


## Structure and Semantics in Surah al-Nisā': On Marriage, Wealth, and Building a Community

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### ABSTRACT:

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This paper asks whether existing scholarship on the unity and structure of Surah al-Nisā' can be used as a hermeneutic tool. The first part of the paper attempts to find if there is meaning in the structure, particularly in the final verse on *Kalālah*, verse 176 which seems to be misplaced. The second part of the paper explores some of the key words used to describe gender/marital relations in Surah al-Nisā', which are actually repeated throughout the surah in different capacities. Drawing on three classical and modern tafīrs with an eye to coherence (al-Rāzī, al-Biqā'ī, and Tabataba'i) this paper recontextualises such words as *qiwāmah*, *fadl*, and *nushūz*. In the final discussion, concepts of femininity and masculinity as they relate to the surah are analysed.

**KEYWORDS:** The Qur'an, Surah al-Nisā', Qur'anic coherence, *Fadl*, *Munāsabah*, *Qiwāmah*, *Kalālah*, *Nushūz*, Gender relations in the Qur'an.

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### 1. Introduction

Considering the Islamic feminist hermeneutical principle that a holistic vision of the Qur'an is needed in order to properly understand its particular verses (Afifi 2022), *'ilm al-munāsabah* seems like one place to look for just such a connection. This traditional Islamic science of studying the connection between Qur'anic verses has culminated in contemporary scholarship on the unity of the Qur'anic surah. This paper comprises two parts, one on structure and the other on semantics. It begins by examining

contemporary literature that has dealt with the coherence and structure of Surah al-Nisā'. Here, the aim is not to add to this body of literature in that regard, but to see how it may be used hermeneutically in a woman's reading of the Qur'an. This will then take us back to the classical *tafsīr* that employs *'ilm al-munāsabah* in connecting the verses of this *surah*, finally leading to an investigation of the *surah*'s key words in reference to gender relations. There are, overall, four words that come to focus here. *Kalālah* is used twice in the Qur'an, in this *surah*. *Qiwāmah* or some variant of it, will be shown to be a 'focus-word' of Surah al-Nisā' as a whole, and its "basic" and "relational meanings" will be examined.<sup>1</sup> *Faql* will be shown to be the focus-word on gender relations. *Nushūz*, in its sense of marital conflict also occurs twice in the Qur'an, within this *surah*, once for the wife and once for the husband, although it is used once more in its literal sense of 'to rise' in (Q. 58: 11), in Surah al-Mujādilah nonetheless. Finally, on a conclusive note, we shall see how non-contextual readings of those key words were developed within legal constructs which now seem removed from the goals of the *surah*.

## 2. Structure and Aims of Surah al-Nisā'

Mustansir Mir, one of the foremost contemporary writers on coherence in the Qur'an, argues that considering the *surah* as a unit had taken root among many modern exegetes such as the Pakistani Amīn Işlāhī (d. 1997), the Iranian Muhammad Husayn Tabataba'i (d. 1981), and the Egyptian Sayyid Quṭb (d. 1966) among others. He convincingly argues that this is an indigenous effort, not necessarily to answer western scholars or orientalists who find the Qur'an disjointed, but an approach to the sacred text that has arisen individually and spontaneously, in order to provide more organic interpretations of the Qur'an in the challenging modern age (Mir 1993, 217-221). A few medieval exegetes like Fakhr al-Dīn al-Rāzī (d. 1210 AD) did pay attention to what they called *'ilm al-munāsabah*, a "linear-atomistic" method connecting the preceding and following verses, whereas the modern method may be described as "organic-holistic" (Mir 1993, 212, 219). Even so, Andrew Rippin (2013) suggests that this modern approach to coherence might be apologetic, and that at least some facets of this development in Qur'anic studies relate to concurrent theories in literary criticism. Rippin rather favours a reading focused on the effect of the text on the reader's experience, the impression it leaves. Salwa el-Awa (2006) views the structure of *surahs* as an interwoven fabric; for all intents and purposes, it is the immediate context, closer to the verse in question that has the most relevant meaning in its decoding, irrespective of the 'unity of the *surah*' as

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1- This is borrowing from Toshihiko Izutsu's monumental work (Izutsu 2002, 11-28).

such. Mathias Zahniser (2000), who did work on the unity of some longer *surahs* including Surah al-Nisā', advises that his findings be used heuristically; that is, with a practical approach to problem solving that is not guaranteed to be optimal.

As regards Surah al-Nisā', there are five existing readings in terms of structure and coherence, four of them largely resembling one another, although only two will be consulted here,<sup>1</sup> Mustansir Mir representing Amin Islahi's exegesis (which is in turn based on his teacher Hamid al-Din Farahi's Qur'anic exegesis grounded in thematic and structural coherence) and Mathias Zahniser. These two contemporary scholars of very different backgrounds (Islahi being a traditional Islamic scholar and Zahniser a western academic) happen to structure Surah al-Nisā' and read its coherence similarly.

By careful reading Islahi discerns the *surah's* compositional units and the breaks between them. Then, based on the thematic contents of those units, he finds the *surah's* core theme, what he calls '*amūd* (pillar) (Zahniser 2000). Islahi thus divides Surah al-Nisā' into three main sections. Zahniser is not so much concerned with a central motif of the *surah* as he is with its structure, particularly its thematic units. He worked on this prior to his knowledge of Islahi, yet in line with the latter, he found that major breaks in the *surah* occur between verses 43-44 and 126-127. However, he identifies two additional major breaks, as a result of what he calls a "Battle Block" in verses 71-104, therefore dividing the *surah* into five sections (Zahniser 2000):

1. Social Reforms: verses 1–43; “provides legislative guidance for the Muslim community. It deals with women and related concerns:

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1- The other three are Raymond Farrin's, Nicolai Sinai's, and Joseph Lowry's. Farrin's (2016) structure is made of five symmetrical sections; his additional break at verses 105-115 is due to what he considers an "exemplary ruling", which is however mostly based on extra-Qur'anic sources. Farrin's structure otherwise conforms to the ones represented here; his exceptional break (which still starts at the end of Zahniser's "battle block") if considered in the body of our paper will only complicate matters that nonetheless do not affect our thesis in any way. Another reading is Nicolai Sinai's which is duly noted; however Sinai (2021) develops a plausible chronological development of the *surah*, whereas it is the finished product that concerns us here. Finally, most recently is Joseph Lowry's reading. Lowry (2022) "highlight(s) the limits of structural interpretation, at least in regard to Surah al-Nisa', and suggests that this *surah* is best understood primarily in relation to its thematic content, as an aggregate of materials that reflect an urgent preoccupation with communal governance and regulation." He finds non-legislative themes to be tied to internal and external threats to the Qur'anic community. Lowry's reading emphasises religious polemics with the people of the book in the second and penultimate sections (Q. 4: 44-57, 153-173), thereby finding symmetry in there. More importantly for us here, his reading on the women verses (besides the first legislative passage of the *surah* Q. 4: 1-43) he finds to be either out of place, such as Q. 4: 127-130, or intrusive, such as Q. 4: 176. Therefore, not considering the two incidents of "yastafūnaka" an *inclusio* in Q. 4: 127, 176, he finds those women verses to exhibit tension in the structure. He does however agree with Zahniser that the battle block is indeed the centre of the *surah*. Our paper here is an exercise in using existing hypotheses on structure heuristically, it is not on the various readings of the structure of the *surah* per se.

orphans, marriage, dowry, inheritance, sexual offences, concubines, and other relations between men and women” (Zahniser 2000). This first section Zahniser names the “Women Block” (Zahniser 1997).

2. The Islamic Community and its Opponents: verses 44–126; discusses the Jews’ and hypocrites’ opposition to reform. It instructs Muslims not to allow conflict to keep them from justice and divine guidance, and that they must be prepared to fight when necessary and make sacrifices for Islam (Mir 1986). Within this section of Islahi, Zahniser further identifies a “Battle Block” which extends from verses 71-104 (Zahniser 1997). Therefore, here Zahniser has three sections:
  - Section II: verses 44-70. This will be mirrored by section IV.
  - Section III: verses 71-104 is the ‘battle block’ in the middle; this “contains all references in the surah for fighting in the way of God... its major theme not found outside its borders.”
  - Section IV: verses 105-126. Sections II and IV address the People of the Book, and he confirms Islahi’s suggestion, that this surah offers “legislation or guidelines and exhortation or summons to Islam” (Zahniser 1997).
3. Conclusion: verses 127–176; replies to questions about legal reforms introduced previously in the surah, warns the People of the Book, and consoles the Prophet (Mir 1986). Zahniser names verses 127-134 the “Women Cluster” and verse 176 the “Women Verse” (Zahniser 1997). He makes an interesting point on the address for humanity (*yā ayyuha al-nās*) in verse 1, and the same in the penultimate thematic unit verses 170-175 which concerns Christians more particularly, thus stressing the importance of the latter message. He concedes however, the relevance of verse 176 at the end, saying “that position is hermeneutic” (Zahniser 1997).

