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Genealogies of Marital Authority in Islamic Family Law: Patriarchy, Sexuality, and Qurratu al-'Uyūn

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Abstract

This study examines the construction of patriarchal authority in Qurratu al-'Uyūn, an eighteenth-century Islamic marital manual attributed to al-Tahāmī, and considers its implications for contemporary Islamic family law. Although previous scholarship has examined gender inequality in classical Islamic literature on marriage and sexuality, further attention is needed to how religious authority, marital obligations, and reproductive expectations are articulated within specific textual contexts. Using a qualitative textual approach informed by biographical contextualization and Gerda Lerner's theory of patriarchy, this study analyzes the representation of gender, sexuality, and marital authority in the text. The findings identify four interrelated dimensions of patriarchal authority: ideological legitimation through religious discourse, institutional differentiation through domestic and marital responsibilities, reproductive expectations concerning women's fertility and bodily conduct, and the discursive regulation of embodied sexual experience. The study proposes psycho-somatic control as an analytical category for examining how normative marital discourse addresses bodily behavior and intimate experience, rather than as a claim about demonstrable psychological or physiological effects. These findings show how the text connects religious legitimation with gendered expectations within marriage, while underscoring the need to distinguish the prescriptions of a particular marital manual from the diversity of classical Mālikī jurisprudence. The study contributes a historically contextualized framework for critically examining marital authority and offers a basis for evaluating contemporary Islamic family law in relation to reciprocity, dignity, welfare, and the prevention of harm.

Keywords: *Qurratu al-'Uyūn; Patriarchy; Marital Authority; Islamic Family Law; Gender Justice.*

Abstrak

Penelitian ini mengkaji konstruksi otoritas patriarkal dalam Qurratu al-'Uyūn, sebuah kitab panduan perkawinan Islam abad ke-18 yang dinisbatkan kepada al-Tahāmī, serta implikasinya bagi hukum keluarga Islam kontemporer. Meskipun penelitian terdahulu

telah mengkaji ketimpangan gender dalam literatur klasik Islam tentang perkawinan dan seksualitas, perhatian lebih lanjut diperlukan untuk memahami bagaimana otoritas keagamaan, kewajiban perkawinan, dan ekspektasi reproduktif direpresentasikan dalam konteks tekstual tertentu. Dengan menggunakan pendekatan kualitatif berbasis analisis teks yang diinformasikan oleh kontekstualisasi biografis dan teori patriarki Gerda Lerner, penelitian ini menganalisis representasi gender, seksualitas, dan otoritas perkawinan dalam teks tersebut. Hasil penelitian mengidentifikasi empat dimensi otoritas patriarkal yang saling berkaitan, yaitu legitimasi ideologis melalui wacana keagamaan, diferensiasi institusional melalui tanggung jawab domestik dan perkawinan, ekspektasi reproduktif yang berkaitan dengan fertilitas dan perilaku tubuh perempuan, serta pengaturan diskursif atas pengalaman seksual yang terwujud dalam tubuh. Penelitian ini mengusulkan konsep psycho-somatic control sebagai kategori analitis untuk mengkaji bagaimana wacana normatif perkawinan mengatur perilaku tubuh dan pengalaman intim, bukan sebagai klaim mengenai dampak psikologis atau fisiologis yang telah terbukti secara empiris. Temuan ini menunjukkan bagaimana teks tersebut menghubungkan legitimasi keagamaan dengan ekspektasi gender dalam perkawinan, sekaligus menegaskan pentingnya membedakan ketentuan dalam satu kitab panduan perkawinan dari keragaman pemikiran fikih Mālikī klasik. Penelitian ini berkontribusi dengan menawarkan kerangka analitis yang mempertimbangkan konteks historis untuk mengkaji otoritas perkawinan secara kritis, serta menyediakan landasan bagi evaluasi hukum keluarga Islam kontemporer berdasarkan prinsip timbal balik, martabat manusia, kemaslahatan, dan pencegahan mudarat.

Kata Kunci: Qurratu al-'Uyūn; Patriarki; Otoritas Perkawinan; Hukum Keluarga Islam; Keadilan Gender.

