

Resolving Marital Discord: Insights from Islamic Jurisprudence on Conflict and Reconciliation

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Resolving Marital Discord: Insights from Islamic Jurisprudence on Conflict and Reconciliation

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ABSTRACT

In Islam, marriage is a sacred covenant that signifies one of Allah's divine signs, fostering mutual affection and love as highlighted in the Quran, Surah Ar-Rum. This paper examines the Islamic approach to conflicts and reconciliation between spouses, emphasizing the Quranic principles that aim to preserve this bond. While Islam acknowledges the natural occurrence of marital disputes, it provides a comprehensive framework for conflict resolution, advocating for patience, mutual respect, and equitable treatment of both partners. The Quran offers guidance for resolving disagreements, emphasizing reconciliation and the maintenance of harmony within the marital relationship in Surah An-Nisa. This study delves into the Quranic remedies for marital discord, analyzing their application and the sociological implications for a peaceful family environment. It underscores the importance of a deeper understanding and application of these teachings to navigate conflicts and foster a tranquil domestic life.

Keywords: *Marital Reconciliation, Islamic Jurisprudence, Quranic Conflict Resolution, Family Peace in Islam, Inter-Spousal Rights and Duties.*



Introduction

Marriage in Islam is more than a contractual agreement; it is a profound and sacred union that epitomizes spiritual harmony and social integrity. This relationship is divinely designed to establish a peaceful and compassionate society, as emphasized in the Holy Quran. The sanctity of marital bonds is underscored through divine revelations that not only articulate the roles and responsibilities of each spouse but also highlight the spiritual and moral objectives of marriage.

The Quran eloquently states: " And of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed in that are signs for a people who give thought"¹. This verse not only celebrates the creation of these sacred bonds but also sets the foundation for mutual respect and love, which are pivotal for the sustainability of a marital relationship.

Despite the idealistic portrayal of marriage in Islamic doctrine, real-world relationships often encounter challenges that can strain the harmony between spouses. These challenges may manifest as disagreements and conflicts, which, if not managed properly, can escalate and disrupt the marital peace. Recognizing the inevitability of such conflicts, Islam provides comprehensive guidelines to manage and resolve these disputes amicably.

The scriptural guidance includes commands and advisories that are aimed at fostering an environment of understanding and respect. Men are reminded of their duties towards their wives with an emphasis on fairness and kindness, as expressed in the Quran: " And give the women [upon marriage] their [bridal] gifts graciously. But if they give up willingly to you anything of it, then take it in satisfaction and ease"². Similarly, the duties of women towards maintaining harmony are also articulated, ensuring a balanced approach to conflict resolution.

This paper delves into the Islamic perspective on marital conflicts and the mechanisms recommended for reconciliation, exploring how these teachings can be applied to modern marital counseling and conflict resolution strategies. By examining the Quranic verses and Hadiths related to marital conduct and dispute resolution, this research aims to underscore the importance of these divine guidelines in cultivating a peaceful and resilient marital bond.

Research Question

This study aims to comprehensively explore how Islamic teachings address conflict resolution between spouses, given the sacred nature of marriage within the faith. The primary question guiding this research is: How are Islamic principles

concerning the resolution of marital disputes implemented to foster harmony and prevent discord, and what role do cultural contexts play in the practical application of these teachings? This question seeks to dissect the religious prescriptions outlined in the Quran and Hadith for managing disagreements and ensuring equitable treatment between husbands and wives. Additionally, the research will examine the impact of these religious guidelines on maintaining marital bonds across different Muslim cultures, identifying both the strengths and limitations of traditional Islamic approaches in contemporary settings.

Research Objectives

The objective of this research is to delve deeply into the Islamic perspective on marital conflict resolution, emphasizing the guidance provided by the Quran and Hadith to sustain the sanctity of the marital bond. Specifically, the study aims to elucidate the doctrinal remedies prescribed for disputes arising from the behaviors of both husbands and wives, assessing how these remedies aim to restore harmony and respect within the marriage. Furthermore, the research will explore the effectiveness of these Islamic prescriptions in various cultural contexts, assessing their adaptability and relevance in modern societies. By achieving these objectives, the study intends to contribute to a broader understanding of how Islamic marital ethics can be applied to strengthen family dynamics and promote peaceful coexistence between spouses.

Research Methodology

The methodology for this research involves a qualitative analysis primarily focused on the examination of primary and secondary sources to elucidate the Islamic perspective on resolving conflicts between spouses. The primary sources will include the Quran and Hadith, specifically targeting the verses and prophetic traditions that discuss the dynamics of marital relationships, rights of spouses, and guidelines for resolving conflicts.

Secondary sources will consist of tafsir (exegesis) by prominent Islamic scholars, which will help interpret and contextualize the primary texts within the broader framework of Islamic jurisprudence. This study will also review existing literature on the application of these principles within modern marital contexts, aiming to bridge the gap between classical Islamic teachings and contemporary practice.

The collected data from these sources will undergo a rigorous content analysis to identify key themes and derive insights related to the mechanisms of conflict resolution as prescribed in Islam. This approach will enable a comprehensive understanding of the theoretical underpinnings and their practical implications in

sustaining marital harmony and stability, aligning with the foundational Islamic teachings on marriage.