According to Islahi, the *‘amūd* unifying these parts is, “factors that make for cohesion in a Muslim society” (Mir 1986). The first break in the surah happens at verse 43 which mentions the word “women” but shifts the topic signalling a transition; semantically it is still connected to section 1 of the *surah*, but thematically it indicates change. This is a transition device for oral discourse (Zahniser 2000). The final break in the surah occurs at verse 127, which reverts back to the topic in section 1 with the phrase, “They consult thee concerning women (*wa yastaftūnaka fi al-nisā’*)”. This is similar to the final verse 176, “They ask thee for a pronouncement (*yastaftūnaka*)”. In fact, the term “*yastaftūnaka*” in this form, occurs only twice in the Qur’an, and it is in these verses.

Mir asks whether verse 135 (*yā ayyuha al-ladhīna āmanū kūnū qawwāmīn bil-qist*) makes as good a point of division as verse 127 (Mir 1986). He asks why despite the obvious similarity in their formulaic structure (*yastaftūnaka*) verses 127 and 176 are not placed next to each other, for even if the question about verse 176 was posed later in time, the verses could have been grouped together in the surah itself as occurs elsewhere in the Qur'an (Mir 1986). Mir does not elaborate on his proposal, but Zahniser agrees with him and provides several points as to why, according to his own understanding of structure, breaking at verse 135 would make more sense (Zahniser 2000). Yet in the final analysis, Zahniser decides with Islahi, that the break needs to be at verse 127 because this helps identify the position of the *surah*'s last verse 176. To Zahniser, verse 176 begins with a refrain identical to that in verse 127 and shares the same theme on "women". This thus forms brackets for the last fifty verses of the surah. These brackets which encompass section 3 in fact balance section 1 which is devoted to women and related matters (Zahniser 2000). On the contrary Mir, who favours a break at verse 135, finds that the last isolated verse on sisters' inheritance means that coherence need not be viewed as rigidly as Islahi presents it (Mir 1986).

This final verse which altered our two scholars' views on structure in general (in the case of Mir) and this surah's structure in particular (in the case of Zahniser), is perhaps not so random. Rippin (2013) has observed that disruptions need not be glossed over or denied as structuralists do, but that they "may also convey meaning through the very act of disruption." Besides closing the bracket, does this verse have any significance concluding Surah al-Nisā'?

## 2.1. The Concluding Āyah: The Case of the Kalālah

Verse 176 revisits the inheritance of sisters where in the absence of immediate ascending/descending heirs, collaterals take their share of the inheritance. Verse 176 is the second verse to deal with the case of *Kalālah*. Earlier in the surah, verse 12 reads: "... *If the heirs of a deceased man or woman are collateral relatives and a brother or sister survives, then he or she takes one-sixth. But if there is more than one brother or sister, they share one-third.*" At the end of the surah, verse 176 reads: "*God ordains concerning collateral relatives that if a man dies without a child and leaves a sister, she takes half of the inheritance; and he will be her heir if she dies without a child. If there are two sisters, they take two-thirds of the inheritance. If the collaterals include both males and females, then the male*

*takes a share equivalent to that of two females.*"<sup>1</sup>

Authentic traditions concur that verse 176 is known as *āyah al-ṣayf* because it was revealed in the summer time and verse 12 as *āyah al-shitā'* because it had been revealed earlier in the winter (Muslim n.d., 2: 81).<sup>2</sup> There is consensus among the various legal schools, that the apparent contradiction between these two verses is resolved through the *sunnah* of the Prophet, which shows that the first of them verse 12 specifies the shares of uterine brothers and sisters, while the other verse 176 specifies the shares of germane and consanguine brothers and sisters. Same as elsewhere in the Qur'anic verses of inheritance, it is the female share that is specified outright, often leaving the male share to be deduced. The uterine sister inherits equally with her uterine brother, and so does the mother with the father of the deceased. It is the daughter and the germane or consanguine sister who receive half as much as their male counterparts when they inherit jointly ('Abd al-'Ati 1977).

There is a debate on whether the term *Kalālah* pertains to the deceased or to the heirs, and this has been problematised in contemporary scholarship, with far-reaching consequences. For example, David Powers' Aramaic reading of *Kalālah* as "female-in-law" leads him to read verse 12b as referring to testate succession - in the sense of the freedom to nominate an heir, as opposed to the designation of heirs by the Qur'an (*'ilm al-farā'id*) with the freedom to bequeath only a portion of the estate - and consequently he reads verse 176 to be in case of intestate succession (Powers 1982). Richard Kimber (1998) understands *Kalālah* as *'aṣaba* (agnate) - some evidence for which he finds in the lexicographical tradition - but his re-reading of the two *Kalālah* verses requires an absolutist understanding of *naskh*, in particular, that verse 176 abrogated verse 12, in favour of siblings against the *'aṣaba*. Yet, Yassin Dutton (2014) shows that if one were to read *Kalālah* as a verbal noun (*maṣḍar*), therefore pertaining to the situation of this kind of inheritance, it would at least greatly minimise unnecessary complications, and one might add, it would also take *Kalālah* to mean the same exact thing in both verses where it occurs. Thus, Dutton (2014) translates this (part of verse 12) roughly as, "If a man is inherited from by way of *Kalālah* - or a woman - and he has a brother or a sister...." Agostino Cilaro (2005) correctly finds that the crux of the matter in the traditional literature was not linguistic but a legal debate, with the question of what

1- Qur'an translation for Q. 4:12, 176 here, are from Coulson (1971). He also observes that the root of the word *Kalālah* is k-l-l and one possibility for its meaning would be "to surround" similar to the word "iklil". The etymological root however signifies weakness, fatigue (Lane 1968, 8: 256). Other Qur'anic verses will be based on Pickthall's translation.

2- Pavel Pavlovitch (2016), after David Powers, contends that the "summer-verse linguistic tag" was transferred from verse 12 to 176 since around the first half of the second century AH. Whatever the case may be, this does not affect our understanding of the content of these verses.

*wālid* (parent) and *walad* (child) mean to have been more important than what *Kalālah* means.

Most reports on the allegedly problematic notion of *Kalālah* centre on the figure of the second caliph, 'Umar ibn al-Khaṭṭāb. While the reports themselves are of an anecdotal nature, there might well be a valid reason for them. Of special interest here is a tradition - among others - reported by al-Ṭabarī and translated by Powers (1982), "Then he said, 'Verily, I am about to issue a decree regarding *al-Kalālah* that women will talk about in their private quarters.' At that very moment, a snake emerged from the house, causing everyone to scatter (*tafarraqū*). ['Umar] said: 'Had God wanted the matter to terminate, then he would have finished it.'"

As mentioned above, all siblings are considered a case of *Kalālah* and therefore not primary heirs however, "Of those blood relatives, therefore, who are primary or substitute heirs only the mother and the grandmother do not exclude the uterines. But the uterines are not excluded by any agnatic brother or sister or by any other secondary heir. When entitled to succeed, the uterines inherit always as Qur'anic heirs, one brother or sister taking a basic portion of one-sixth and two or more sharing equally, regardless of sex, in a basic collective portion of one-third. The rule that a male relative takes twice the share of a corresponding female relative is a principle of agnatic succession which does not apply to uterines" (Coulson 1971).

Here, inheritance through the female bloodline has a uniformly egalitarian and collective aspect to it. Shi'i law takes this egalitarian clause not only to apply to the uterine brothers and sisters themselves, "but the children of the uterine brother share their father's entitlement equally, and the great grandparents also share equally in the entitlement of the paternal grandmother, *since they are connected with the praepositus through a female* [emphasis mine]" (Coulson 1971).<sup>1</sup> Kimber (1998) has observed however, that Shi'i law does not take its own theory to all its logical conclusions.

Before Islam, agnatic relations and camaraderie in arms constituted the primary, almost only category of heirs ('Abd al-'Ati 1977). In Islam, within this *surah*, this was changed into the blood relationship (Q. 4:7) and included women as inheritors after they had been inherited (Q. 4:19). Fatima Mernissi's (1991) analysis has shown just how shocking the new inheritance laws were to their primary recipients, and that they sometimes did not understand this new ethical system that was often in favour of the helpless. The changes that distributed wealth freely to those who did not contribute

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1- Further, due to the rule of the strength of the blood-tie, "any germane, male or female, excludes any consanguine, but neither germanes nor consanguines exclude uterines." Maternal grandparents rank as uterine siblings (Coulson 1971).

in making it caused dismay sometimes among the new Muslims themselves ('Abd al-'Ati 1977). All readings and re-readings of the *Kalālah* examined above have, with varying degrees, found that it favours the nuclear family (as opposed to the agnates) and the female.