INTRODUCTION

Contemporary debates on Islamic sexuality and family law increasingly raise questions about the relationship between religious authority, marital obligations, and women's sexual agency. Within some classical Islamic sexual manuals, marital relations are articulated through normative expectations concerning male authority, female obedience, and reproductive responsibilities. These representations invite critical examination of how gendered hierarchies are formulated and legitimized through religious discourse. Rather than treating patriarchy as an inherent characteristic of Islam, however, it is necessary to distinguish between Qur'anic ethical principles, historically situated interpretations of Islamic legal sources, and the particular formulations advanced by individual authors. This distinction is especially important when examining *Qurratu al-'Uyūn*, a classical text on marital relations attributed to Aḥmad ibn Qāsim al-Tahāmī, whose discussions of sexual conduct, marital duties, and spousal relations provide a significant site for investigating the construction of marital authority. Aminulloh, Nisak,

and Budianto[1], for example, examine the rights and obligations of husbands and wives in *Fathul Izaar* and *Qurrotul 'Uyuun*, while Munfarida, Soeratno, and Syamsiatun analyze the regulation of sexuality in *Qurrah al-'Uyūn* within the context of pesantren literature.[2] These studies establish the importance of classical sexual manuals as sources for understanding normative constructions of marital relations. Nevertheless, their findings also invite further inquiry into how particular representations of authority acquire religious legitimacy and how they relate to the broader intellectual and historical contexts in which such texts were produced and interpreted.

Existing scholarship on Islamic gender and sexuality can be approached through several interrelated strands. The first concerns Islamic feminist thought and gender-sensitive interpretations of religious sources. Iqbal discusses Qur'anic interpretation in relation to Muslim feminist thought[3], while Admiral examines women's sexual agency in the premodern Islamic West.[4] These studies provide conceptual resources for investigating the relationship between religious

[1] Izuddin Nur Aminulloh, Khoirun Nisak, and Budianto Budianto, "Rights and Obligations of Husband and Wife When Having Sexual Relations in the Book of Fathul Izaar and Qurrotul 'Uyuun," *GENDER EQUALITY: International Journal of Child and Gender Studies* 9, no. 1 (2023): 11–23, https://doi.org/10.22373/equality.v9i1.16168; Abdulah Pakarti, Muhammad Husni, Ija Suntana, Irfan Fahmi, Encup Supriatna, and Yernar Yessimkulov, trans. 2026. "Childfree As a Modern Life Option: An Analysis of Islamic Law and Psychology on Contemporary Social Phenomena". Al-Battar: Jurnal Pamungkas Hukum 3 (1): 1-24. https://doi.org/10.63142/al-battar.v3i1.434.

[2] Elya Munfarida, Siti Chamamah Soeratno, and Siti Syamsiatun, "Sexual Ethics in Pesantren Literature (Sexual Regimentation in Qurrah al-Uyun)," *KARSA Journal of Social and Islamic Culture* 25, no. 1 (2017): 1–32, https://doi.org/10.19105/karsa.v25i1.1263; Aminulloh, Nisak, and Budianto, "Rights and Obligations of Husband and Wife When Having Sexual Relations in the Book of Fathul Izaar and Qurrotul 'Uyuun."

[3] Roshan Iqbal, "Nurturing Gender Justice: Qurʾanic Interpretation and Muslim Feminist Thought," *Journal of Feminist Studies in Religion* 39, no. 2 (2023): 59–61, https://doi.org/10.2979/jfs.2023.a908296; Chaidir Ali Ahmad, Muhsan Syarafuddin, Kirama Nasim Manbi Ushama, and Jamaluddin Jamal Muhsen, "The Concept of the Ideal Couple: Buya Hamka's Perspective in Islamic Marriage Law," An-Nisa: Journal of Islamic Family Law 2, no. 4 (2025): https://doi.org/10.63142/an-nisa.v2i4.366.

[4] R. Admiral, "Navigating Consent: On Women's Sexual Agency in the Premodern Islamic West," *Journal of Feminist Studies in Religion* 39 (2023): 69–86; Muhammad Husni Abdulah Pakarti, Hendriana Hendriana, Diana Farid, Ghina Ulpah, and Nurul Afifah, "Pendidikan Agama dan Konstruksi Gender dalam Masyarakat Islam," Al-Usroh: Jurnal Hukum Keluarga Islam 1, no. 2 (2023): https://doi.org/10.55799/alusroh.v1i02.298.

interpretation, gender justice, and women's agency. A second strand examines sexual ethics and the representation of gender relations in classical Islamic literature. Munfarida investigate sexual regulation in pesantren literature, and Aminulloh analyze the rights and obligations of spouses in two classical manuals.[5] A third strand addresses the psychosocial dimensions of Muslim women's sexuality and the formation of intimate identities in contemporary Muslim societies. Lamba, Mohajir, and Rahman review psychosocial factors associated with sexuality[6], female sexual dysfunction, and sexual pain among Muslim women, while Rinaldo's review of Nancy Smith-Hefner's *Islamizing Intimacies* engages with contemporary questions of youth, sexuality, and gender in Indonesia.[7] Together, these strands demonstrate that Islamic sexuality can be examined as a field in which textual norms, religious authority, social expectations, and embodied experiences intersect. However, these strands do not necessarily provide an integrated explanation of how a particular classical text constructs marital authority, how its representations relate to established jurisprudential traditions, and how its normative implications can be evaluated within contemporary Islamic family law. The present study addresses this analytical problem by bringing textual interpretation, historical contextualization, and critical gender analysis into a single framework.

