

## Shaykh Arif Abdulhusein

# An Existential Reading of the Notion of *Faḍl* and its Implications on Governorship (*qawwāmiyya*) and Provision (*infāq*)

### **ABSTRACT:**

Sharia precepts regarding spousal relations, rights, and responsibilities were revealed to the Prophet during the latter part of his life in Medina. During this period, the revealed precepts seem to have been warmly welcomed by the early Muslims, as they did not object to them and instead perceived them as egalitarian norms that provided spouses with due rights and responsibilities. Although these precepts were by no means exhaustive enough to cover all eventualities pertaining to spousal relations, they were phrased in the Qurʾān in a manner whereby they provided fundamental principles of how rights and responsibilities related to spousal relations can be constructed in varying situations and contexts.

In the present day, the jurisprudential (*fiqhī*) regulations that are constructed from the fundamental Qurʾānic precepts are sometimes perceived as being inequalitarian and regressive, particularly in regions that subscribe to the modern discourse of Human Rights. This paper critically analyses the Shīʿī jurisprudential discourse and highlights that the problem it lends itself to is that it views the apparent formulation of Qurʾānic precepts related to spousal relations as being universal and eternal for all times and places, rather than being contingent on the context and social norms that were prevalent during the period of revelation. The paper primarily focuses on how prominent Shīʿī scholars interpret Qurʾān 4:34, which brings together three distinct yet related terms of *faḍl* (grace), *qawwāmiyya* (governorship), and *infāq* (provision). This analysis underlines that in line with the apparent interpretation of Qurʾān 4:34, traditional jurists tend to give superiority to males by universally stipulating that they are in charge for delivering provision (*infāq*) and as such enjoy governorship (*qawwāmiyya*) over the females and that this is a grace (*faḍl*) that is bestowed to them by God.

In contrast, this paper demonstrates that sharia precepts regarding spousal relationships and the apparent indication of Qurʾān 4:34 is beholden to the existential capacity of males during the period of revelation. Accordingly, it argues that notions of provision, governorship, and grace cannot be interpreted in a universal or eternal manner. Instead, they are existential features that are subject to change with the growth of humanity and flux of existential capacities. Therefore, Sharia assigned gender roles, rights, and responsibilities are mutable depending on varying existential aptitudes of different contexts.



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#### **BIO:**

Shaykh Arif Abdulhussain founded the Al-Mahdi Institute in 1993, and currently serves as its Director and Senior Lecturer in *uṣūl al-fiqh* and Muslim Philosophy. For over twenty years, Shaykh Arif has been at the forefront of developing and delivering advanced Islamic studies, tailored toward training students capable of addressing the needs of contemporary societies.

Shaykh Arif was educated at the Madrassah Syed al-Khūʿī, London from 1985 and graduated with Honours in 1988 where he also taught grammar, logic, Islamic law and legal theory. He then furthered his studies in the Islamic Seminary in Qom, carrying out traditional post-graduate Islamic studies between 1989-93. He also attended private training and research studies with leading scholars of Qom between 1990 and 1994. Alongside these studies, he also taught in Qom across a wide spectrum of the traditional Muslim scholarly disciplines. On his return to the U.K. after founding the Al-Mahdi Institute he continued his graduate (*khārijī*) training in *uṣūl al-fiqh* and *fiqh* from 1994 until 2008 under Ayatollah H. Amini, a student of Ayatollah al-Khūʿī.