Burhān al-Dīn Ibrāhīm al-Biqā'ī (d. 1480 AD) - whose hermeneutics is based on *'ilm al-munāsabah*, the knowledge of correspondence among verses - finds more than randomness or structural necessity, but actual meaning in putting verse 176 at the end of this surah. On the former *Kalālah*, he hints at the important placement of the latter saying, "*al-khitām min maẓannāt al-ihtimām*" (al-Biqā'ī n.d.). Then, al-Biqā'ī finds that the repetition of the expression "*yastaftūnaka*" in verses 127 and 176 indicates that the audience iterated questions about women and children's inheritance, and this implies their resistance to the answers they received. To him, the Qur'an's insistence in return, always reassuring them that "*Say: God hath pronounced for you*" (Q. 4: 176) means to advise not to resist a divine decree like this one. al-Biqā'ī also finds that the final verse's final phrase, "*God expounds unto you, so that ye err not (yubayyinu allāhu lakum an taḍillū), God is knower of all things*" (Q. 4: 176) was left until the very end of the surah purposefully, knowing that introducing what the audience could not bring themselves to accept - in terms of the legal verses on women and children's inheritance - needed to be done gradually in a manner that helps people become more receptive to it. Only then could the message be sealed with that final phrase that relates to the opening verse of the surah; after declaring the common source of all humanity and equating men and women ontologically in the first verse, the two genders are similarly and decisively equated in their entitlement to inheritance, thus connecting God's omnipotence in verse 1 with his omniscience in verse 176 (al-Biqā'ī n.d.).<sup>1</sup>

Indeed, the opening of Surah al-Nisā', reminds the human family of its single soul origin (*nafs wāḥidah*) and common bond of flesh, *al-arḥām*, literally "the wombs" but meaning blood relationships (*wa-ttaqu allāh alladhī tasā'alūna bihi wa al-arḥām*) (Q. 4:1). Among other things, the surah continues to teach that inheritance is now due to the blood relationship. This new rule is spelled out as *ulu al-arḥām ba'dhum awlā bi-ba'd fi kitāb allāh*, in Surah al-Anfāl (Q. 8:75) and Surah al-Aḥzāb (Q. 33:6). That the mother's inheritance is either equal to the father's or exceeds it (Q. 4:11), puts into practice this rule of priority for those with a closer "womb" relationship (Tabataba'i 1996, 4:214).

With this in mind, we may conclude that the two main verses on

1- Al-Rāzī (1981, 11: 123-124) too considers one of the subtle marvels of this surah is that it connects God's omnipotence in verse 1 and omniscience in verse 176, but he does not go deeply into the placement of the last *Kalālah* verse.

inheritance in the first section of the surah, already contained the principles of succession for descending heirs in verse 11a, ascending heirs in verse 11b, with a mention of siblings. Then, verse 12a moves to the inheritance of spouses, and finally the uterine succession among collaterals in verse 12b. There is no collateral inheritance in the presence of a child or parent, and siblings inherit by the right of their departed parent who is their connection to the deceased. Thus, it may be understood that verse 176 was indeed only an elaboration of the above; that for the collaterals who are not uterine, the general - though not absolute - rule of succession (the male's share being equal to two females) applies.

Even though the case of the collaterals is merely in the absence of primary heirs; as Leila Ahmed (1992) argues in an altogether different capacity, even ideals which are not practiced are the conceptual ground upon which other laws are built. The case of the *Kalālah* may often be only conceptual but it is foundational. Whether it is the uterine sister's equal share to her brother, or even the germane/consanguine sister's inheritance rights spelled out, it creates a conceptual ground even if it were rarely practiced. Like the rest of section 3, verse 176 seems like an afterthought, answering questions related to issues earlier in the surah. Yet it effectively concludes the entirety of Surah al-Nisā' not simply by closing the brackets, but by grounding the ontological equality between the two genders in the opening verse of the surah, in securing succession for unlikely female heirs.

### 3. Other Key Words on Gender in Surah al-Nisā'

Mir (1986) pushes the idea of thematic coherence when he comments on the Qur'anic expression "*taṣrīf al-āyāt*", which has also been dealt with in the Encyclopaedia of the Qur'an,

"*Taṣrīf*, a word used in the Qur'an to denote the changing patterns of movement of the winds (Q. 2:164; 46:27) and also the diverse modes of presentation of the Qur'anic message (*nuṣarrifu*, as in Q. 6:65; and *ṣarrafnā*, in Q. 17:41; 46:27), may be called a Qur'anic narrative principle. Typically, the Qur'an does not present, for example, a story all in one place but breaks it up into several portions, relating different portions in different places, often with varying amounts and emphasis of detail, as they are needed and in accordance with the thematic exigencies of the surahs in which they occur. The Qur'an does not tell a story for its own sake but in order to shed light on the theme under treatment in a particular surah. In doing so, it eliminates chronology as an organizing principle, replacing it with the principle of thematic coherence, a principle that determines which portion of the story will be narrated in what place. In other words, the story told in

a given surah is likely to be surah-specific" (Kadi & Mir 2003).

Terminology often presumed to be the definitive expression of gender relations in the Qur'an, is in fact repeated within our surah in various contexts. Other surahs employ other terms and concepts. Also, as we discussed in the introduction, one does not need to prove coherence as such, in order to appreciate the semantic and thematic context of supposed gendered terms within the surah and the Qur'an. In the case of *Kalālah*, it was not difficult for the Qur'anic audience to remember that the *Kalālah* had been previously discussed because verse 176 itself reminds them that this is in answer to their own question on the *Kalālah*. Seeing the importance of positioning the *Kalālah* as the concluding verse of Surah al-Nisā', we now ask about the *taṣrīf* of other gender-related key words in the surah. The words *qiwāmah*, *faḍl* and *nushūz* come to the front as they interrelate within the surah's larger semantic and thematic context.

In this section, we will start by looking at the gendered verses in Surah al-Nisā', with the aid of those major *tafsīr* compilations that profess to have a more holistic approach to the text. Fakhr al-Dīn al-Rāzī was perhaps the first to employ *'ilm al-munāsabah*. He did look at the connections between verses but mostly in a linear order, the procession of verses one after another, without integrating this too much into a larger vision of the *surah*'s coherence. Then Burhān al-Dīn al-Biqā'ī concentrated his exegesis on the holistic coherence between verses from the start of the surah to its end (in addition to coherence between surahs too). His vision on the meaning of the placement of verses was evident in his reading of the *Kalālah* at the end of Surah al-Nisā'. As his title indicates "*Naẓm al-Durar fī Tanāsub al-Āyāt wa al-Suwar*", coherence is the central motif of his exegesis. From the modern period, Muhammad Husayn Tabataba'i's (d. 1981 AD) exegesis pays attention to the aim (*gharaḍ*) of the surah which is always stated at the beginning of each surah, although this is only one of his methods for comprehending the Qur'an. He always separates his inter-Qur'anic exegesis from extra-Qur'anic sources, therefore begins with the main section employing *tafsīr al-kitāb bil-kitāb*, only after that does he add sections that consider philosophical (including anthropological, psychological, historical, scientific, ethical etcetera) reflections and *ḥadīth* narrations. As Mir shows, none in the modern period is as efficient or committed as Islahi to structure and coherence however, Tabataba'i (1996, 1:16; 4:134) considers the surah's objective important enough to reject on the basis of it an interpretation of a verse that does not serve the objective (Mir 1986).

The following will be an account of what the exegetes' attention to coherence adds to their own reading, and a woman's reading (i.e. women's experience at the centre) of the Qur'an. We will start with a survey of the

exegetical tradition, followed by further analysis of key words.

### 3.1. Introduction to the Surah

At the start, al-Rāzī (1981, 9:163-173) comments that this surah contains much in legal matters, for which it starts with the guidance to show compassion to children, women, and orphans, paying them their dues (Q. 4:1-3), and thus it ends on the inheritance of *Kalālah* (Q. 4: 176), with other legal matters cushioned in between. And just as in verse 1 it offers guidance in relation to *al-arḥām*, so in verse 2 it continues its guidance towards *al-aytām*, the orphans who do not have a (*raḥm*) parental relation to look after them.

Tabataba'i (1996, 4:134, 151, 155) confirms that despite the surah being revealed at different intervals, its verses do not lack a connection. He finds that the surah's grouping of themes of marriage and inheritance makes perfect sense. He explains that speaking on marriage and defining the licit and illicit in sexual relationships, is done in view of giving children their rightful place. He adds that inheritance verses are for the sake of the distribution of the wealth of the world through which a society is maintained. To him, these twin elements of progeny and property, are the pillars for establishing human society. He further points out that the verse on orphans towards the start of the surah (Q. 4: 2) is the root of all following verses on women and inheritance.

The surah groups the subjects of orphans and polygyny in verse 3 and revisits them in verse 127. Since the previous verse (Q. 4: 2) had condemned benefitting from the orphans' wealth in any way, our exegetes subscribe to the view that while in pre-Islamic Arabia, men would marry orphaned girls and confiscate their wealth, verse 3 admonishes believers who fear they would not do justice to the orphans under their care if they were to marry them, to leave them be and marry other women up to four. And just as they have come to fear God with the rights of orphans, so they should with other women as well, therefore marry just one if need be (al-Rāzī 1981, 9:177-178; al-Biqā'ī n.d., 5:177-182; Tabataba'i 1996, 4:166-167). Our exegetes further contend that verse 127 (the first "*yastaftūnaka*") is a clear reference to verse 3 (al-Rāzī 1981, 11:63; al-Biqā'ī n.d., 5:417; Tabataba'i 1996, 5:100). Indeed, these verses were revealed shortly after the battle of Uhud which had left a considerable number of widows and orphans (Watt 1956, 276).