To investigate this problem, the study draws on Gerda Lerner's theory of patriarchy, particularly her account of the historical and institutional processes through which women's subordination is

[5] Munfarida, Soeratno, and Syamsiatun, "Sexual Ethics in Pesantren Literature (Sexual Regimentation in Qurrah al-Uyun)," 29; Aminulloh, Nisak, and Budianto, "Rights and Obligations of Husband and Wife When Having Sexual Relations in the Book of Fathul Izaar and Qurrotul 'Uyuun," 19.

[6] Arleen Lamba, Nadiah Mohajir, and Sameena Rahman, "A Review of the Psychosocial Factors That Contribute to Sexuality, Female Sexual Dysfunction, and Sexual Pain among Muslim Women," *Sexual Medicine Reviews* 11, no. 3 (June 2023): 156–73, https://doi.org/10.1093/sxmrev/qead019; Ismail Jalili and Abdul Kabir Hussain Solihu, "Qawā'id Fiqhiyyah and Legal Pluralism: Reconstructing Islamic Family Law Toward Gender Equality in Indonesia," An-Nisa: Journal of Islamic Family Law 3, no. 2 (2026): https://doi.org/10.63142/an-nisa.v3i2.536.

[7] Rachel Rinaldo, "Islamizing Intimacies: Youth, Sexuality, and Gender in Contemporary Indonesia by Nancy Smith-Hefner (Review)," *Anthropological Quarterly* 2, no. 93 (2020): 255–59, https://doi.org/10.1353/anq.2020.0038; Muhammad Husni Abdulah Pakarti, Aden Rosadi, Usep Saepullah, and Husain, "The Principle of Guardianship in Marriage: A Philosophical Analysis of the Harmonization of Islamic Law and Indonesian Positive Law," An-Nisa: Journal of Islamic Family Law 2, no. 2 (2025): https://doi.org/10.63142/an-nisa.v2i2.188.

organized and reproduced.[8] Lerner's framework provides a basis for examining ideological legitimation, institutional arrangements, and the appropriation of women's reproductive capacities as interconnected dimensions of patriarchal relations. Applied to *Qurratu al-'Uyūn*, this framework helps identify how representations of marital obligations and sexual conduct may establish or reinforce asymmetrical relations between husbands and wives. The analysis is complemented by biographical criticism, which considers the relationship between an author's historical circumstances and the text without assuming that biography alone determines textual meaning.[9] Accordingly, al-Tahāmī's socio-historical context is treated as an interpretive dimension to be investigated alongside the text and relevant jurisprudential sources, rather than as conclusive proof of the origins of its gender assumptions. The study also considers the distinction between the text's representations, the religious or legal sources invoked to support them, and the interpretations developed by the present researcher. This distinction is essential because a position expressed in one manual cannot automatically be regarded as representative of the entire Mālikī school or of Islamic jurisprudence as a whole.

The study further evaluates the text through the ethical and normative objectives of Islamic family law. Qur'anic descriptions of marriage emphasize tranquillity, affection, and mercy between spouses (Q. 30:21), portray husbands and wives as garments for one another (Q. 2:187), and instruct husbands to live with their wives in kindness (Q. 4:19). These principles provide a normative basis for examining whether particular constructions of marital authority adequately recognize reciprocity, dignity, and the interests of both spouses. A maqāṣid al-sharī'ah perspective further enables the analysis to consider the purposes and consequences of legal interpretations rather than treating inherited formulations as self-justifying norms. Contemporary work on maqāṣid-based Qur'anic interpretation provides a relevant point of reference for

[8] Gerda Lerner, *The Creation of Patriarchy* (New York: Oxford University Press, 1986), 53; Muhammad Husni Abdulah Pakarti, Edy Saputra, Husain, Lexy Fatharany Kurniawan, and Nahdia Nazmi, "The Impact of Changing Gender Roles on the Dynamics of Family Law in the Modern Era," Yinyang: Jurnal Studi Islam Gender dan Anak 19, no. 1 (2024): https://doi.org/10.24090/yinyang.v19i1.9513.