The Shariah Definition of Nushooz (Marital Discord)

Nushooz (marital discord) is defined as a situation where a wife distances herself from her husband, or a husband perpetrates oppression and injustice towards his wife. Ibn Qudamah al-Hanbali elaborates on the meaning of nushooz, stating: "Nushooz is the disobedience of the wife in what Allah has ordained upon her in terms of obedience to her husband, derived from the word 'nashaza', which means to rise up, as if she elevates herself above the commands Allah has imposed regarding obedience to her husband."³

Hafiz Ibn Kathir defines nushooz as follows: "A disobedient wife is one who elevates herself over her husband, disobeys him, shows hatred and dissatisfaction towards him."⁴ This definition clarifies that nushooz refers to such conflicts and disputes between spouses where one partner is dissatisfied with the other, typically manifesting from the wife's side, often due to a lack of seriousness in her demeanor. After this brief explanation, the definition provided by Imam Nawawi appears more comprehensive: "Nushooz is the refusal of the wife towards her husband due to a dispute and the husband's injustice and oppression towards his wife."⁵

There are three types of disputes that may arise between spouses:

1. Disputes initiated by the wife.
2. Conflicts originating from the husband.
3. Disagreements stemming from both sides, often referred to as 'shaqaaq'.

This section highlights the complex dynamics of marital disputes in Islamic jurisprudence and stresses the importance of understanding the varied manifestations of nushooz. Each type of dispute carries implications for how conflicts should be resolved according to Islamic teachings, underscoring the need for a nuanced approach in marital counseling and legal interventions.

First Method: The Wife Becomes Estranged Due to a Disagreement with Her Husband

In response to such situations, Allah Almighty has commanded husbands to reform their wives by educating them in discipline and respect. Allah says in the Holy Quran: "And those [wives] from whom you fear arrogance, [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand."⁶

This verse indicates that if a wife's moral condition deteriorates, the husband has the authority to correct her. The term used in the Quran is "Takhāfūna" (fear) rather than "Ta'lamūn" (know), suggesting a profound wisdom. The existence of conflict and disagreement is such an evil that it should not even arise in marital life as it is contrary to natural disposition.

Sheikh Rashid Raza explains that some scholars have interpreted the fear of nushooz as merely anticipatory, while others perceive it as actual knowledge. He poses the question: why replace the word knowledge with fear, or why not say: "wa-allāfi yanshuzna" (those who are disobedient)? Indeed, the expression in the Quran contains a subtle wisdom: since Allah loves for the living between spouses to be of love, compassion, and mutual consent, He chose not to attribute disobedience and discord directly to women, suggesting that it should not occur because it deviates from the natural order that sustains a harmonious domestic life.⁷ Such differences originating from the wife or the potential for their emergence have several signs. Imam Razi, quoting Imam Shafi'i, states, "Nushooz can be through words or deeds. Verbal nushooz is when she responds when called by her husband and speaks submissively when addressed, then changes her behavior. Deed nushooz is when she previously would rise to meet him or eagerly fulfill his commands and share his bed cheerfully when sought, then ceases to do so. These are signs indicative of her disobedience."⁸

From this explanation, it is understood that when a husband senses any indication of evil from his wife, he should immediately undertake to reform her. The incorrect view is that expressed by "Takhāfūna" meaning 'know' suggesting the husband should reform his wife only when he is certain of her immoral conditions. However, the correct view is that the husband should commence reformation at the first signs of disobedience, supported by the Quranic word "Takhāfūna", implying the anticipation of a possible future undesirable action, which has not yet occurred, as explained by Raghīb Isfahani in his *Mufradat al-Quran*.⁹

Allama Alusi also prefers this view, stating, "A man should not begin treating his disobedient wife until he knows and is certain of her disobedience and that it has actually occurred."¹⁰

However, the most appropriate opinion is that when signs of disobedience begin to manifest in the wife, the husband should immediately begin reform, primarily through advice and counsel, as this is often sufficient to remedy signs of nushooz. Other measures like separation in the sleeping arrangement or physical discipline should only be used when there is certainty about the wife's misconduct. This view

is supported by Sharh al-Iqna, where it is advised, "The husband should first employ admonition, which should suffice in cases of suspected nushooz. As for separation and striking, these require actual knowledge of disobedience."¹¹

From the previous discussion, it is evident that there are three methods to analyze and resolve disagreements with a wife:

1. Advice and counsel
2. Separation in sleeping arrangements
3. Physical discipline

It is also clear from the aforementioned verse that the address is to the husband to use the approach detailed in the Quranic verse, as this methodology is from Allah Almighty and should be followed because it is intended to civilize moral decline so that the wife may fulfill her duties to her husband. The initial approach should always be through advice and counsel. If that proves ineffective, then progressing to sleeping separately, and if that too fails, physical discipline within the bounds set by Sharia may be considered.

Prophetic (Peace Be Upon Him) Traditions Describe Three Methods For Reform

1. First Method - Verbal Admonition: Several methods of verbal admonition are prescribed in the Sunnah, considering the man's authority over his wife. These methods include both encouragement and warning.
 - The husband should advise his wife to be God-conscious and warn her of the divine punishment. A wife is obliged to obey her husband in matters of righteousness, as obedience to the husband is, in fact, obedience to Allah, since it is commanded by the Lord of the Worlds. It is narrated by Abu Hurairah that the Prophet Muhammad (Peace Be Upon Him) said: "If I were to order anyone to prostrate to anyone, then I would order the wife to prostrate to her husband."¹²
- Imam Razi, quoting Imam Shafi'i, states, "The essence of admonition is that he should say to her: Fear Allah, for you have a duty towards me. Turn away from your current behavior and know that obeying me is an obligation upon you."¹³
2. Second Method: The husband should warn the disobedient wife that the angels curse a woman who refuses to share her husband's bed. Abu Hurairah reported that the Prophet (Peace Be Upon Him) said, " If a man Invites his wife to sleep with him and she refuses to come to him, then the angels send their curses on her till morning."¹⁴ Another hadith from Sahih Muslim states, "By Him in whose Hand is my life, if a man calls his wife to his bed and she refuses, the One above the heavens becomes displeased with her until her husband is pleased with her."¹⁵

3. Third Method: The husband should inform his wife that if she obeys him, she will receive a reward and paradise. Umm Salama narrated that the Prophet (Peace Be Upon Him) said, "If a woman dies while her husband is pleased with her, she will enter Paradise."¹⁶

These methods of verbal admonition enable the husband to reform his wife effectively. The great jurists have also clarified that admonition involves warning and threatening. Ibn Qudamah al-Hanbali states, "If signs of disobedience appear from the wife, he should admonish her, instill the fear of Allah, remind her of the obligations Allah has imposed regarding obedience, and the unpleasant consequences of disobedience such as the reduction of her rights to maintenance and clothing, and the permissibility of physical discipline and separation."¹⁷

It is crucial that these matters of admonition remain confidential between the husband and wife without interference from others to ensure that disputes are resolved privately.