Al-Biqā'ī (n.d., 5:191-192, 274, 426), after the first three verses of the surah - which he thinks of as introductory - takes an interesting turn. He reflects on verses 1-3 of Surah al-Nisā' - with a forward view of the whole

surah - saying that marriage is the cause of reproduction and all its ramifications, and the surah teaches the way to marry, the inheritance laws, and how to reconcile spouses when they quarrel or reach a breach. He points out that all the details on conducting as well as keeping a proper marriage have been explained here, except for divorce. Al-Biqā'ī adds that since the foundation of this surah is bringing people together and keeping their rights, it has specifically addressed marital problems in order to heal them, and mentioning divorce here, besides a single hint of it in verse 130, would have been uncondusive to these ends. Al-Biqā'ī reiterates this view later after each *nushūz*. His vision must be kept in mind for the final analysis of the aims of Surah al-Nisā'.

### 3.2. *The Intertwining of the Qur'anic Principle of Faḍl with Qiwāmah, Nafaqah, and Nushūz*

Moving on to our next relevant passage, verses 32 to 35. Al-Rāzī's (1981, 10:82-83) initial reading generally connects verse 32 to the previous verses (29-31) with coveting being the operative word, because it generates ingratitude toward God, trespassing of boundaries, and ruins human relationships. Only after mentioning the occasion of revelation, which in all its versions has either the Prophet's wife Umm Salamah or else "the women" or "a woman" pose a question to the Prophet (more on this below) does al-Rāzī move to discussing the gendered aspect of the verse. Al-Rāzī (1981, 10:84-85) makes clear from the start that the verse may be addressing material matters, spiritual matters, or both, as he also makes clear the relativity of *faḍl* for either gender. He poses that *kasb* in verse 32 could pertain to worldly rewards including - but not limited to - inheritance which is varied among people. In his interpretation of verse 34, al-Rāzī explains that men's *faḍl* in verse 32 was their greater share in inheritance (*kasb*), and in verse 34 it is the dower they pay women and the maintenance (*nafaqah*), both of which compensate the *faḍl* of inheritance. Therefore he concludes, it is as though there is no *faḍl* for men at all. This, he says, is coherence (*naẓm*). Then, al-Rāzī starts his interpretation of verse 34 from the start, he explains men's duty of *qiwāmah* in their role as maintainers and protectors of women, but due to the disciplinary measures at the end of the verse, he then defines *qiwāmah* as authority (*salṭanah*) over women, and this is owing to men's *faḍl* and *nafaqah*. Now, man's *faḍl* is due to both innate qualities like his sounder mind ('*aql* and '*ilm*), resoluteness (*ḥazm*), and physical strength (*quwwah*), and due to all the legal stipulations that give him precedence over women, where al-Rāzī names a host of alleged legal preferences for the man. As for the second portion of men's *qiwāmah* "*wa bimā anfaqu*", al-Rāzī now explains as man's excellence over woman

because he spends the dower and maintenance (al-Rāzī 1981, 10:90-91).

As for “*fal-ṣāliḥāt qānitāt ḥafīzāt lil-ghayb bimā ḥafīza allāh*”, al-Rāzī sees that although women’s obedience to God (*qānitāt*) is given priority, it is then coupled with their keeping their husband’s rights (*ḥafīzāt lil-ghayb*). Al-Rāzī (in line with standard exegesis) understands *ghayb* (absence, remoteness, hiding, concealment) as the husband’s absence; meaning that she keeps his rights - regarding his money, house, and her own self - in his absence. Or he understands *bimā ḥafīza allāh* as she keeps her husband’s rights, in return for the rights God had given her. Therefore, to him, this verse requires wifely obedience (al-Rāzī 1981, 10:91-92). This, al-Rāzī says is then contrasted with the opposite, the recalcitrant wife. He identifies the wife’s *nushūz* as in its literal meaning of ‘rising above’ the husband in comparison to her previous behaviour, so that the husband notices a shift. Such disobedience may be with her words or deeds. Legal opinions are brought in here to ensure that limits are set to control the husband’s disciplining of his wife, in particular he quotes al-Shāfi‘ī who says that while the third measure is permissible, leaving it is better. Al-Rāzī finds that the three disciplinary measures must be taken gradually, always starting with the softest first, even if they are connected with “and” (*wa*). Finally, there might be no other way left for a marriage in trouble but to appoint arbiters (Q. 4: 35) in order to bring justice to the situation. al-Rāzī uniquely points out that the address here in verse 35, is to whom it may concern be it the judge or the community, to appoint a representative for each side, the husband and the wife (*fa-b’athū ḥakaman min ahlihi wa ḥakaman min ahlihā*) (al-Rāzī 1981, 10:93-95).

Al-Biqā‘ī (n.d., 5:262-274) (inexplicably) does not take note of the issue of gender in verse 32. For verse 34, he does seem to look back at verse 32 saying, it is as though it answers the question, “why have men been preferred?” But he bypasses the notion that women have their own *faḍl* in verse 32. As a result, he explains *qiwāmah* as rule (*qiyām al-wulāt*), in disciplining, teaching, and commanding women, and he is the only one among our three exegetes who adds religion to the list of men’s *faḍl*. Al-Biqā‘ī however does find that the verse’s ending with “God is ever high, exalted” warns that God’s power over men is greater than their power over women.

By skipping the gender issue that is actually clear in verse 32, al-Biqā‘ī does not have an egalitarian reference to *faḍl* that our other exegetes have, and it seems to him, based on verse 34 alone, that men are unequivocally preferred. This is a troublesome oversight from someone whose exegesis otherwise has a more coherent vision than the others. Having followed al-Rāzī almost verbatim in some places, his utter silence on female *faḍl* speaks

loudly. Perhaps he encountered an exegetical dilemma that he could not resolve. It is true that the nature of *faḍl* (for both men and women) is elusive in the text of the Qur'an, but the egalitarian allocation of *faḍl* to each gender in principle, did not elude our other exegetes.

Tabataba'i (1996, 4:335-339) groups verses 32-35 together, and he considers the gender aspect of verse 32 from the start. He understands *faḍl* as a characteristic given by God to men on the one hand and women on the other, each consequently having its ramifications in divine law. Attributing *faḍl* to God, serves to awaken each to surrender to God, and the added expression "*ba ḍakum 'ala ba ḍ'*", serves to awaken to love, knowing that whoever has or has not been given some benefit is yet a part of the other. Tabataba'i prefers to understand *kasb* in verse 32 as "gathering" rather than "earning" which he points out is a true etymological meaning, because he says, a narrow financial understanding while linguistically applicable, does not fit well into the whole passage of the surah on inheritance and marriage rules. Therefore, to him, *kasb* is a gathering of characteristics that men and women may accumulate. This also means that neither men nor women ask of what was given to the other gender because if that were granted, it would be a negation of divine wisdom and corruption of divine law.

Tabataba'i (1996, 4:341-347) links verse 33 with the previous one in what he considers a single sequence (*siyāq wāḥid*), and in view of the earlier verses on inheritance in the surah, he understands "*for those with whom your right hands have made a covenant, give them their due*" (Q. 4:33) to be regarding the husband and wife. Thus, he maintains a flow from verse 32 to 34. In verse 34, Tabataba'i as al-Rāzī, understands *qayyim* as one who manages somebody else's affairs, and *qawwām* as a reinforcement of that meaning. As for *faḍl*, it means excess, therefore that with which men excel over women, and Tabataba'i understands this as men's excess in their reasoning power and in strength, whereas women live a life of sensitivity and emotionality. *Nafaqah*, he understands like the others, as men's payment of dower and maintenance support for women. Then, Tabataba'i makes the statement that the part of the verse on men's *qiwāmah* is not restricted to the marital relationship, but concerns men in general, in their capacity for the offices of rulership (*wilāyah*) and judgement (*qaḍā'*) which require prudence (*ta'aqqul*), and war (*jihād*) which requires vehement prowess (*shiddah*, *ba's*). As for the part of the verse describing women as *ṣāliḥāt* etcetera, he restricts to the marital relationship. Tabataba'i considers *qawwāmūn* as general, and *ṣāliḥāt qānitāt* as specific; and just as men's *qiwāmah* in society (particularly within the three aforementioned fields of *wilāyah*, *qaḍā'*, and *jihād*) does not restrict women's freedom altogether, so too his *qiwāmah* within the marital relationship, does not oblige her beyond that particular marital aspect of the man's right to seek pleasure from his

wife.

For Tabataba'i (1996, 4:344-351), *ṣālihāt* means good-natured and *qānitāt* is acquiescent. To him, it is when contrasted with *nushūz* later in the verse, that *ṣālihāt* and *qānitāt* convey obedience to the husband. *Hāfiẓāt lil-ghayb bimā hafīza allāh*, he understands as *ḥifẓ al-ḥuqūq* or safeguarding the legal rights (to herself and the marital home, and to his finances). Tabataba'i insists that the disciplinary measures necessarily reveal a gradation that must be respected. He also recounts traditions that hinder violence against the wife, and advises that contemplation upon them reveals Islam's true stance on the subject matter.