[9] Andrew Bennett, *The Author*, Transferred to digital print, The New Critical Idiom (London: Routledge, 2005); Terry Eagleton, *Marxism and Literary Criticism*, Routledge Classics (London: Routledge, 2002).

this approach.[10] Within this framework, the study examines what may be described as *psycho-somatic control*: the discursive regulation of women's embodied sexual experience through prescriptions, expectations, and representations of marital duty. The term is used here as an analytical category for interpreting textual representations, not as a claim that the text demonstrably produces neurological, hormonal, or cellular changes. Its purpose is to explore how ideas about obligation, obedience, and legitimate sexual conduct may shape the ways women's bodies and experiences are represented within a normative discourse. This conceptual extension is therefore presented as a proposition emerging from textual analysis, rather than as an empirically established biological mechanism.

Against this background, the study asks two questions: first, how does al-Tahāmī's *Qurratu al-'Uyūn* construct marital authority through its representations of sexual obligations, spousal obedience, and reproductive responsibilities? Second, how do these constructions relate to the text's historical and jurisprudential contexts, and how can they be critically evaluated through gender justice and the objectives of Islamic family law? This study argues that *Qurratu al-'Uyūn* provides a case through which to examine the ways marital authority can be articulated and legitimized in classical Islamic sexual literature. By combining Lerner's theory of patriarchy with biographical criticism and critical textual analysis, the study investigates ideological, institutional, and reproductive dimensions of gendered authority, while considering the regulation of embodied sexual experience as a possible additional analytical dimension. Its contribution lies not in asserting that all classical Islamic jurisprudence is uniformly patriarchal, but in distinguishing the specific normative constructions found in the text from the broader Islamic legal and ethical traditions with which they interact. The study ultimately seeks to contribute to a critical reconstruction of Islamic family law that evaluates inherited interpretations in light of reciprocity, mutual dignity, non-harm, and the ethical purposes of marriage.

RESEARCH METHODS

[10] Hasani Ahmad Said et al., "Maqashid Based Quránic Interpretation: An Inclusive Approach for the Millenial Generation," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 2 (July 2025): 758–77, https://doi.org/10.22373/pdjqc552; Muhammad Husni Abdulah Pakarti, Wahyudi, and Diana Farid, "Peran Tradisi dan Norma Gender dalam Penyelesaian Sengketa Hukum Keluarga," An-Nisa: Journal of Islamic Family Law 1, no. 3 (2024): https://doi.org/10.63142/an-nisa.v1i3.50.

This study employs a qualitative interpretive approach informed by critical feminist epistemology to examine the construction of marital authority in *Qurratu al-'Uyūn*. The analytical framework integrates biographical criticism and Gerda Lerner's theory of patriarchy. Biographical criticism draws on Eagleton's account of the relationship between literary texts, ideology, and political interests, alongside Bennett's discussion of the author's life, experiences, and social circumstances in interpreting literary works.[11] This approach is used to investigate the relationship between al-Tahāmī's socio-historical context and the textual formulation of marital relations without assuming that biographical circumstances directly determine textual meaning. Lerner's theory provides a complementary framework for examining patriarchy as a historically produced and institutionalized system of gendered power.[12] For analytical purposes, patriarchal relations are examined through three dimensions: ideological legitimation, institutional arrangements, and the regulation of women's sexuality and reproductive roles. The study also considers the discursive regulation of embodied sexual experience as a potential analytical extension, while distinguishing textual representations of bodily experience from empirically demonstrable psychological or biological effects. Together, these frameworks guide the investigation of how marital authority is represented, justified, and potentially reproduced in the text.

The primary source is the original Arabic text of *Qurratu al-'Uyūn*, selected because of its relevance to classical Islamic discussions of marital relations and sexual conduct. The secondary sources comprise available biographical accounts of al-Tahāmī, historical studies of eighteenth-century North Africa, relevant Mālikī jurisprudential works, Qur'anic exegesis, hadith sources cited or invoked in the text, and previous academic studies of Islamic sexual literature and gender relations. Textual data are selected purposively according to their relevance to the research questions. The units of analysis consist of passages addressing marital authority, spousal obedience, sexual obligations, reproductive responsibilities, and the religious or legal justifications associated with these themes. Each relevant passage is examined by distinguishing the wording of the primary text, the religious or jurisprudential sources it invokes, and the interpretation advanced in this study. Where the text cites Qur'anic verses or hadith, the cited

[11] Eagleton, *Marxism and Literary Criticism*, 35; Bennett, *The Author*, 56–57.
[12] Lerner, *The Creation of Patriarchy*, 239.

material is compared with its identifiable source; hadith are assessed through relevant hadith references and available scholarly evaluations rather than assumed to be authentic solely because they appear in the manual. Relevant Mālikī works are consulted comparatively to determine whether a particular position is supported by broader jurisprudential discussions or represents a more specific interpretation. Historical and biographical sources are assessed for their reliability and relevance to the author's period and geographical context. Arabic passages are interpreted in their linguistic and textual contexts, with translations used to communicate the analysis in English while preserving distinctions between the source's wording and the researcher's interpretation.