Second Method: Separation

If verbal admonition is ineffective and the wife persists in her disobedience, the second method for reform is separation. Islamic law permits the husband to separate from his wife in bed for this purpose.

- Jurists on the Method of Separation: Ibn Abi Hatim narrates from Abdullah ibn Abbas regarding the interpretation of the Quranic verse about separation in bed, "Separation means not sharing the bed with her, turning his back to her, and if she does not comply, then Allah has permitted him to strike her lightly without causing harm."¹⁸

Another narration states, "Do not have sexual relations with her on your bed."¹⁹

Imam Qurtubi explains, "To separate in bed means not to lie with her, not to turn towards her, and not to have intercourse."

Imam Shafi'i states, "The separation should not extend beyond three days in speech and action. If the wife loves her husband, she will find this separation difficult and cease her disobedience. If she despises him, and the separation continues, it is proof of her complete dissatisfaction."²⁰

The husband must follow this Quranic sequence because it is prescribed by Allah Almighty. Allah commands first to admonish, then to separate in bed, and if these do not work, then as a last resort, to apply physical correction. This approach ensures that the wife fulfills her obligations while maintaining marital harmony.

Principles of Separation

When separating from his wife in their shared bed, a husband must keep several points in mind:

1. Grounds for Separation: Separation should only occur when there is a risk of disobedience, as Allah Almighty commands: "And those [wives] from whom you fear arrogance, [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them"²¹.
2. Implementation of Separation: Separation should occur only after all attempts at advice and admonition have proved ineffective.
3. Nature of Separation: Separation does not mean complete estrangement but refers specifically to parting in the marital bed, as specifically mentioned by Allah Almighty.
4. It is crucial for the husband to reconcile quickly after a period of separation, as prolonged separation may lead to persistent disobedience and inevitable conflict. The aim of separating from the wife in their bed is not to humiliate or disgrace her but to reform her behavior.

Prophetic (Peace Be Upon Him) Guidance on Separation

Prophetic traditions also provide methods for separating from a wife in bed. Muawiya Al-Qushayri narrated from his father: "When you eat, feed her, and when you drink, give her drink. Do not strike her face, do not revile her, and do not separate from her except within the house"²².

Commonly, a husband should part from his wife in the bed they share by turning away, not engaging in sexual relations, and limiting conversation. The maximum period for such non-communication should be three days, as extending this period is prohibited. The Prophet Muhammad (Peace Be Upon Him) stated: "It is not permissible for a Muslim to avoid speaking to his brother for more than three days, both turning away from the other when they meet. The better of the two is the one who is the first to greet the other."²³

This approach is intended to correct the wife's behavior while maintaining the dignity of the marital relationship, ensuring that any disciplinary measures are aimed at reconciliation and maintaining marital harmony. The best among you, as the Prophet Muhammad (Peace Be Upon Him) said, "are those who are best to their families, and I am the best to my family." This emphasizes the importance of kindness and good conduct within the family, especially towards one's spouse.

Third Method: Physical Discipline and Its Regulations Under the Light of Hadith

When advice and separation prove ineffective, the husband may resort to a third, more severe measure. This approach is for the disobedient wife who does not respond even to serious penalties like separation. This method involves physical discipline, which is permissible under Sharia when the wife's behavior severely deviates.

As Allah Almighty says: "Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand."²⁴

Scholars agree that the verse prescribes non-severe, symbolic physical discipline, meaning it should not break bones or leave marks, and striking the face is strictly prohibited, as the purpose is reform, not harm.

Narrated by Abdullah bin Zam'a, the Prophet Muhammad (Peace Be Upon Him) said: "None of you should flog his wife as he flogs a slave and then have sexual intercourse with her in the last part of the day."²⁵

Imam Bukhari titled a chapter based on this hadith: "The chapter on the dislike of hitting women and the verse of Allah 'and beat them lightly'.²⁶

Hafiz Ibn Hajar commented: "This hadith permits the disciplining of servants with severe blows and indicates the permissibility of striking wives less severely."²⁷

He further explained: "If there is no alternative to physical discipline, it should be done lightly without causing harm or resentment."²⁸

Narrated by Jabir bin Abdullah, the Prophet Muhammad (Peace Be Upon Him) stated: "Fear Allah concerning women! Verily you have taken them on the security of Allah, and intercourse with them has been made lawful unto you by words of Allah. You too have right over them, and that they should not allow anyone to sit on your bed whom you do not like. But if they do that, you can chastise them but not severely. Their rights upon you are that you should provide them with food and clothing in a fitting manner. I have left among you the Book of Allah, and if you hold fast to it, you would never go astray."²⁹

During his farewell pilgrimage, the Prophet Muhammad (Peace Be Upon Him) emphasized: "Treat women kindly. They are like captives in your households. You have no other right over them than that, if they commit clear indecency, you forsake

them in the bed and beat them lightly. If they obey you, you have no right to act against them. Allah has high regard for them."³⁰

Imam Nawawi said: "This hadith permits a man to discipline his wife with physical punishment. If the punishment leads to her death, the husband's kin must pay blood money, and he must atone for it with his wealth."³¹

Another hadith instructs: "Do not hit the face"³²

Imam Khattabi elaborates: "This indicates the permissibility of striking parts of the body other than the face, but the blows should not be severe."³³

Narrated by Abu Huraira: "When any of you fights with another, avoid the face."³⁴

Authors' Opinion: The authors of this paper strongly assert that wife-beating is entirely unacceptable and counterproductive, as it only serves to increase animosity within the marital relationship. Instead, it is advised that husbands and wives should endeavor to resolve their disputes by initially employing the first two recommended Quranic methods: admonition and separation in the sleeping arrangements. These approaches encourage dialogue and reflection, aiming to restore harmony without resorting to physical means, thus preserving the dignity and respect inherent in the marital bond.