Due to the latter part of verse 34 - on disciplining the recalcitrant wife - both al-Rāzī and Tabataba'i end up contrasting the good women in the verse with the recalcitrant ones, and as a result, both understand *qiwāmah* in a more authoritarian manner than they had defined in the beginning. There is, another way to organise this verse though as we shall see.

Noteworthy is that in his interpretation of the inheritance verses earlier in the surah (Q. 4:11-12), Tabataba'i (1996, 4:215-217) discusses the *faḍl* in verses 32 and 34, and the supposed higher reasoning of men over women. He understands the distribution of wealth to signify that man's rationality causes him to be the one in control of wealth but without spending much of it, whereas women's emotionality causes her to spend more. This to him, explains the law of inheritance balanced with women's rights to the dower and maintenance. There (Q. 4:11-12), he continues on the polarity of *faḍl* to finally conclude that women, due to their qualities of love and compassion, and their power to attract men with those qualities, are the cornerstone of human civilisation. He points out the interdependence between the two genders, saying that what men do is for the sake of women. Ultimately, he explains, preference as such, is only ever related to piety which is never gendered. Therefore early on, he keeps an eye on the relativity of *faḍl* yet to be explored in the surah (perhaps because verse 32 in part, refers back to the inheritance verses). However - whereas al-Rāzī does not mention the specifics of female *faḍl*, besides a tradition on women's pregnancy and nursing - Tabataba'i offers an understanding of a differentiated *faḍl* between men and women, which is too polarised and too symbolic in his perception. In an epilogue to the *qiwāmah* verse, he explains the importance of reason (*'aql*) in governing certain aspects of public life - reason being the masculine principle - with the importance of emotions in raising the individual soul and society as well; but the positive impact of emotion and sensitivity works well, when under the discerning influence of reason.

For those exegetes who link verse 32 with 34, *faḍl* is a key word on gender relations, and it is a point of similarity as well as the point of

difference. In trying to bring the two verses together however, al-Rāzī extends men's *faḍl* beyond women and beyond his own initially egalitarian reading; thus his understanding of *qiwāmah* supersedes - even eradicates - his understanding of *faḍl*. In terms of key words on gender, *qiwāmah* as authority takes pride of place after it had been *faḍl* as equity. Therefore, the two verses 32 and 34 have not merged well. Tabataba'i tries to find a way around this, and says explicitly what al-Rāzī, al-Biqā'i, and others do implicitly. He makes an interpretive choice to consider men's *qiwāmah* to be outside the scope of the marital relationship. Then he brings - in the most general terms - the tradition of the prophet Muhammad, that he apparently did not appoint women as judges, governors, or military leaders. All our exegetes list those public offices as "proofs" of men's *qiwāmah*. Although some women certainly did fight by the prophet Muhammad's side in battle for instance (Afsaruddin 2010 & 2019). Had Tabataba'i not made that choice, expanding men's *faḍl* beyond the egalitarianism of verse 32 would have been limited because the text itself does not give information about what either *faḍl* or *qiwāmah* are in reference to (besides *nafaqah*). Al-Rāzī had used the financial element to explain men's *faḍl* as preference, even after he had explained that the financial element evens out in the end. Tabataba'i consolidates men's *qiwāmah* not through the financial, but in extra-Qur'anic evidence based on early practice, and on his view of the nature of men and women.<sup>1</sup>

Is man's *qiwāmah*, in the sense of being in charge of critical public affairs corroborated by the Qur'an? In Surah al-Tawbah (Q. 9:71) reads: "*And the believers, men and women, are protecting friends one of another; they enjoin the right and forbid the wrong, and they establish worship and they pay the poor-due, and they obey God and his messenger...*" Asma Lambrabet (2015) emphasises that this mutual guardianship in Q. 9:71 is not only religio-moral but also socio-political as the verse advises men and women to "command the good and forbid the evil", a statement frequently used in Qur'anic language in reference to socio-political matters.

It must be said, that considering the *Sunnah* of the Prophet as the context of the Qur'an is good and proper. In fact, it is precisely this look at *ḥadīth* and *fiqh* which serves to contain the severity of the latter portion of verse 34.<sup>2</sup> However, Tabataba'i has no evident Qur'anic reason to single out

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1- Of course, equating men with reason and women with emotion - or in other words men with culture and women with nature - is not unique to Islamic exegesis but seems to be deeply rooted universally (Ortner 1974).

2- Kecia Ali (2008) discusses al-Shāfi'i in this regard, as indeed al-Rāzī and al-Biqā'i both refer to al-Shāfi'i on this. Yet this is equally true of Tabataba'i who consults Shi'i traditions in order to contain the latter portion of verse 34. It quite interesting that none of our exegetes mention the degree (*darajah*) that men have over women in Q. 2: 228, although they do mention men's right to unilateral divorce, which is what that verse is ultimately about, as per Amina Wadud's (1992) contextualisation.

men's *qiwāmah* as general, and women's *qunūt* as specific. He reads the women's part of the equation (*ṣālihāt, qānitāt, ḥāfiẓāt*) to apply strictly to the marital relationship. Asking women to be submissive outside the marital home would be contrary to Islamic teachings on modesty, and the advice to the Prophet's wives in Q. 33: 32 is the most glaring example of this.

It seems that *qiwāmah* and *faḍl* inform one another in a loop, as indeed *qiwāmah* is mentioned after *faḍl*, but *faḍl* is a condition of *qiwāmah*. Perhaps the only tangible meaning in this equation is *nafaqah* as expenditure. However, if *faḍl* (the first condition of man's *qiwāmah*) were the same as *nafaqah* (the second condition of it), that would be redundant.<sup>1</sup> So let us consider the semantic context of each (*qiwāmah* and *faḍl*) - away from the concerns of the exegetes - particularly in their relational meanings within the surah and the Qur'an.

### 3.3. Extra-exegetical analysis: *Qiwāmah*

*Q-w-m* or *qāma*, the trilateral root of *qiwāmah*, is essentially to rise, stand up/still, and *qā'im* is a superintendent, but *qāma 'alā* is to tend to. Other forms of this root have such meanings as a standing place, to establish or make straight, stature and justness of proportion, one who rises much to pray, as well as a people or community (Lane 1968, 8:2995; Ibn Manzūr 1993, 12:496-506).

We have seen how exegetes might start the sequence verses 32-35 with an egalitarian view and then concede that due to the latter part of verse 34, they revise their own interpretation into a more authoritarian one.

There is a grammatical shift (*Itifāt*) from the second person (2<sup>nd</sup> person to 3<sup>rd</sup> person to 2<sup>nd</sup> person) in verse 32, to the third person in the first section of verse 34 (Figure 1). Neal Robinson (2003) suggests, "More rarely, the shift may be from the second person to the third person. This has the effect of objectifying the addressees. It may be done in order to enable them to gain self-knowledge by seeing themselves externally."

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1- Cf. Saqib Hussain's (2021) observation of the word *qiyām* in verse 5 as support, but in reference to financial support.

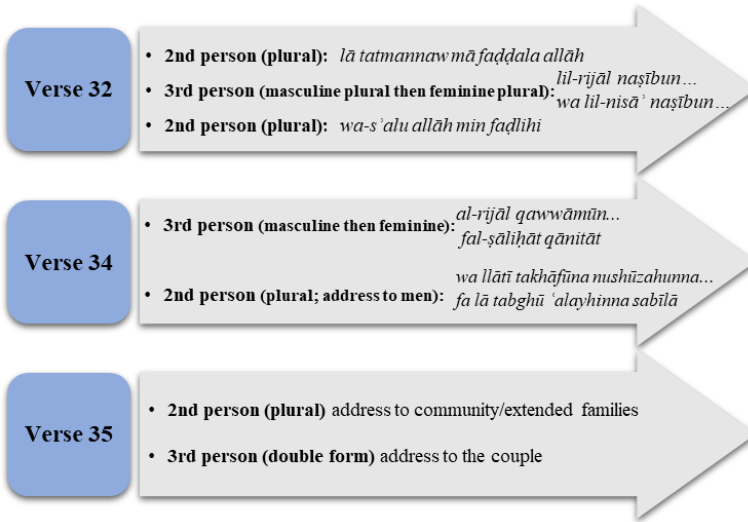


Figure 1. Illustration of Iltifāt in verses 32, 34 and 35

In verse 32, men and women stand on an equal footing in *faḍl*. In verse 34, *qiwāmah* and *qunūt* are an extension to one another in the 3<sup>rd</sup> person, while *nushūz* is odd in the 2<sup>nd</sup> person, advising the husband. In verse 35, *nushūz* is then given to the community, also in the 2<sup>nd</sup> person, in order to address. Male *nushūz* is then revisited in verse 128.

