٌ إِنْ أُقِيمَ عَلَيْهِ الْحُدُّ مَاتَ مَا تَقُولُ فِيهِ فَسَأَلْتُهُ فَقَالَ هَذِهِ الْمَسْأَلَةُ مِنْ تَلْقَاءِ نَفْسِكَ أَوْ قَالَ لَكَ إِنْسَانٌ أَنْ تَسْأَلَنِي عَنْهَا فَعُلْتُ سُفْيَانُ الثَّوْرِيُّ سَأَلَنِي أَنْ أَسْأَلَكَ

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ibn Mahboub and Muhammad Bin Ismail Bin Bazie, from Hanan Bin Sudeyr, from Yahya Bin Abbad Al Makky who said,

'Sufyan said to me, 'I see for you having a status from Abu Abdullah^{-asws}, so ask him^{-asws} about a man who commits adultery and he is sick. If the Legal penalty (*Hadd*) were to be established

تفسير العياشي 1: 127/241. ⁵

upon him, he would die. What are you^{-asws} saying with regards to it?' So I asked him^{-asws}, so he^{-asws} said: 'Is this from yourself or a person told you to ask me^{-asws} about it?' So I said, 'Sufyan Al-Sowry asked me that I should ask you^{-asws}'.

فَقَالَ أَبُو عَبْدِ اللَّهِ (عليه السلام) إِنَّ رَسُولَ اللَّهِ (صلى الله عليه وآله) أُتِيَ بِرَجُلٍ احْتَبَنَ مُسْتَسْقِيَّ الْبَطْنِ قَدْ بَدَتْ عُزُوقُ فَجَدَيْهِ وَ قَدْ زَنَى بِامْرَأَةٍ مَرِيضَةٍ فَأَمَرَ رَسُولُ اللَّهِ (صلى الله عليه وآله) بِعِدْقٍ فِيهِ مِائَةٌ شِئْرًاخِ فَضَرَبَ بِهِ الرَّجُلَ ضَرْبَةً وَ ضَرَبَتْ بِهِ الْمَرْأَةُ ضَرْبَةً ثُمَّ خَلَى سَبِيلَهُمَا ثُمَّ قَرَأَ هَذِهِ الْآيَةَ وَ خَذَ بِيَدِكَ ضِعْفًا فَاضْرِبْ بِهِ وَ لَا تَحْنُثْ .

So, Abu Abdullah^{-asws} said: 'They came with a man to Rasool-Allah^{-saww} who suffered from illness of the belly and the veins of his thighs were visible, and he had committed adultery with a sick woman. So Rasool-Allah^{-saww} ordered a palm branch which had a hundred stalks to it, so the man was whipped with it by one lash, and the woman was whipped with it with one lash, then he^{-saww} freed both their ways. Then he^{-saww} recited this Verse: **(We Said): "And take a green branch in your hand and strike with it and do not break your oath!"**'⁶

The Prophet of Islam^{-saww} has forbidden husband from beating his wife:

Rasool Allah^{-saww}, has forbidden husband to beat his wife in his^{-saww} farewell Hajj sermon:

أَيُّهَا النَّاسُ إِنَّ النِّسَاءَ عِنْدَكُمْ عَوَارٍ - لَا يَمْلِكْنَ لِأَنْفُسِهِنَّ ضَرًّا وَ لَا نَفْعًا أَخَذْتُمُوهُنَّ بِأَمَانَةِ اللَّهِ وَ اسْتَحْلَلْتُمُ فُرُوجَهُنَّ بِكَلِمَاتِ اللَّهِ فَلَكُمْ عَلَيْهِنَّ حَقٌّ وَ لَهُنَّ عَلَيْكُمْ حَقٌّ

O you people! The women in your possessions are defenceless! They are neither controlling any harm for themselves nor benefit. You are taking them in the Entrustment of Allah^{-azwj} and are legalising their private parts with the Phrases of Allah^{-azwj}. There is a right for you upon them and there is a right for them upon you.

وَ مِنْ حَقِّكُمْ عَلَيْهِنَّ أَنْ لَا يُوطِئَنَّ فُرُوجَهُمْ وَ لَا يَعْصِيَنَّكُمْ فِي مَعْرُوفٍ فَإِذَا فَعَلْنَ ذَلِكَ فَلَهُنَّ رِزْقُهُنَّ وَ كِسْوَتُهُنَّ بِالْمَعْرُوفِ وَ لَا تَضْرِبُوهُنَّ -

And from their rights upon you is that they should not tread on your beds (with someone else), nor disobey you in good acts. When they do that, for them is their sustenance and their clothing with the moderation, and you cannot beat them (An extract from the farewell sermon of Rasool Allah^{-saww}).⁷

⁶ Al Kafi – V 7 – The Book of Legal Penalties Ch 49 H 1

⁷ Bihar Al-Anwaar V 74 - The book 'Al Rawza' - Ch 6 H 14