Resolving Disputes When the Husband Is Displeased

Marriage in Islam is considered a sacred bond, and Islam emphasizes maintaining this relationship on the basis of affection and love. Just as Sharia provides solutions for conflicts arising from the wife's side, it also addresses injustices or disputes initiated by the husband, guiding how to restore balance and peace. Indeed, Islam consistently advocates for maintaining marital relations peacefully, whether the injustice originates from the wife, the husband, or both are equally involved in the conflict. This underscores the sanctity of the marital bond, which Allah Almighty has declared a "solemn covenant" (Mithāqan Ghalīẓan).

"And how could you take it (marriage) lightly when you have gone into each other and they have taken from you a solemn covenant?"³⁵

This section explains how Islam seeks to resolve conflicts that arise from the husband's side. It details the signs of such disputes, as recognizing these signs can help the wife and those involved in reconciliation efforts to effectively address and resolve the issues. What are the indicators of the husband's displeasure?

For clarification, Al-Zamakhshari states: "Displeasure from the husband means he distances himself from his wife, cutting off the affection that should exist between a man and his woman, possibly distressing her through verbal abuse or physical harm. He might also show disinterest by reducing conversations and

companionship due to various reasons, such as differences in age, physical appearance, or character flaws."³⁶

These are the signs that indicate a husband's displeasure. A person responsible for mediating reconciliation between spouses must be aware of these signs. The reasons for the husband's displeasure can be categorized into two types:

1. Those related to the wife's actions or characteristics.
2. Those inherent to the husband himself.

This explanation aims to highlight the importance of understanding and addressing the underlying causes of marital discord, ensuring that efforts to resolve conflicts are informed and effective. The emphasis in Islamic teachings on the sanctity and the maintenance of marital relationships underscores the responsibility of both spouses to strive for harmony and mutual respect, guided by the principles laid out in the Quran and Hadith.

Factors Contributing to Marital Discontent from the Perspective of the Wife: Resolution Methods

There are instances where the displeasure of a husband may stem from attributes related to his wife. If the wife's age, character, congenital defects, or any illness becomes a source of distress for the husband, Islamic law permits the wife to forego some of her rights to appease her husband and maintain their marriage. The Holy Quran and the Prophetic traditions advocate for reconciliation as a means to resolve disputes between spouses. Allah Almighty commands:

"And if a woman fears from her husband contempt or evasion, there is no sin upon them if they make terms of settlement between them - and settlement is best. And present in [human] souls is stinginess. But if you do good and fear Allah - then indeed Allah is ever, with what you do, Acquainted"³⁷.

Hafiz Ibn Kathir comments on this verse saying: "If a wife fears that her husband may estrange her or treat her with indifference, it is permissible for her to relinquish her rights such as maintenance, clothing, or companionship, and it is permissible for the husband to accept this concession without any blame on either side."³⁸

Therefore, Allah Almighty has stated: If they reconcile, there is no sin upon them." It is further noted that reconciliation is better than separation. It should be understood that in the context of the Quran, reconciliation means that a woman may forego some of her rights to secure her husband's contentment.³⁹

Al-Zamakhshari notes: "The meaning of reconciliation is that the spouses agree that the wife may be content to forego her turn with her husband or some part of it."⁴⁰

Ibn Ashur explains: "The commonly understood meaning of reconciliation is that both parties agree to relinquish some rights, and this is the more evident interpretation here."⁴¹

From this discussion, it becomes evident that reconciliation between spouses means that the wife withdraws from claiming some of her rights to ensure cohabitation and prevent the matter from escalating to divorce. Another interpretation of reconciliation in the marital context is to address and eliminate the causes of the husband's dissatisfaction, thereby eradicating any conflicts.

Imam Bukhari, in his collection, establishes a chapter under the aforementioned verse, indicating that reconciliation is preferable, as narrated by Aisha (may Allah be pleased with her). She reports that a man who dislikes some traits in his wife and wants to separate should consider reconciling as the wife suggests: "Keep me and do as you see fit for my share." Aisha (may Allah be pleased with her) commented: "There is no harm if the reconciliation is mutually agreed upon."⁴²

Abdullah ibn Abbas (may Allah be pleased with him) relates that when Saudah (may Allah be pleased with her) feared that the Prophet Muhammad (peace be upon him) might divorce her, she proposed: "Do not divorce me, but set my time for Aisha." The Prophet (peace be upon him) agreed, and this verse was revealed in this context: "There is no sin upon them if they make terms of reconciliation."⁴³

The diverse forms of reconciliation available within Islamic jurisprudence provide spouses with various strategies to manage and resolve conflicts. By understanding and implementing these methods, couples can maintain harmony and stability in their marriages, aligning with both divine commandments and the spirit of mutual respect and love.

First Form of Reconciliation

In matrimonial conflicts, a scenario of peace may arise when a wife chooses to relinquish either all or one of her legal matrimonial rights. This is particularly relevant when a husband wishes to end the marriage for any reason, but the wife desires to maintain the marital bond. It is permissible for the woman to propose to her husband to keep the marriage intact by stating, "I do not demand my certain right from you."