The point here is that the controversial verse 34 is cushioned between verses in which the manner of address toward men and women is identical in verses 32 and 35. And also, that womens' *qunūt* (as devotion to the divine) is not strictly speaking, set against her *nushūz* (as rebellion at the husband). For men's *qiwāmah* (conditioned by *faḍl* and *nafaqah*), and women's *qunūt* (which *ḥifẓ al-ghayb* would be a natural addition to), are within the same third person address describing the marital state. Talk of her *nushūz* and subsequent disciplinary measures shift to address the men as abnormal occurrences. Finally addressing the community in verse 35 if the situation does not go back to normal.

In verse 35, in case of a breach (*shiqāq*) - which the *ḥadīth* identifies as the *nushūz* of both parties (al-'Ayyāshī 1960, 1:240), the intervention of a family member on behalf of each spouse should be sought in order to help resolve the issue. Accordingly, the husband is not left without check, for if he were to overstep his bounds, he is subject to the arbitration of the community.

Al-Rāzī (1981, 11:73-74) views verse 135 as an extension to the sequence on women and orphans starting at verse 127. Despite the gap, he

finds that verse 135 is for following all of God's commands in general, but also particularly for reconciling with the wife as in verse 127 and dealing justly with the orphans as in verse 3 (*wa in khiftum allā tuqsiṭū fil-yatāmā*). Al-Rāzī elaborates on “*yā ayyuha alladhīn āmanū kūnū qawwāmīn bil-qist shuhadā' li-llāh wa law 'alā anfusikum...*” (Q. 4: 135), that it asks every qualified adult (*mukallaf*) to be a *qā'im*, which he defines here as exceeding in choosing justice. It is noteworthy that the semantic connection al-Rāzī finds here is *qist* (justice) that links verse 135 with verse 3. He does not mention that *qist* is also mentioned in verse 127 in relation to the orphans, but perhaps this is what he had in mind when he made all these connections.

Verse 127 says, “*And that ye should deal justly with orphans*” (*wa an taqūmū lil-yatāmā bil-qist*). Therefore, with the word *qist* (justice) *an taqūmū* (a verbal form of *qiwāmah*) is twinned. Later in this sequence, verse 135 (where Mir and Zahniser debated a break as opposed to Islahi's break at verse 127) admonishes all believers, “*O ye who believe! Be ye staunch in justice...*” (*kūnū qawwāmīn bil-qist*) (Q. 4:135). In all these verses *qiwāmah* is always adhered to justice. *Qiwāmah* thus has the sense of a weighty responsibility, being used with regard to orphans (Q. 4: 127), and it is also a grave accountability towards God and a fine line whence it says “*witnesses for God even though it be against yourselves*” (*shuhadā' li-llāh wa law 'alā anfusikum*) (Q. 4:135). The third occurrence of the term, or rather the first, comes earlier in this surah, in the controversial verse 34, “*Men are in charge of women (al-rijāl qawwāmūn 'ala-n-nisā')*, because God hath made the one of them to excel the other (*bimā faddala allāhu ba'dahum 'alā ba'd*), and because they spend of their property (for the support of women) (*wa bimā anfaqū*)....” Considering the fact that *qiwāmah* (*bil-qist*) is a repeated term in this surah, it becomes clear that verse 34 fits into the aims of the surah, admonishing the strong to be upright in their stance for justice towards the de facto weaker members of society. That men stand up for women, and that men and women stand up for orphaned children, and that believers stand up for justice.

There are three more occurrences of the term in the Qur'an at large. In Surah al-Mā'idah, in the context of keeping God's covenant (Q. 5:7) and adhering to justice, it says, “*Be steadfast witnesses for God in equity*” (*kūnū qawwāmīn li-llāh shuhadā' bil-qist*) (Q. 5: 8). This is the exact same word combination as verse 135 in our surah but in different order. In Surah Saba', it says, “*Say (unto them, O Muhammad): I exhort you unto one thing only: that ye awake, for God's sake, by two and singly, and then reflect...*” (*an taqūmū li-llāhi mathnā wa furādā thumma tatafakkarū*) (Q. 34: 46). Here, one may well have to stand up alone, but still, one will have to stand. In Q. 4: 127, 135, and 5: 8, the emphasis is on witnessing and justice. In Q. 4: 135 and 34: 46, it requires witnessing and has a most individual sense as a matter

of priority. Therefore, verse 135 of Surah al-Nisā' has the most well-rounded Qur'anic sense of *qiwāmah* (*yā ayyuha alladhīna āmanū kūnū qawwāmīna bil-qisṭi shuhadā' li-llāh wa law 'alā anfusikum*).

The third incident of *qiwāmah* in the form of *qūmū*, occurs in Surah al-Baqarah, where in the midst of a passage that discusses the treatment of divorcees and widows, the verse advises the faithful to keep to their prayers, saying, “and stand up with devotion to God” (*wa qūmū li-llāhi qānitīn*) (Q. 2: 238). On this, Muhammad Abdel Haleem (2020) reasons that, “far from being a diversion, however, the verses on ‘prayer and danger’ are introduced precisely in order to enable believers to obey the teachings on divorce. They urge the believers to stop, in the middle of bitterness, and perform the prayer. They can then come back in a better mood when they are more likely to obey the instruction to be magnanimous.” Notice that *qānitīn* here is the adverb for *qūmū*; acquiescence to God describes the proper way to stand upright.

In verse 34, *qawwāmūn* is male, upright and vertical as opposed to *qānitāt* which is female, surrendering and horizontal. Yet, *qiwāmah* has in its Qur'anic meaning an in-built *qunūt*. Therefore, in his *qiwāmah* man is obedient to God (and to community), and in her *qunūt*, the woman upholds divine social order.

It is important that *qiwāmah* and *qunūt* are set in relation to one another, which is different from our exegetes setting *qunūt* and *nushūz* in opposition to each other. The latter order (of the exegetes) had given the impression that woman's *qunūt* (obedience to God) is in obedience to the husband himself, who is then made *qawwām* in an authoritative sense. Rather, female *qunūt* (obedience to God) coupled with male *qiwāmah* (standing for God) keeps that “equal but different” understanding of *faḍl* in verse 32. Then, her *nushūz* in the end of verse 34 may be compared with her husband's *nushūz* in verse 127 which - in its own words - reverts to earlier discussions on the subject of “women”. *Qiwāmah* and *qunūt* are two sides of the coin, describing the ideal marital roles of men and women. *Nushūz* is the contrast to both. Woman's *nushūz* is her rising above her husband in the strictly intimate domain of her fidelity (as we shall see). Man's *nushūz* is opposed to his *qiwāmah*, because just as *qiwāmah* is standing upright for justice, *nushūz* is standing out in disharmony. Figure 2 shows structural positioning of *qiwāmah* and *faḍl* within the overall coherence of the surah.

### 3.4. Extra-Exegetical Analysis: *Faḍl*

Verse 7 which starts the passage on inheritance utilises the phrase “*lil-rijāl naṣībun mim mā tarak al-wālidān wa al-aqrabūn wa lil-nisā' naṣībun mim mā tarak al-wālidān wa al-aqrabūn*”. This is echoed in the middle of

verse 32, “*lil-rijāl naṣībun mimma ktasabū wa lil-nisā’ naṣībun mimma ktasabna*”. This perhaps again points out that financial equity between men and women is fundamental to the surah, and indeed an occasion of the revelation of verse 32.

The recorded occasion of revelation of verse 32 combines a couple of interpretations of men’s *faḍl*. Umm Salamah (the Prophet’s wife) appeals to the Prophet; men raid (thus making financial gain), and we women do not, but still we have half the share in inheritance (al-Wāḥidī 1968). If men are socially equipped to provide, why do women take half their share in inheritance? The occasion of revelation then is a question on men’s dominion over both inheritance and war, as these themes have been grouped together in the authentic *ḥadīth* as well; that typically men get double the share in inheritance because they have to provide (*nafaqah*) and protect (*jihād*) (al-Kulaynī 1986, 7:85).

The basic etymological meaning of the word “*faḍala*” (of the root f-ḍ-l) is to exceed, and “*faḍḍala ‘ala*” (as in its usage in our verse) is to excel (Lane 1968, 6:2411), but it is to excel through a particular characteristic (Ibn Manzūr 1993, 11:524). Besides its occurrence in verses 32 and 34, the term *faḍl* happens in nine other verses within the surah. *Faḍl* in general has the sense of bounties and blessings awarded by God, of a material and spiritual nature, such as to the righteous, the martyrs, and the prophets, in this life and the next (Q. 4:37, 54, 70, 113, 173, 175). Verses 73, 83, and 95 occur within the section that Zahniser calls “the battle block”, and there, it is God’s blessing as a direct result of his men heeding the call to *jihād*, particularly in relation to the grace given to “those who strive in the way of God with their wealth and lives” (*faḍḍala allāhu al-mujāhidīn bi-amwālihim wa anfusihim...*) (Q. 4: 95). Nowhere in the surah - except for verse 34 - is *faḍl* particular to men, for even in reference to war, it includes the financial aspect of it along with the military, thereby maximising the chances to access for the general population, including women. This still does not take us very far on the *faḍl* in verse 34 within the marital relationship.