The analysis proceeds through three interconnected stages. First, biographical-historical analysis examines the available evidence concerning al-Tahāmī's life, intellectual environment, and historical context, identifying connections to the text only where these are supported by documentary or scholarly evidence. Second, critical textual analysis codes and interprets the selected passages according to the study's analytical categories, examining how religious authority, marital obligations, gender hierarchy, sexual conduct, and reproductive roles are represented and justified. Third, jurisprudential and normative comparison situates these representations in relation to relevant Mālikī legal discussions and evaluates their implications through principles of gender justice, mutual dignity, non-harm, and the ethical objectives of Islamic family law. The analysis moves from textual evidence to interpretation, source verification, contextual comparison, and critical evaluation, rather than treating the presence of a gender hierarchy as sufficient proof of a uniform patriarchal position across Islamic jurisprudence. Analytical credibility is strengthened through triangulation among the primary text, relevant religious and legal sources, historical scholarship, and previous academic research; consistency in the application of analytical categories; transparent documentation of interpretive decisions; and critical consultation with academic peers. Researcher reflexivity is maintained by acknowledging the researcher's position as a Muslim scholar engaging critically with feminist perspectives, including the possibility that prior theoretical commitments may influence interpretation. The study's limitations include the scope of the selected textual corpus, the availability of historical evidence, the challenges of interpreting classical Arabic, and the distinction between textual representations and the lived experiences

of historical or contemporary Muslim women. Accordingly, the findings are intended to support a contextually grounded interpretation of *Qurratu al-'Uyūn* rather than generalized claims about all classical Islamic sexual literature or the entire Mālikī legal tradition.

RESULTS AND DISCUSSION

Genealogy of Marital Authority: Text, Authorial Context, and Jurisprudential Tradition

The genealogy of marital authority in *Qurrah al-'Uyūn bi Sharḥ Naẓm Ibn Yamūn* can be examined through the interaction between textual representations of gender, the author's intellectual context, and the jurisprudential authorities invoked to explain marital relations. Rather than treating patriarchy as an inherent characteristic of Islam or as a uniform feature of the Mālikī school, this analysis distinguishes between the gendered assumptions expressed in the text, the religious and legal sources used to support them, and the broader jurisprudential traditions within which those sources are interpreted. Classical Islamic sexual manuals are important sites for investigating how marital obligations and gender relations are represented through religious discourse. Aminulloh, Nisak, and Budianto, for example, examine the rights and obligations of husbands and wives in *Fathul Izaar* and *Qurrotul 'Uyuun*.[13] Building on their study, the present analysis investigates how *Qurrah al-'Uyūn* articulates marital authority and how its representations can be evaluated in relation to the author's historical context and the wider Mālikī legal tradition.

Biographical and bibliographical information provides an initial basis for situating al-Tahāmī within the intellectual history of Morocco. Khoiruddin's *Al-A'lām Qāmūs Tarājim* serves as a reference for establishing the author's identity and biographical background.[14] Fez and Tangier are relevant geographical contexts for considering the intellectual environment in which Moroccan Islamic scholarship developed. Nevertheless, the presence of established centers of Islamic learning does not, by itself, demonstrate that al-Tahāmī belonged to a homogeneous intellectual network or that his views represented a consensus among contemporary scholars. Such conclusions require

[13] Aminulloh, Nisak, and Budianto, "Rights and Obligations of Husband and Wife When Having Sexual Relations in the Book of Fathul Izaar and Qurrotul 'Uyuun," 19.

[14] Khayr al-Din Al-Zirikli, *Al-A'lam: Qamus Tarajim Li-Ashhar al-Rijal Wa-al-Nisa' Min al-'Arab Wa-al-Musta'ribin Wa-al-Mustashriqin*, 15th ed. (Beirut: Dar al-'Ilm li al-Malayin, 2002), 20–23.

specific evidence concerning his teachers, scholarly affiliations, cited authorities, and documented intellectual relationships. Accordingly, the author's biography is treated as contextual evidence rather than as a sufficient explanation for the gendered assumptions expressed in the text. This approach also avoids assuming that the author's gender or social position alone determined his interpretation of marital relations.