In the interpretation of the verse, "If a woman fears ill treatment or alienation from her husband"⁴⁴, Aisha (may Allah be pleased with her) explains that this refers to a woman whose husband does not maintain a harmonious relationship and instead wishes to divorce her to marry another. In such cases, the woman can say: "Keep me and do not divorce me, but if you wish to marry another woman, you are freed

from the financial obligations and marital duties towards me." This situation aligns with the divine command: "It is no sin for them if they make terms of peace between themselves".^{45 46}

This reconciliation is based on mutual consent and agreement. A saying by Aisha (may Allah be pleased with her) elucidates this concept further: "A man should not withhold expressions of love and harmony from his wife," which is interpreted through the above-mentioned verse.⁴⁷

Alama Kermani elaborates on this point by stating, "The intention is not to keep company due to lack of affection, hence the husband might intend separation through 'Khul' (divorce at the instigation of the wife), whereupon the woman might declare herself free from marital obligations and rights which were denied by the husband as a defense against injustice."⁴⁸

After such a reconciliation, the marital relationship remains unchanged, and the woman has no right to revert the decision, which is a widely accepted view among scholars.

Alama Kermani, in his explanation of Sahih Bukhari, asserts, "The evidence from this Hadith supports the translation that 'Khul' is a binding contract with no return. Similarly, if the liberation is through reconciliation, gift, or acquittal, it bears the same ruling."⁴⁹

Alama Aini notes, "This Hadith implies that creating disparities among wives or favoring one over another is not permissible unless with the consent and pleasure of the less favored, and this principle extends to all matters between a man and his wife, be it financial or conjugal. Any peace agreed upon is lawful for the man regarding his wife."⁵⁰

These narrations establish that it is recommended for a woman to appease her husband during times of displeasure. Imam Nawawi states, "If the husband fulfills his wife's rights and does not harm her physically or otherwise, but dislikes her company due to illness or old age, and does not invite her to his bed or indicates a desire to divorce her, then there is no sin upon him. It is preferable for the woman to relinquish some of her rights, such as her turn or maintenance, to reconcile with him."⁵¹

Thus, it becomes evident that the woman should endeavor to improve her outward state and demeanor to avoid causes of her husband's displeasure, adopting habits that foster love and harmony, thereby extinguishing any scope for conflict.

The Second Form of Reconciliation

The second form of reconciliation occurs when a wife consents to her husband favoring a younger wife over her. This form of reconciliation is considered when an older wife agrees not to seek divorce, allowing her husband to marry a younger woman and prioritize her without objections. This agreement resolves potential conflicts, ensuring that the husband is not considered at fault for the imbalance in marital duties among his wives.

A narration illustrates this practice: Rafi' bin Khadij married the daughter of Muhammad bin Maslamah. When she aged, Rafi' married a younger woman and favored her. The older wife requested a divorce and was given one, but before the divorce was finalized, Rafi' reconciled with her. He continued to favor the younger wife, leading the older one to demand divorce again. Rafi' issued another divorce but reconciled once more, continuing to prefer the younger bride. The older wife was then given the choice: stay in her current less favored state or leave. She chose to stay, and Rafi' retained her without attributing any guilt to his actions.⁵² This narration has a break in its chain of transmission, but Imam Hakim also reported it as connected from Rafi' bin Khadij.⁵³

From this hadith, it is evident that if a man gives precedence to one wife over another, he should grant the less favored wife the choice to stay or separate. If she consents to remain under these conditions, reconciliation is achieved, and the husband incurs no sin.

Discussion and Scholarly Insight: This form of reconciliation addresses the practical and emotional complexities within polygamous relationships. Islamic jurisprudence recognizes the challenges of ensuring equal treatment among wives and provides mechanisms like this to maintain marital bonds while respecting the individual needs and choices of the wives involved.

In contemporary discussions, scholars emphasize the importance of consent and fair treatment in such arrangements. While traditional practices provide foundational perspectives, modern interpretations urge a more nuanced understanding of equality and respect in relationships, reflecting changes in societal attitudes towards marriage and women's rights.

The second form of reconciliation in Islamic marital jurisprudence illustrates the adaptive nature of Islamic law to personal and societal dynamics. It underscores the principle that while favoritism among wives is permissible with consent, the emotional well-being and choice of each wife must be considered to maintain the integrity and harmony of marital relationships.

The Third Form of Reconciliation

This form involves a wife willingly gifting her turn with her husband to a co-wife under the condition that it would appease the husband. This act is considered an act of reconciliation and maintaining harmony within the family structure.

A narration from Aisha, may Allah be pleased with her, illustrates this practice: The Prophet Muhammad (peace be upon him) was displeased with something said by his wife, Ummul Mu'mineen Sayyida Safiyyah, may Allah be pleased with her. In an attempt to resolve this, Sayyida Safiyyah approached Sayyida Aisha and asked, "O Aisha, can you please reconcile me with the Prophet? I will give you one of my days with him." Aisha agreed and tried to make the Prophet's atmosphere pleasing by sprinkling saffron-scented water around to make the fragrance appealing. When the Prophet noticed Aisha's presence on what was not her designated day, he inquired why she was there. After explaining the situation, the Prophet was appeased and reconciled with Sayyida Safiyyah.⁵⁴

This incident shows how the Mothers of the Believers endeavored to keep the Prophet satisfied and happy, setting an example for all women in the community. Women are encouraged to maintain marital harmony and please their husbands by adopting such considerate and harmonious practices.

Discussion and Scholarly Insight: This form of reconciliation not only resolves immediate conflicts but also strengthens the bonds between co-wives by demonstrating acts of selflessness and consideration. This approach is seen as a form of maintaining peace and stability within the household, which is highly valued in Islamic marital ethics.

Scholars emphasize that such practices should always be voluntary and driven by genuine goodwill. The act of gifting turns should not stem from coercion or pressure, as this would undermine the ethical foundation of mutual respect and love that should characterize marital relationships.

