

The Marital Relationship is Of Affection, Mercy and Companionship in Kindness

(Translated)

Allah (swt) made marriage one of His great signs. Allah (swt) said, وَمِنْ آيَاتِهِ أَنْ خَلَقَ ﴿١﴾ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً ﴿٢﴾ **“And one of His signs is that He created for you spouses from among yourselves so that you may find comfort in them. And He has placed between you compassion and mercy.”** [TMQ Surah Ar-Rum: 21].

The relationship between a man and his wife is not one of conflict or dominance. Instead, it is tranquility, affection and mercy, built upon fulfilling rights, bearing responsibilities, good companionship and cooperating in obedience to Allah (swt). Shariah Law has made it clear that marriage is a shared blessing between the spouses and that preserving this blessing requires safeguarding the marital covenant from injustice, aggression and ill-treatment.

A man's responsibility towards his wife: Allah (swt) has charged the man with the responsibility of caring guardianship over his family and placed upon him Shariah obligations related to financial maintenance, housing, clothing, protection and all other life affairs. However, this responsibility is not a license for him to dominate, insult, or oppress. Instead it is a Shariah obligation, a form of care and an accountability. The raised degree that Allah (swt) has given to men is not an open-ended authority for aggression. It is a greater responsibility and a heavier burden. Therefore, Allah (swt) linked a man's guardianship over his family to spending, care and good treatment.

Part of this caring guardianship requires that the husband takes the initiative in good companionship, treats his wife with kindness, patiently endures what he may dislike in her and does not make every difference a cause for hostility, abandonment, or divorce.

Allah (swt) said, وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ﴿١٩﴾ **“Treat them fairly. If you happen to dislike them, you may hate something which Allah turns into a great blessing.”** [TMQ Surah An-Nisa: 19]. A man may dislike a certain trait or habit in his wife, yet find in her other qualities that he loves and approves of. Therefore, one flaw should not drive him to hate her entirely or mistreat her.

Injustice is broader than just withholding financial maintenance (نفقة nafaqah): Injustice towards a wife is not confined to denying financial maintenance or failing in food, clothing and housing though these are obligatory rights that must not be neglected. Injustice can also be in feelings and emotions, intentional neglect, coldness, insults, belittlement and making the wife feel worthless or that she is an unwanted burden.

A man may fully provide financial maintenance yet still oppress his wife by depriving her of a kind word, repeatedly hurting her, making her feel rejected, or using her need for him as a means of pressuring her. Cohabitation in kindness (معاشرة بالمعروف) is not achieved merely by fulfilling material obligation. It includes the manner

of behaviour, gentleness of speech, cheerfulness of heart, bringing joy and considering her feelings. Shariah Law establishes that kindness (al-ma'ruf) means fulfilling the Shariah obligation in the best manner, not carrying it out in a way that involves humiliation, reproach, or harm.

It is also oppression for a husband to deliberately emotionally abandon his wife, punish her with prolonged silence, or withhold affection, closeness and tenderness over a passing dispute or difference in temperament. If a Muslim is not permitted to abandon his Muslim brother for more than three days, then how can a husband abandon his wife over matters of temperament that do not fall under the rulings of nushuz (marital recalcitrance)! Marriage, as described by Shariah Law, is a mixing of bodies, an intermingling of emotions, a sharing of thoughts and a companionship of souls. Therefore, harming the emotional aspect of married life can destroy the tranquility that Allah (swt) made one of the primary objectives of marriage.

Rising above trivial matters: Married life cannot be stable if spouses turn every small habit or difference of opinion into a battle requiring recourse. People differ in their temperaments, inclinations, ways of expressing themselves and views on household and life matters. As long as a matter does not involve violating a Shariah ruling or transgressing a fixed right, differences in temperament do not justify injustice, humiliation, or harshness.

Islam has guided that a believing man does not hate his wife due to a trait he dislikes. Instead, he looks at her sum total of qualities, forgiving her fault for her goodness and overlooking what he dislikes for what he loves. This is one of the greatest gateways to marital mercy, for no human is perfect and no companionship is free from something that requires patience and tolerance.

Both spouses must rise above trivial matters and not allow Shaytan to turn ordinary differences into continuous enmity. Most causes of conflict are merely differences in habits, household arrangements, speaking styles, the extent of going out and visiting, or preferences for certain things over others. All these are to be addressed with calm dialogue, gentle requests and mutual concessions, not with threats, punishment and harm.

Nushuz (نشوز marital recalcitrance) is not every disagreement with the husband's desire, nor is it every difference in opinion, temperament, or social customs. Instead, nushuz relates to violating Shariah rulings and established marital rights. A husband is not permitted to turn his personal customs, family traditions, or private tastes into binding rulings for his wife and then punish her for violating them.

So, the nushuz that requires treatment is not merely the wife having a different temperament, not conforming to what the husband was accustomed to in his home, or not complying with every personal desire of his. Turning customs, traditions and tastes into as if they were Shariah rulings, then using them as a means to subjugate and humiliate the wife, is an injustice that is not permissible.

No punishment for mere differences: The foundation of the marital relationship is affection, mercy and good companionship, not punishment. Therefore, it is not permissible for a man to punish his wife because she debated with him, disagreed

with him on an opinion, did not follow his habit or custom, fell short in a matter not obligatory in Islam, or had a temperament different from his.

Shariah Law has made it clear that admonition, abandonment and measures related to treating nushuz are only to be undertaken when a Shariah cause exists, not due to personal anger, emotional hurt, or a feeling of superiority. Even when nushuz exists, the goal is reform and return to the truth, not retaliation, revenge, or causing harm. Also, resolving a dispute should begin with reminding each other of Allah ﷻ, dialogue and reform. A husband must not move to another stage, except when necessary, while adhering to the limits of the Shariah Law and avoiding injustice.

It is a grave error for a husband to use his right of qawwamah (guardianship) to silence his wife in every matter, prevent her from expressing her feelings, or impose his opinion in matters where there is no Shariah ruling. Qawwamah is caring guardianship and responsibility, not an annulment of the wife's personality, nor a confiscation of her intellect or emotions. The wife is a partner in building the home and she has the right to dignity, respect and to be listened to well.

Patience and reform: Islam encourages patience with what one spouse dislikes in the other, because patience may be a reason for the family to remain and for good to continue in it. Patience does not mean that the oppressed remain silent about proven injustice or accept aggression. Instead, it means that one does not make every deficiency or some disliked thing a cause for demolition and that one strives for reform as long as reform is possible.

When conflict intensifies, the spouses should remember that divorce is a last resort, not a daily threat. Before reaching that stage, treatment should be through advice, dialogue, reconciliation, seeking help from wise people and trying to identify the causes of coldness and nushuz. Allah (swt) has made reconciliation between spouses a path that precedes demolition, because the purpose of marriage is tranquility, preserving the family and safeguarding the children.

In conclusion, the relationship between a man and his wife is a covenant based on affection and mercy, where each fulfills the other's right in kindness. The man is responsible for his wife and this responsibility requires maintenance, protection and care, just as it requires gentleness, respect and preserving her feelings. It is not permissible for him to wrong her in her wealth, body, dignity, or emotions.

Nor is it permissible for the husband to punish his wife merely for differences in temperament, customs, traditions, or opinions. Treatment is only justified when there is genuine nushuz related to violating a Shariah ruling or an established Shariah right, and to the extent that achieves reform and prevents injustice. As for trivial matters, forgiving them, overlooking them, accepting differences in temperament, and rushing to do righteousness; these are among the reasons for the continuity of love and mercy and for keeping the home safe from causes of disintegration and ruin.

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