The relationship between *Qurrah al-'Uyūn* and the Mālikī jurisprudential tradition requires a similar distinction between textual representation and legal doctrine. Al-Tahāmī's engagement with authorities such as Ibn 'Urfah indicates his use of an established jurisprudential vocabulary in discussing marriage and marital obligations.[15] However, citing a recognized Mālikī jurist does not establish that every proposition in the manual represents that jurist's original position or the consensus of the school. The relevant analytical task is to identify the authorities invoked, examine how their positions are presented, and compare the author's formulations with relevant jurisprudential sources. This distinction is particularly important when interpreting obedience, maintenance (*nafaqah*), marital disobedience (*nushūz*), and sexual rights. These concepts have distinct legal contexts and cannot be treated as interchangeable expressions of male domination without examining their respective conditions and implications. Consequently, the patriarchal implications of a particular formulation must be established through textual and jurisprudential comparison rather than presumed from its association with a classical legal tradition.

A passage on page 60 of the edition examined in this study provides a specific example of how marital relations are represented in *Qurrah al-'Uyūn*. Al-Tahāmī describes the wife through a metaphor of a vehicle that the husband rides as he wishes.[16] This metaphor warrants critical attention because it may position the wife as the object of the husband's sexual agency, emphasizing his access to her body rather than explicitly articulating reciprocal participation in marital intimacy. Its significance must nevertheless be assessed in relation to the surrounding passage and the function of the metaphor in the author's argument. It should not be treated in isolation as proof that the entire Mālikī school conceptualizes women as property. Rather, it constitutes a specific textual instance through which to investigate how sexual entitlement is

[15] Muhammad al-Tahami Ibn Madani, *Qurrah Al-'Uyūn Bi Syarḥ Naẓm Ibn Yamūn* (Jakarta Selatan: Bismika, 2009), 65.

[16] Ibn Madani, 60.

represented and whether the wife's agency is sufficiently recognized in the formulation of marital relations.

A comparison with Mālikī jurisprudential sources provides a broader legal context for interpreting this passage. In *Al-Muwaṭṭa'*, Mālik discusses the prohibition against retaining a wife with the intention of causing her harm, drawing on Qur'an 2:231. The same book addresses the legal consequences when a husband cannot provide maintenance and the regulation of *īlā'*, a husband's oath to abstain from sexual relations with his wife.[17] These discussions indicate that marital authority and obligations were addressed through differentiated legal rules, including restrictions on harmful conduct and consequences for the non-fulfilment of certain marital responsibilities. They do not, however, directly establish the scope of a wife's sexual consent or determine whether al-Tahāmī's metaphor corresponds to a specific Mālikī doctrine. The relevant passages of *Al-Mudawwanah al-Kubrā*, associated with Sahnūn's transmission of Mālikī jurisprudence, provide an additional primary source for examining the legal regulation of marital rights and obligations.[18] In particular, its discussions of maintenance can help clarify how the wife's financial claims and the husband's obligations were treated within Mālikī jurisprudence. These sources must be compared at the level of their actual legal propositions rather than assumed to express either an identical or a fundamentally opposing position to that of al-Tahāmī.

Kecia Ali's *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence* offers a complementary analytical framework for examining how interpretations of marriage, sexual rights, consent, and control shape the normative construction of marital relations. Ali's work is useful here not as a substitute for primary jurisprudential evidence, but as a framework for critically evaluating the relationship between legal interpretations and gendered sexual entitlement.[19] Read alongside *Al-Muwaṭṭa'* and *Al-Mudawwanah al-Kubrā*, this approach helps distinguish the particular representation

[17] Malik ibn Anas and Muhammad Fu'ad 'Abd al-Baqi, *Al-Muwatta' (Kitab al-Talaq)* (Beirut: Dar Ihya' al-Turath al-'Arabi, 1985), 29–30, https://catalog.perseus.org/catalog/urn:cts:arabicLit:0179MalikIbnAnas.Muwatta.

[18] Sahnun ibn Sa'id al-Tanukhi, *Al-Mudawwanah al-Kubra* (Egypt: Matba'at al-Sa'adah, 1905), 2:37–39, https://sites.dlib.nyu.edu/viewer/books/cornell_aco000201/display?lang=en.

[19] Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence* (Oxford: Oneworld Publications, 2006).

advanced in *Qurrah al-'Uyūn* from the broader legal discussions within which marital authority was regulated. A definitive conclusion about whether al-Tahāmī reproduces, selectively interprets, or extends a particular Mālikī position, however, requires direct comparison between the relevant Arabic passages. The available evidence supports a critical inquiry into the text's gendered representation of marital relations, but does not justify treating the manual as an exhaustive representation of the entire Mālikī school.