The third form of reconciliation in Islamic jurisprudence shows a profound understanding of interpersonal dynamics within polygamous marriages. It underscores the importance of flexibility, sacrifice, and mutual support among co-wives, which are pivotal in fostering a peaceful and loving marital environment. This narrative not only highlights the roles of women in maintaining marital harmony but also reflects the deep-rooted values of compassion and compromise embedded in Islamic teachings.

Causes of Discontent Relating to the Husband: Resolution Methods

Discontent in marriage can originate from the husband due to two primary reasons:

1. Neglect of Marital Duties: The husband may fail to fulfill his marital obligations, physically or verbally abuse his wife without any Sharia-compliant justification, or demand that his wife commits actions against divine commandments.
2. Demanding Sinful Actions: The husband may demand his wife to engage in actions considered sinful in Islam.

First Scenario: Neglect of Marital Duties

The resolution can be approached in three ways:

- Forfeiture of Rights for Reconciliation: The wife might choose to forfeit certain rights (such as maintenance, clothing, or conjugal rights) to foster affection and eliminate feelings of resentment in the husband's heart.
- Religious Counseling and Admonition: The husband should be advised and warned that neglecting marital duties can displease Allah, especially when the wife is obedient and fulfills her obligations. The divine command states: "If they obey you, then do not seek a way against them."⁵⁵
- Acknowledgment of Human Nature: It should be recognized that humans may often forget kindness. Patience and tolerance should be exercised in difficult times. Narrated by Abu Hurairah, the Prophet Muhammad (peace be upon him) said: "Whoever believes in Allah and the Last Day should not hurt (trouble) his neighbor. And I advise you to take care of the women, for they are created from a rib and the most crooked portion of the rib is its upper part; if you try to straighten it, it will break, and if you leave it, it will remain crooked, so I urge you to take care of the women."⁵⁶

Scholarly Insights: Imam Bukhari established a chapter on advising women kindly, highlighting that women should not be subjected to physical abuse, verbal abuse, or neglect of their rights. Another narration by Abu Hurairah from the Prophet Muhammad (peace be upon him) underscores this point: "A believing man should not hate a believing woman; if he dislikes one of her characteristics, he will be pleased with another."⁵⁷ Imam Muslim also emphasizes this in his teachings, advocating for gentle, loving, and patient behavior towards women, thus fostering an atmosphere of love and affection within the marriage.

The resolution of marital discontent, when originating from the husband, requires a multifaceted approach that incorporates Islamic teachings on justice, patience, and kindness. These principles are not only meant to resolve conflicts but also to enhance the spiritual and emotional connection between spouses, ensuring a harmonious marital life that adheres to Islamic values.

Second Scenario: Resolving Discontent When Commands Contravene Divine Law

This situation arises when a husband issues commands that go against divine laws, leading to his dissatisfaction when the wife does not comply. Islamic teachings clarify that a wife's obedience is confined only to matters that are morally and legally right.

Narrated by Hazrat Ali (may Allah be pleased with him), the Prophet Muhammad (peace be upon him) stated: "There is no obedience in matters of sin; obedience is only in what is right."⁵⁸ Furthermore, Abdullah Ibn Umar (may Allah be pleased with him) narrates that the Prophet said, "A Muslim must hear and obey in matters he likes or dislikes unless he is ordered to sin; if ordered to sin, there is no hearing or obeying."⁵⁹

These narrations highlight that a husband's rightful demand over his wife extends only to lawful and just matters. If a husband instructs his wife to engage in acts considered sinful, such as abuse or negligence, then it is her right to refuse, and he should be counseled about the sinfulness of his demands.

Legal Implications: In Hanbali jurisprudence, it's articulated that if a husband coerces his wife into prohibited acts such as anal intercourse (which is explicitly forbidden in Islam), and he persists despite being informed of its prohibition, the matter should be taken to a judge. The judge can either reconcile the couple or decree a separation if reconciliation is not feasible.⁶⁰

Allama Qurtubi comments on the superiority of reconciliation over separation, stating, "Reconciliation between spouses is better than separation, as persistent disagreement, resentment, and hostility lay the foundations for evil."⁶¹

The Prophetic Exhortation: The Prophet Muhammad (peace be upon him) also emphasized avoiding disputes that lead to societal corruption. Narrated by Abu Hurairah, he stated, "By Him in Whose Hand is my life, you cannot enter Paradise until you become complete believers, and you cannot become believers until you love one another. Spread peace among yourselves. Avoid hatred, as it shaves off (religious commitments). I do not say it shaves hair, but rather the religion."⁶²

The Prophet Muhammad (peace be upon him) said, "The most detestable of permissible things to Allah is divorce."⁶³

This hadith emphasizes that while divorce is legally permitted in Islam, it is the least liked by Allah among all lawful things. The teaching serves as a poignant reminder of the gravity and seriousness with which divorce should be approached

in the Islamic context. It underlines the principle that marriage is a sacred covenant meant to be preserved and respected.

Hafiz Ibn Kathir remarks, "Since concord is more beloved to Allah than discord, it was said that reconciliation is better and that divorce is abhorred by Him."⁶⁴

The teachings of Islam strongly advocate for resolving marital disputes through reconciliation rather than resorting to separation. It highlights the significance of mutual respect, adherence to divine commands, and the pursuit of harmony within marital relationships. This approach not only fosters a positive domestic atmosphere but also aligns with the spiritual and ethical standards set forth in Islam, emphasizing that the most disliked lawful thing to Allah is divorce.

Resolving Marital Conflicts: The Importance of the Marital Covenant in Islam

A significant verse that underscores the sanctity and significance of the marital relationship in Islam is: "How could you take it (the dowry) back after you have gone in unto each other, and they have taken from you a solemn covenant?"⁶⁵

This verse characterizes the marriage bond as a "Mithāqan Ghalīẓan" (a solemn covenant), indicating that it is a serious commitment with spiritual and worldly implications. Allah highlights that this covenant is not to be taken lightly, and there will be accountability for how it is handled.

