

YAQEEN INSTITUTE FOR ISLAMIC RESEARCH

# 40 HADITHS ON SOCIAL JUSTICE

## LECTURE NOTES

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## Chapter 27: Framing How Rights Work in a Marriage

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Mu'awiyah al-Qushayri Narrated:

I went to the Messenger of Allah (ﷺ) and asked him: What do you say (command) about our wives? He replied: Give them food what you have for yourself, and clothe them by which you clothe yourself, and do not beat them, and do not revile them.

[Sunan Abi Dawud]

عَنْ مُعَاوِيَةَ الْقُشَيْرِيِّ قَالَ أَتَيْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ فَقُلْتُ مَا تَقُولُ فِي نِسَائِنَا قَالَ " أَطْعِمُوهُنَّ مِمَّا تَأْكُلُونَ وَاكْسُوهُنَّ مِمَّا تَكْتَسُونَ وَلَا تَضْرِبُوهُنَّ وَلَا تُقَبِّحُوهُنَّ "

[سنن أبي داود]

### Introduction

- We will be discussing general rules. It is impractical to address all scenarios and exceptions.
- The Sahabi asks what rights the wives have over the husbands
- The prophet (saw) used strict language here because he understood the spirit of the question; he knew he was speaking to. He didn't just say to do Ihsan but was more specific.
- وَلَا تَضْرِبُوهُنَّ وَلَا تُقَبِّحُوهُنَّ: no physical or emotional abuse
- Surah Baqarah Ayah 228: ...وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ...
  - "And due to the wives is similar to what is expected of them, according to what is reasonable."
  - وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ: meaning that their rights are similar. there are differences in the technicalities of what those rights are.
  - بِالْمَعْرُوفِ: according to what is customary; in kindness
  - Hadith of Ibn Abbas tells us that he used to beautify himself before entering the house. He quoted this Ayah

- You should always do Ihsan in what you give and shouldn't be too demanding of your rights. That doesn't mean that you accept harm.

### Rights of the Wife

- The first right of the wife is spending (بالمعروف)
  - Spending refers to paying for acceptable food, clothing, and expenses according to 'urf and his solvency of course.
  - The wife is not asked to spend or contribute financially. If she does then that is her own Ihsan. An example is Zaynab, the wife of Ibn Masud, paying her Zakah to him
  - The Prophet (saws) said to Hind (ra) when she came complaining that Abu Sufyan was cheap with her, "Take from him what suffices you and your child within reasonability (خذي ما يكفيك وولدك بالمعروف)."
  - Reasonability (بالمعروف) is subjective which is why one should go to a judge or third party link Hind did.
  - Imam Ahmad is the most lenient in this regard. He says that a woman in this situation technically does not need to go to a judge. But she should still be careful and have Taqwah in how much she takes.
- The second right of the wife is housing (بالمعروف)
  - Hadith: يا معشر الشباب من استطاع منكم الباء فليتزوج
  - According to Ibn Qayyim, the technical definition of the ability to get married is the ability to provide a private home, food, and clothing.
  - What about others living in the home?
    - It is a right of the woman to have a private living arrangement. If she allows others to stay in the home then that is her Ihsan.
- The third right of the wife is intimacy (بالمعروف)
  - Intimacy is not just the right of the husband

- Scholars have different opinion on how often a husband must make himself available to his wife. They use different forms of analogy to come to their conclusions. Some say at least every four nights. Others say at least once a month
- The wife also has emotional rights.
  - This goes back to *ولا تحقرها* and *ولا تقبحوهن*.
  - There are many examples of the prophet (saw) being sensitive to the emotional well being of his wives. For example, he could tell when Aisha (ra) was upset because when she was upset she would take oaths saying *ورب إبراهيم* (the lord of Abraham) instead of *ورب محمد* (the lord of Muhammad)
  - Surah Nisa Ayah 19: *وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ*
    - "And dwell with them in kindness"
    - Meaning kindness in the things you say; overlook their shortcomings. Have Ihsan. Go beyond justice.
  - This goes beyond the realm of rights. The prophet (saw) took Aisha (ra) to the Abyssinian war dances until she was satisfied, even though it wasn't her right. Similarly, the prophet (saw) stopped the entire army in order to find the her necklace
- Hadith of Sahih Muslim: *عَنْ أَبِي هُرَيْرَةَ، قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " لَا يَفْرُكُ مُؤْمِنٌ مُؤْمِنَةً إِنْ كَرِهَ مِنْهَا خُلُقًا رَضِيَ مِنْهَا آخَرَ "*
  - "A believing man should not hate a believing woman; if he dislikes one of her characteristics, he will be pleased with another."
- Justice in Polygamy
  - Hadith: *مَنْ كَانَتْ لَهُ امْرَأَتَانِ فَمَالَ إِلَى إِحْدَاهُمَا جَاءَ يَوْمَ الْقِيَامَةِ وَشِقُّهُ مَائِلٌ*
    - "Whoever had two wives and gave preference to one over the other (in their rights), he would come on the day of judgment crooked."