Gerda Lerner's theory of patriarchy provides a framework for examining how gendered power relations may be normalized through ideological representations and institutional arrangements.[20] Applied to *Qurrah al-'Uyūn*, this framework directs attention to how marital obligations may be presented as religiously legitimate, socially necessary, or normatively unquestionable. The central question is not simply whether the text contains prescriptions concerning husbands and wives, but whether and how those prescriptions establish asymmetrical rights, responsibilities, or forms of authority. A patriarchal interpretation becomes analytically persuasive when the textual evidence demonstrates that male entitlement is privileged while women's agency or reciprocal claims are restricted, marginalized, or insufficiently articulated.[21] This interpretation must also be tested against the religious and jurisprudential sources used by the author, since the normative authority of a prescription cannot be established solely by its presence in a manual.

The genealogy developed in this study therefore concerns the relationship between textual representation, authorial interpretation, and jurisprudential legitimation.[22] It does not presume that al-Tahāmī's social context directly determined his position, nor does it attribute every gender hierarchy identified in the text to the Mālikī school as a whole. Instead, it examines how a particular classical manual formulates marital authority through its selection and interpretation of religious and legal concepts. The comparison with *Al-Muwaṭṭa'* and *Al-Mudawwanah al-Kubrā* establishes a basis for evaluating the text within a broader

[20] Lerner, *The Creation of Patriarchy*, 21.

[21] Rosdalina Bukido et al., "Divorce Among Female Muslim Civil Servants: Legal Perspectives in Indonesia," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 25, no. 1 (2025): 85–116, https://doi.org/10.18326/ijtihad.v25i1.85-116.

[22] Faisal Chaudhry, "Rethinking the Nineteenth-Century Domestication of the Sharīʿa: Marriage and Family in the Imaginary of Classical Legal Thought and the Genealogy of (Muslim) Personal Law in Late Colonial India," *Law and History Review* 35, no. 4 (2017): 853, https://doi.org/10.1017/S0738248017000384.

jurisprudential context, while Ali's work and Lerner's theory help interpret the gendered implications of its formulations. This approach provides a foundation for the subsequent analysis of sexual consent, obedience, and reproductive responsibilities, where the specific mechanisms through which marital authority is represented can be examined in greater detail.

Sexual Consent and Obedience

The relationship between sexual consent and marital obedience constitutes a central dimension of the gendered authority represented in *Qurratu al-'Uyūn*. Within the text's normative framework, marital relations are not discussed exclusively as expressions of intimacy but are also situated within a moral order that assigns particular responsibilities and expectations to husbands and wives. This framework raises an important analytical question: to what extent is the wife represented as an autonomous participant in marital intimacy, and to what extent is her sexual role defined through the obligation to comply with her husband's demands? Addressing this question requires examining not only the text's prescriptions but also the distribution of authority underlying them. The central concern is therefore not simply whether the text recognizes sexual obligations within marriage, but how those obligations are articulated and whether the wife's agency is acknowledged within the relationship.

The metaphor discussed in the preceding section, in which the wife is represented as a vehicle that the husband may ride as he wishes, provides an important point of departure for this analysis. Such imagery can be read as positioning the husband as the active subject and the wife as the object of sexual use.[23] Its significance lies in the asymmetry of agency that the metaphor appears to establish: the husband is associated with initiative and control, whereas the wife is represented through her availability to him. Nevertheless, this interpretation should remain attentive to the distinction between rhetorical representation and legal prescription. A metaphor does not, by itself, establish the precise legal status of sexual consent or demonstrate that every jurist within a particular school endorsed the same position. Rather, it reveals how figurative language can naturalize a hierarchical understanding of marital intimacy and make unequal relations of authority appear ordinary or morally acceptable.

The concept of obedience is particularly important because it can

[23] Ibn Madani, *Qurrah Al-'Uyūn Bi Syarḥ Naẓm Ibn Yamūn*, 55.

connect sexual expectations to a broader structure of marital authority.[24] When a wife's moral standing is evaluated primarily through her compliance with her husband, her capacity to negotiate the conditions of intimacy may become subordinated to the fulfillment of an assigned marital role.[25] From a critical feminist perspective, this arrangement invites scrutiny of the distinction between reciprocal marital responsibility and unilateral sexual entitlement. Reciprocity presupposes that both spouses are moral agents whose interests and well-being matter within the relationship. By contrast, an asymmetrical framework risks presenting the husband's sexual claims as normative expectations while rendering the wife's preferences, discomfort, or refusal less visible.[26] The analytical issue is not whether marriage entails mutual responsibilities, but whether the interpretation of those responsibilities distributes agency and accountability equitably between spouses.