Prophetic Guidance: The Prophet Muhammad (peace be upon him) stated: "Everyone of you is a guardian and everyone of you is responsible (for his wards)."⁶⁶ This hadith implies that in a marital relationship, both husband and wife have roles that entail responsibility and accountability, not just towards each other but also in the eyes of Allah.

Resolving Disputes: When disputes arise between a husband and wife, Islamic teachings encourage mediation. The Quran suggests appointing arbiters from each family: "And if you fear a breach between them, then appoint an arbiter from his people and an arbiter from her people."⁶⁷

Commentary by Ibn Kathir: Ibn Kathir elaborates that when there is discord between the spouses, a judge should place them in the care of a trustworthy person who will look into their affair and prevent the oppressor from inflicting harm. If the conflict escalates and becomes prolonged, the judge should appoint a wise man from the wife's side and a man from the husband's side to investigate and decide the matter in a way that serves the best interest, be it reconciliation or separation. The lawgiver (Sharia) has a preference for reconciliation as long as it is feasible.⁶⁸

The teachings of Islam emphasize that marriage is a significant commitment. When conflicts occur, the community, represented by judges and arbiters, should work towards reconciliation before considering separation. This approach aims to preserve the sanctity of the marital bond and uphold the values of justice, compassion, and mutual respect. The legal framework in Islam not only provides mechanisms for conflict resolution but also stresses the importance of maintaining the marriage covenant as a means of societal stability and personal accountability.

Understanding "Shiqaq" (Discord) and Resolution in Marital Disputes

"Shiqaq" in Arabic linguistically refers to enmity between two parties or a disagreement between two individuals. The term originates from "shaqq," which means "side" or "part," implying that each party in the disagreement stands on opposing sides.⁶⁹

Allama Razi explains that "Shiqaq" can mean:

1. Each of the two parties performs actions that are burdensome to the other.
2. Each party stands on the side of enmity and separation.⁷⁰

Addressing Marital Discord: The Quranic verse addressing marital discord, "And if you fear a breach between them..."⁷¹, is directed towards leaders and judges as stated by Allama Qurtubi. It commands the appointment of arbiters from each family to manage and hopefully resolve the discord.⁷²

Scholars' Views on Arbitration:

- Ibn Kathir discusses the role of a judge in cases of marital discord, where if issues between the spouses escalate, the judge should place them under the supervision of a trusted individual who prevents oppression and seeks reconciliation.⁷³
- Ibn Al-Arabi and Ibn Ashur highlight that when persistent conflict exists between spouses, it is mandatory to appoint two arbiters—one from the wife's side and one from the husband's side—to investigate and decide the best course of action, whether reconciliation or separation.⁷⁴

Who Are the Arbiters? Scholars differ on who qualifies to be an arbiter:

1. Imam Shafi'i suggests it is preferable for arbiters to be relatives because they are more familiar with the couple's circumstances and are more likely to seek reconciliation.⁷⁵
2. Ibn Al-Arabi emphasizes that arbiters should ideally be from the couple's relatives, reflecting the apparent meaning of the Quranic verse.⁷⁶

The prevalent view among scholars is that arbitrators resolving marital disputes should ideally come from the couple's own families because they are more familiar

with the circumstances of both parties and more vested in reconciliation. The Quranic guidance also points in this direction. If suitable arbitrators from the family are not available, non-family members may be appointed. This interpretation is drawn from the understanding that the Quranic command to appoint arbitrators is instructive rather than obligatory.

Criteria for Arbitrators: The arbitrators should possess wisdom to effectively manage the process of reconciliation or separation. If they lack knowledge or integrity, they might exacerbate the conflict instead of resolving it. Alama Ibn Qudamah states, "Arbitrators must be sensible, just, and Muslim because these are the conditions of justice, and they must be knowledgeable about the implications of uniting and separating."⁷⁷

Non-consensual Condition: While there is consensus among scholars about some qualifications for arbitrators, there is disagreement about whether arbitrators must be male. The Maliki position, as noted by Ibn Qudamah, asserts that arbitrators should be men due to the need for insight and deliberation in the arbitration process. In contrast, the Shafi'i school does not stipulate that arbitrators must be male, indicating a broader acceptance of qualified individuals regardless of gender.

Explanation of Arbitrators' Role: The role of the arbitrators is to impartially assess the situation and decide whether reconciliation or separation is in the best interests of both parties. The emphasis is on restoring peace and understanding, aligned with Islamic principles that encourage resolving disputes amicably and maintaining the marital bond whenever possible.

"Shiqaq" indicates a severe type of discord that necessitates careful and thoughtful intervention. Islamic jurisprudence provides a structured approach to resolving such conflicts through mediation by arbiters who ideally know the couple well and can act impartially. This process underscores the importance of community involvement in preserving the sanctity of marriage and the well-being of both parties. The ultimate aim in Islamic marital jurisprudence is reconciliation and harmony, aligning with the broader societal values of peace and stability.

Responsibilities and Roles of Mediators in Islamic Marital Dispute Resolution

The main goal of appointing mediators (Faisal) in marital disputes is to reconcile the husband and wife and to mitigate mutual animosity and grievances. To effectively achieve this goal, it is imperative that the mediators understand the nature of the disagreements, as some issues may be hidden and sensitive.

Divine Guidance on Marital Relations: The Quran states: "It has been made permissible for you the night preceding fasting to go to your wives [for sexual relations]."⁷⁸ This verse highlights the intimacy and closeness that marriage allows, emphasizing the sanctity of the marital relationship.