Muhammad Husayn Fadlallah (d. 2010 AD) (1998, 7:230-231), observes that man’s *qiwāmah* rests on two distinct pillars. He explains that even when a man’s *qiwāmah* collapses due to the collapse of one of its pillars - such as failing to provide financial support to his wife - this is not the same as merging the two. Fadlallah (1998, 7:216) sees *faḍl* as something potentially befitting the male physique, crucially however he makes sure to restrict this interpretation to the *faḍl* in verse 32 (which had military excursions as the occasion of its revelation) and not extend it to verse 34, which he sees as a verse not on gender but strictly on marital relations. As a result of this, Fadlallah (1998, 7:229) acknowledges that his interpretation of the *faḍl* in

verse 34 remains ambiguous and revolves around the man's mental rigour. But cannot muscular strength be extended to verse 34 for the physical protection of the family? Men's advantage regarding muscular strength might have more truth to it than mental rigour (notwithstanding the uterus being the strongest muscle in the human body), and this reading would in fact defy the problem of domestic violence.

Amina Wadud (1992, 72-73) in her early work, following Sayyid Qutb (1980, 2:650-653) on this, neatly bridged the gap between *faḍl* and *nafaqah* when she saw men's *faḍl* as the "physical protection as well as material sustenance" of women - because they are usually child-bearers - "otherwise, 'it would be a serious oppression against the woman.'" Wadud (1992, 72-74) however, then expanded that protection beyond the married couple and even beyond the material realm,<sup>1</sup> which is unnecessary. The latter part of verse 34 as well as verse 35, do clearly indicate that they are verses on marital and familial relations.

Therefore, the *faḍl* in verse 34 may be indicating that, mirroring his antecedence in inheritance and war, physical protection including sustenance of the family remain the man's prerogative.

A study of masculinity in the Qur'an has reached similar conclusions, "The content analysis of the Qur'an reveals at least five salient character traits that may be taken as prescriptions of masculinities. These traits (submissiveness, altruism, righteousness, steadfastness and combativeness) however, are not only overlapping but are also contradictory, depending on the institutional context in which people are acting, as well as their religious status... Thus the message of the Qur'an is complex, and it can be put into practice properly only when it is examined and absorbed holistically" (Arat & Hasan 2016).

This would then take us nicely to the next part of the verse on *nushūz*, the basic meaning of which is 'to rise from the ground' (Ibn Manzūr 1993, 5:417) or 'to rise from its place', therefore, also to become protruded, overtop, or high ground (Lane 1968, 8:2795).

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<sup>1</sup> Wadud (1992, 71) herself had perceptively noted that the Qur'an gives *faḍl* to 'some over others', but not to masculine plural over feminine plural.

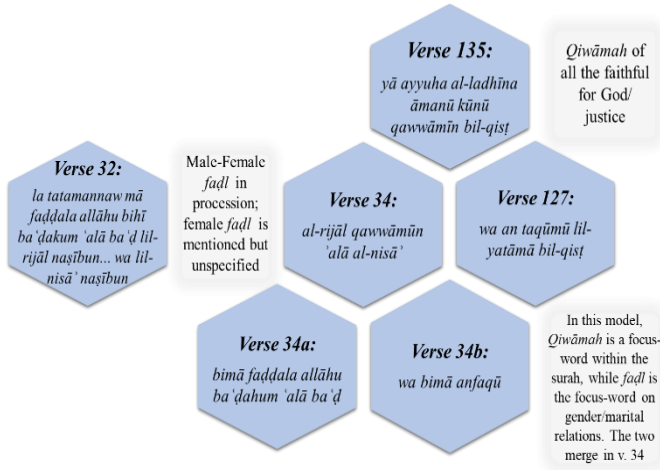


Figure 2. Structural positioning of *qiwamah* and *faḍl* within the overall coherence of Surah *al-Nisā'*

### 3.5. *Nushūz* Re-visited

On the husband’s *nushūz*, the relevant passage is verses Q. 4:127-130. We will recall that verse 127 literally reverts the reader back to the passage on “women” that had been revealed earlier in the surah (*wa yastaftūnaka fī al-nisā' quli allāhu yuftīkum fīhinna wa mā yutlā 'alaykum fī al-kitāb fī yatāma al-nisā'...*). And so, marital discord as regards women’s *nushūz* was addressed in verse 34, and it is reconsidered here with regard to men’s *nushūz* in verse 128.

The passage addresses the woman fearing the recalcitrance or *nushūz* of her husband, just as it had addressed men fearing *nushūz* of the wife.<sup>1</sup> Al-Rāzī (1981, 11:66-68) finds that recalcitrance of either spouse is their repulsion. To him, the word *i'raḍ* (following *nushūz*) in the verse or turning away altogether is the worst of *nushūz* because it implies extreme antipathy. He further points out that the wife giving away some of her rights may be a means for reconciliation (which is what all our exegetes - and the law<sup>2</sup> in

1- For al-Rāzī (1981, 11:66) and al-Biqā'ī (n.d. 5:422), fear of *nushūz* means simply that, neither certain knowledge, nor speculation. Al-Rāzī elaborates that this fear does not happen without signs of *nushūz* already beginning to show. Tabataba'i (1996, 5:101) understands fear here to mean that remedial action must be taken at the first signs so that it may still be of use. Notice however, that the same does not apply to all incidents of 'fear of' something, for example Tabataba'i (1996, 4:168) is more strict in his definition of fear in verse 3 as simple fear, even without any signs beginning to show, saying that caution may be taken against marrying multiple wives, before the “commanding soul” has its way.

2- Later legal constructions which gave men easy access to divorce had to compensate the wife by changing the rules of dowers, “the dower took on more prominence as a financial institution that could

general - understand), and he observes that coming to an agreement on any form of reconciliation is in fact commendable according to the verse (*al-sulh khayr*) as opposed to divorce or living together in disharmony. Clearly, the remedial actions for the wife's *nushūz* and the husband's differ (Cf. Chaudhry 2013, 68).

For al-Biqā'ī (n.d. 5:421-423), since *nushūz* is literally 'to rise' in an unfavourable sense, it indicates his putting her down, not fulfilling her rights or mistreating her, and *i'rāḍ* is his disinclination from her or having to exert himself (*mutakallif*) in his love.

Tabataba'i (1996, 5:100-102) does not define male *nushūz* at all, although he does pay attention to the man's justice among his co-wives in the next verse 129, and on that note, he says that the husband ought to be gracious, not show repulsion and not be ill-mannered. He brings in traditions that explain that this verse acknowledges that equality is impossible in reference to love (*mawaddah*), unlike the equality in verse 3, which is on expenditure (*nafaqah*) (al-'Ayyāshī 1960, 1:279). Therefore to him, *nushūz* is similar to *i'rāḍ*. Tabataba'i explains that verse 128 and 129 are offshoots of verse 127, for even though they are not the subject which was queried about (*yastaftūnaka*), they are still connected with the original verse 127 with *munāsabah*.

Remember that al-Rāzī and al-Biqā'ī saw the wife's *nushūz* to be a shift in her personality and her disobedience in word or deed, although they did mean that disobedience with the word was still an initial sign of her recalcitrance. Tabataba'i - perhaps being the modern one among them - refrains from discussing disobedience in those general terms but views it to be specifically of the man's intimate marital rights.

Much has been written about this but Maysam al-Faruqī's analysis is on point. Al-Faruqī (2000) notes that in the case of the wife, before mention of *nushūz*, verse 34 describes good women as devout ones who are "guarding the intimacy". As for the man's *nushūz* in verse 128, it is mentioned in reference to his desertion of his wife and showing interest in other women, which he might be legally allowed to marry but discouraged from inclination towards, at the expense of his wife "leaving her as in suspense" (*kal-*

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serve as a brake on easy divorce. This shifted the balance of power between the sexes. The dower became practically mandatory, the wife's right to waive was largely suppressed, and male relatives of the bride dominated the negotiations in order to obtain as high a dower as possible. The inflated dower was then divided into two parts – one prompt and one deferred. The deferred dower was of much higher value than the prompt dower. The difference was justified as an instrument to obstruct the divorce which has been made easy for husbands" (Jones-Pauly 2011, 454). Furthermore, "this greater centrality of the deferred dower ties in with the increased importance of the husband as provider. Rather than at the time of marriage, a woman is now perceived to need financial guarantees when she loses her husband, whether through widowhood or repudiation" (Moors 1999, 162).

*mu'allaqah*) in verse 129. Also, verses 15 to 28 of the surah describe the licit and illicit in sexual relationships. Therefore, after the collection of verses on inheritance rights but before the ones on marital rights, there is a large section that regulates sexual lives. Al-Faruqi concludes that *nushūz* refers specifically to “sexual misconduct” of either partner. Her analysis is clear and consistent. Indeed, it is fathomable that *ḥāfiẓāt lil-ghayb* is a euphemism for sexuality specifically, as the Qur'an itself uses the term *ḥifẓ al-farj* for both male and female chastity (Q. 23:5; 24:30-31; 33:35; 70:29).