### Rights of the Husband



- The first right of the husband is طاعة or Leadership (بالمعروف)
  - The issue of طاعة (obedience/leadership) is often hard one to grasp. There are many Ahadith that mention this.
  - The word obedience in English often has the connotation of inherent superiority. In reality there is no absolute authority for any human being over another.
  - طاعة doesn't mean dictatorship, oppression, and lack of accountability. The prophet (saw).
    - Hadith: "The best of you are those who are the best to their wives"
  - Ghazali says this model is like the model of the Khalifah and Shurah (consultation body). They are both accountable to each other.
  - طاعة is to follow him in that which is not unreasonable or impermissible
    - Hadith: لا طاعة لمخلوق في معصية الخالق
      - "There is no obedience to a creation while disobeying the creator"
- The husband's right of Intimacy
  - This does not mean that the husband can cause the wife harm or take advantage of her.
  - The Ahadith of the prophet (saw) strongly prohibit a woman from not making herself available to her husband as a means of punishing him or showing her anger.
    - The right of intimacy goes both ways but we certainly find extra emphasis on the husband's right.
- The prophet (saw) mentioned in Hajjatul Wada' that the wife should not bring people into the husband's home whom he dislikes
- The husband also has emotional rights
  - When the prophet (saw) would speak to men and women about their obligations, it wasn't mean spirited. There was a level of trust between them such that advice

could be given more frankly. When we only look at the text and not the context then we lose this understanding.

- In one narration, Asma', the daughter of Yazid al-Ansari, said, "The Prophet, may Allah bless him and grant him peace, passed by me while I was with some young slave girls belonging to me. He greeted us and said, 'Beware of the ingratitude of those with blessings.' I was the boldest of them in coming forward to question him and I said, 'Messenger of Allah, what is the ingratitude of those with blessings?' He replied, 'Perhaps one of them will remain unmarried for a long time with her parents and then Allah provides her with a husband and provides her with children from him and then she gets angry and is ungrateful and says, "I have never seen any good at all from you."'

### Showing Ihsan

- The nature of the relationship between the spouses has to transcend the discussion of rights. Rights should be given because of the fear of Allah.
- Surah Rum Ayah 21: **وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ - 30:21**
  - "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."
- Surah Baqarah Ayah 187: **هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ**
  - "They are a garment for you and you are a garment for them"
- The last will of the prophet (saw): **الصلاة الصلاة واستوصوا بالنساء خيرا**
  - "Hold on to your prayers and treat your wives well"
  - Ibn Qayyim says that your relationships are divided between the rights of Allah and the rights of people.
- If you are nitpicking and only worrying about the technicalities of your rights then that is a sign of a collapsing. Someone has to show Ihsan and seek to inspire Ihsan in the other.

- This doesn't mean that there is never a time to worry about your rights. There may be times when you need to bring a third party for counseling or advice.

### Conclusion

- Two empty souls does not make a complete marriage. Marriage will not fix all your problems.
- When the prophet (saw) spoke about Ihsan in marriage, it wasn't just about extra kindness. It included things like waking your spouse for Qiyam al-Layl, encouraging good and forbidding evil, etc.
- Shaunti Feldhahn, harvard grad social researcher, said: "A man's highest need is to feel respect, whereas a woman's highest need is to feel loved."
  - That doesn't mean the wife doesn't need respect because clearly the Prophet (s) emphasized not being degrading. But men tend to underestimate the amount of love they should show.
  - And that doesn't mean a man doesn't need love, but respect is his greatest compartment.