Insights from Alama Razi: Alama Razi explains the utility of mediators by stating, "Each mediator should meet with their respective party privately to uncover the true state of affairs and to determine whether the husband's intent is to maintain the marriage or to separate."⁷⁹

Guidance from Alama Qurtubi: Alama Qurtubi instructs that if the mediators find the root of the dispute originates from the husband, they should admonish him, warn him, and prevent him from injustice. They should also encourage both parties to live a good life together.⁸⁰

Divine Command on Treatment of Wives: "O you who have believed, it is not lawful for you to inherit women by compulsion."⁸¹ This verse underscores the prohibition of forcing any aspect of the marital relationship, advocating for mutual respect and kindness.

Explanation by Hafiz Ibn Kathir: Ibn Kathir in his interpretation of this verse advises, "Speak kindly to them (wives), do good deeds, and as much as you demand good from them, do good to them as well."⁸²

Prophetic Guidance on Marital Conduct: The Prophet Muhammad (peace be upon him) said, "The best of you is the best to his wives, and I am the best of you to my wives, and when your companion dies, leave him alone."⁸³ This Hadith emphasizes the importance of kindness and good conduct within the family, which fosters love and reduces discord.

The Role of Intention in Mediation: The Quran states: "If they both desire reconciliation, Allah will cause it between them."⁸⁴ Alama Razi notes that this verse implies that nothing in terms of objectives and goals can be achieved without Divine facilitation. If the mediators are genuinely committed to resolving the issues, Allah will help reconcile the differences.

Commentary by Abdullah Ibn Abbas and Mujahid: They explain that if the intention of the mediators is to reconcile, Allah will facilitate agreement between them because the fundamental element is the intention; if the intention is righteous, all matters and actions will align and be accepted.⁸⁵

Prophetic Statement on Intentions: The Prophet Muhammad (peace be upon him) stated, "Actions are (judged) by intentions."⁸⁶ This highlights that the success of mediation largely depends on the sincerity and good intentions of the mediators.

In resolving marital disputes, the integrity and intent of the judges or mediators are crucial. Their primary responsibility is to bridge gaps and foster a peaceful environment, always aiming for reconciliation when possible, guided by the principles of fairness, compassion, and mutual respect dictated by Islamic teachings.

Resolution Strategies for Irreconcilable Marital Disputes

Situation Analysis: When all attempts at reconciliation have failed, and the spouses continue to remain in conflict, Islamic law grants mediators the authority to decide upon separation if it serves the best interest of both parties. This decision is considered preferable to continuous conflict and mutual oppression.

Divine Guidance: The Quran states: "But if they separate, Allah will enrich each [of them] from His abundance."⁸⁷ This verse suggests that if separation occurs, Allah will provide for each individual, emphasizing that both can still lead fulfilling lives post-divorce.

Scholarly Interpretations:

1. Sayyid Qutb: "When hearts dry up and cannot bear the relationship, and there is no longer an atmosphere conducive to a married life, then separation is better."⁸⁸
2. Majority Scholarly Opinion: Hafiz Ibn Kathir mentions, "Scholars unanimously agree that the mediators have the authority to either reconcile the couple or facilitate their separation."⁸⁹
3. Imam Razi: "After understanding the causes of discord and disagreement between the spouses, the appointed mediators should convene and execute what is deemed right, be it issuing a divorce or a separation through 'khul' (divorce initiated by the wife)."⁹⁰
4. Abu Salamah ibn Abd al-Rahman: "The mediators may choose to separate them if they see fit or bring them together if possible."⁹¹
5. Ubaidah Sulaimani: "When a man and a woman came to Ali, each with their group of people, Ali instructed to send a mediator from each side. He then asked the mediators if they understood their responsibility, to either reconcile the couple or facilitate their separation, based on what they deemed appropriate."⁹²

Rights and Consent: The woman expressed her willingness to accept whatever decision aligned with the Quran, indicating her consent to the arbitration process. The man initially resisted separation, but Ali reminded him to respect the woman's choice, emphasizing fairness and respect for each other's preferences.

Imam Malik: "The best of what I have heard from the scholars is that the mediators' decision, whether for reconciliation or separation, is permissible."⁹³

Abu al-Sa'ud: "The mediators have the right to decide on separation if they believe it leads to a better outcome."⁹⁴

In cases where marital disputes cannot be resolved through conventional means of reconciliation, Islamic jurisprudence provides for mediation where knowledgeable and fair mediators assess the situation and make decisions aimed at the welfare of both spouses. This approach underscores the importance of intent, fairness, and adherence to Islamic principles in resolving marital conflicts. The ultimate goal is to ensure that both parties move towards a resolution that is in their best spiritual, emotional, and practical interests.

Conclusion

In conclusion, Islamic jurisprudence provides a compassionate and structured framework for addressing marital disputes, underscoring the profound sanctity and commitment inherent in the marital covenant. Both the Quran and Hadith lay a strong foundation for handling conflicts within a marriage, emphasizing the importance of reconciliation and harmony above all. Mediation, facilitated by appointed arbiters typically from each family, showcases a deep understanding of the intricacies involved in marital relationships. These mediators are not only expected to exhaust all possibilities for reconciliation but are also instructed to prioritize the preservation of the marital bond whenever feasible.

However, in instances where reconciliation efforts prove futile, and the sustained well-being of the individuals becomes untenable within the marriage, Islamic teachings allow for separation. This permission acts as a divine mercy, providing a means to avoid further harm and enabling both parties to pursue a more peaceful and fulfilling life independently. The allowance for separation, therefore, is not viewed as a failure of the marital system but rather as a pragmatic solution to an irreconcilable situation, highlighting the balance Islamic law strives to maintain between upholding the marital covenant and ensuring the well-being of individuals. This comprehensive approach ensures that decisions, whether aimed at reconciliation or necessitating separation are made with the overarching intent of fairness, justice, and compassion. These principles reflect the core values of Islam, which seek to foster peace, resolve conflicts, and maintain dignity within the family structure. Thus, Islamic marital jurisprudence not only addresses the spiritual and emotional facets of marriage but also provides practical measures to safeguard the personal growth and happiness of each individual within the marriage.

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