In line with this definition of *nushūz*, Kecia Ali (2006, 185) writes, “the identification of ‘clear lewdness’ with *nushūz* is supported by some versions of the Prophet’s ‘Farewell Sermon’ in which he outlined the measures mentioned in 4: 34 as consequences for ‘clear lewdness’ by women. His words on that occasion are also the source for the specification that any striking must be ‘*ghayr mubarrih*’ or ‘non-violent’.” This is also Khaled Abou el Fadl’s (2006) contention, who makes another interesting and important point, connecting verse 34 to 15, and pointing out that perhaps in the worldview of the Qur'an and pre-Islamic Arabia, female immodesty (i.e. short of *zinā*, but always requiring four witnesses) is best dealt with privately. One possibility is that if verse 15 concerns unmarried women, verse 34 deals with married women. Woman’s sexual fidelity was replaced for centuries throughout Islamic thought by the notion of her sexual availability. This original, rediscovered meaning of *nushūz* differs from Tabataba’i for example, who did limit the wife’s obedience to the intimate domain, but still read it as sexual fidelity and availability together. Of course, there is an evident logical inconsistency here that no amount of interpretation was ever able to cover up; because the verse itself suggests as a response to women’s recalcitrance that men ‘banish them to beds apart’. *Nushūz* as sexual misconduct for either spouse, succeeds in assigning the same meaning for the same word. One might add that this interpretation provides another layer of meaning for man’s *qiwāmah* and *faḍl* as physical protection of the wife, guarding her intimacy, including leading by example.

Of particular interest is al-Biqā’ī’s observation that this surah, due to its aim for cohesion, describes reconciliation between spouses, instead of divorce. Indeed, after every *nushūz* mentioned in the surah, there is *ṣulḥ* - or a derivative - also mentioned (once in verse 35, thrice in verse 128, and once again in verse 129) before finally acknowledging the possibility of separation in verse 130, adding that God would enrich either spouse from his amplitude. Now this is interesting, because it means that despite the variance in dealing with both *nushūz*, this exists in the context of doing the utmost to keep the union together rather than break it apart. After all, the wife does not really need to give up any of her universally acknowledged legal rights if she would rather divorce. Nor does her family have to put up

with a disciplinarian husband for their daughter, if she herself did not wish for reconciliation, “if they (both, double form) desire amendment, God will make them (both) of one mind” (in *yuridā iṣlāḥan yuwaḥḥiqi allāhu baynahumā*) (Q. 4: 35). Here, the lexical and persistent Qur’anic sense of voluntariness in the root word *ṭ-w-* is pertinent.<sup>1</sup>

Compare this to Surah al-Baqarah’s passage on divorce where it says, “*fa-imsākun bi-ma’rūf aw tasrīhun bi-ihsān*” (Q. 2: 229), where the couple stay together happily or separate happily, without mention of any discipline or anyone giving up their rights. In Surah al-Ṭalāq again; “*fa-amsikūhunna bi-ma’rūf aw fāriqūhunna bi-ma’rūf*” (Q. 65: 2). This is what is meant that the different angles from which the Qur’an approaches a certain issue are “surah-specific”.

### 3.6. Bringing Coherence and Semantics Together

As many scholars of ‘woman in the Qur’an’ would acknowledge, there are among the gendered verses plenty that are egalitarian and others that are hierarchical.<sup>2</sup> The discussion above has attempted to show that the verses within Surah al-Nisā’ fit into the aim and themes of Surah al-Nisā’. *Qiwāmah*, *faḍl*, and *nushūz* are together one facet of gender/marital relations that exist within the surah they occur in, and they occupy their own unique place among other angles from which the Qur’an tackles the broader subject of gender relations.

Al-Biqā’ī in particular is neither modern nor apologetic, as we have seen. Yet, al-Biqā’ī contributed to our understanding of structure and coherence, when he pointed out the placement as well as the tone of the last verse of the surah, being a lasting reminder of the importance of female inheritance. It was also al-Biqā’ī’s brilliant observation of the purpose of Surah al-Nisā’, as a surah that does not wish to resort to divorce because it is cohesive, which makes those problematic verses on marital discord comprehensible. We were then able to corroborate his finding by noting the consistent semantic link of *ṣulḥ* with *nushūz* (after al-Rāzī had brushed on this). Semantic contexts better clarify the concepts *qiwāmah* and *faḍl*, even *nushūz* to a certain extent. However, the disparities within *nushūz* needed to be read with a more holistic and coherent view of the surah, and its place among other

1- The lexical definition of *ṭaw’* is “the opposite of *karḥ*”, the latter conveying disapproval (Ibn Manzūr 1993, 8:240). Lane (1968, 5:1890-1892) finds that *ṭaw’* indicates, in addition to obedience, capability and consent. Also, see the Qur’anic contrast of *ṭaw’an* with *karḥan* in four verses, the former (*ṭaw’*) denoting willingness and the latter (*karḥ*) denoting unwillingness in Q. 3:83; 9:53; 13:15; and 41:11.

2- Sources on Q. 4: 34 and the dichotomy between the egalitarian and hierarchical, not already cited in this paper include: Shaikh (1997), Barlas (2002), al-Hibri (2003), Marin (2003), Mubarak (2004), Mahmoud (2006), Silvers (2006), Ibrahim & Abdalla (2010), and Hidayatullah (2014).

surahs of the Qur'an.

Furthermore, *faḍl* as men's *jihād* is proposed here as a hypothesis based on sources such as *asbāb al-nuzūl* and the *ḥadīth*. However, Zahniser's identification of a "battle block" central to the surah, works to bring credence to this hypothesis from within the Qur'an. Notice for example, *istiḍāf* or oppression, occurs within a recurring phrase particular to Surah al-Nisā'; twice in the "battle block", "*wa mā lakum lā tuqātilūn fī sabīli allāh wa al-mustaḍ'afīn min al-rijāl wa al-nisā' wa al-wildān*" (Q. 4: 75), and "...*illā al-mustaḍ'afīn min al-rijāl wa al-nisā' wa al-wildān*" (Q. 4: 97-98), and once in the "women cluster" concerning orphaned boys, "*wa al-mustaḍ'afīn min al-wildān*" (Q. 4: 127). Zahniser's "battle block" at the centre of the surah, is here semantically tied to its theme on *qiwāmah* over orphans.

In this surah, *faḍl* is assigned to both genders, neither is defined. Although good women are described as loyal in the relationship. The question remains, what is feminine *faḍl* in itself? There are a couple of verses that are contenders in identifying female *faḍl*, such as (Q. 4: 1) on the mystical "*al-arḥām*" within this surah's exordium (Osman 2015, 32-36), and verse (Q. 3: 36) which prefers the female sex basically, "the male is not as the female (*wa laysa al-dhakarū kal-unthā*)" a little further afield in Surah Āl 'Imrān (Osman 2015, 72-83).

#### 4. Conclusion

If coherence of the surah or at least of any given passage is not used as a hermeneutical tool, there will be another kind of construct on which legal matters would be built. Traditionally, jurists picked the notion of *nafaqah* from the first part of verse 34, mixed it with *nushūz* from the second part of the verse, to create an ideology of wifely obedience in return for spousal support, which is what Ziba Mir-Hosseini (2015, 14-15) describes as the "DNA of patriarchy" in Islam. Clearly, this is done irrespective of the surrounding verses, such as the extended family of both spouses potentially regulating marital discord, because the verse on obedience also speaks about a breach in the marriage, and because obedience there, is voluntary. For the ideology of male superiority and wifely obedience is also constructed disregarding words that are used in parallel for both men and women (*faḍl* and *nushūz*).

Gender reform is presented in Surah al-Nisā' as an element of community building. The surah expresses women's right to their dowers (Q. 4:19-21) and their rights to inheritance as discussed above, with a similar tone of earnestness and 'proceed at your own peril' that it uses to plead for

the rights of orphans, particularly their financial rights (Q. 4:2-3, 9-10, 127). Encouraging women's right to own their property, whether by means of the dower, inheritance, and especially *Kalālah*, occupies a vast space in this surah. Parallel to this, the man has added protective duties towards his family and community. It is clear that male authority derives from male responsibility (Kandiyoti 1988), but it must also be said that there is something quite sinister about absolving the man from his financial duties towards his family. This is how Surah al-Nisā' teaches that it is in the act of giving rather than taking, that men establish their *qiwāmah*.

Men are posited as protectors over women, children and community. As verse 75 within the "battle block" describes, "*How should ye not fight for the cause of God and of the feeble among men and of the women and the children who are crying: Our Lord! Bring us forth from out this town of which the people are oppressors! Oh, give us from thy presence some protecting friend! Oh, give us from thy presence some defender*" (Q. 4:75). The Qur'anic construction of the term *qawwām* necessarily has an in-built *qunūt*. This transitions men's understanding of their own masculinity from force into power.

Even though *qiwāmah* (Q. 4: 135), like *faḍl* (Q. 4: 32) applies to both men and women, the male role here is more pronounced. Even though the surah is named after 'women', it is equally involved in delineating an evolved masculinity and the making of men.

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