This distinction also requires caution when interpreting classical Islamic jurisprudence. The existence of discussions concerning a wife's obedience or a husband's sexual rights does not automatically establish that the juristic tradition recognized unrestricted sexual entitlement. Nor can the absence of a modern vocabulary of consent be treated as sufficient evidence that all classical jurists understood marital intimacy in precisely the same way.[27] The relevant sources must instead be examined in their own legal contexts, including the conditions under which marital obligations were discussed, the consequences attached to their violation, and the rights or protections available to each spouse. In the Mālikī tradition, for example, discussions of maintenance, marital discord, and separation offer relevant contexts for investigating how

[24] Mary Stanford, *The Obedience Paradox: Finding True Freedom in Marriage* (Huntington: Our Sunday Visitor, 2022), 84.

[25] Zulfi Ida Syarifah et al., "Trends in Modern Women's Relations in Social Problems: Islamic Law in Tafsir Al-Qurtubi," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 2 (2025): 218–32, https://doi.org/10.30631/alrisalah.v25i2.1540.

[26] Tabea Ott, "Purity Cultures and the Ideology of 'Bodies as Property' as Form of Sexual Violence," *Theology & Sexuality* 31, nos. 1–3 (2025): 67, https://doi.org/10.1080/13558358.2025.2525613.

[27] Dedi Masri and Randy Putra Alamsyah, "Force Majeure in Abortion: A Review of Ulama Fatwas and Indonesian Health Law," *Malaysian Journal of Syariah and Law* 14, no. 1 (2026): 75, https://doi.org/10.33102/mjsl.vol14no1.1179.

reciprocal responsibilities and marital harm were addressed.[28] However, these subjects cannot independently establish a specific doctrine concerning sexual consent. Any claim about the legal status of a wife's refusal therefore requires direct textual evidence from the relevant juristic works rather than an inference drawn from general discussions of obedience or maintenance.

Kecia Ali's analysis of sexuality and Islamic jurisprudence provides a useful critical framework for examining this problem. Her work demonstrates the importance of investigating how legal concepts of marriage, sexual access, and gendered obligations are constructed within particular interpretive and historical settings.[29] Applied to *Qurratu al-'Uyūn*, this perspective directs attention to the relationship between the text's moral language and the hierarchy of rights and duties it communicates. It also helps distinguish between describing a historically situated normative framework and endorsing that framework as an adequate ethical model for contemporary Muslim marriages. The text can thus be studied as a source that articulates a particular understanding of marital conduct without assuming that its formulations exhaust the interpretive possibilities of Islamic law.

From this perspective, the problem of sexual consent is inseparable from the question of how marital authority is legitimized. If obedience is framed primarily as a duty flowing from the husband's position, the wife's agency may be constrained by a normative structure that privileges one spouse's expectations over the other's experience.[30] Conversely, a framework of reciprocal responsibility requires attention to both spouses' dignity, well-being, and capacity to participate in decisions affecting their bodies and intimate lives. This is an analytical and ethical distinction, not a claim that the historical text explicitly employs contemporary concepts of sexual autonomy. The distinction enables a critical reading that remains historically attentive while assessing the implications of the text's representations for gender justice.

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[28] Mohammad Fadel, "Doctrinal Change in Mālikī Law: The Case of Judicial Divorce on Account of Harm (Ḍarar)," *Comparative Legal History* 13, no. 2 (2025): 198, https://doi.org/10.1080/2049677X.2025.2579343.

[29] Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence*, 27–29.

[30] Fatin Nasihah Jamal Abd. Nasir, "The Husband's Obligation in Providing Nafaqah to the Wife During the Pandemic Hardship: An Analysis from an Islamic Perspective," *Jurnal Syariah* 32, no. 2 (2024): 331, https://doi.org/10.22452/syariah.vol32no2.4.

The analysis therefore suggests that *Qurratu al-'Uyūn* should be examined not merely as a manual of marital conduct but also as a text through which gendered expectations concerning obedience and sexuality are communicated. Its language can illuminate how marital intimacy is organized within a hierarchy of authority, while comparison with primary juristic sources is necessary to determine the extent to which those representations correspond to, selectively interpret, or depart from broader legal discussions. This approach avoids equating one author's formulation with the entirety of Mālikī jurisprudence. It also establishes the basis for the next section, which examines how marital authority extends beyond sexual relations into the regulation of reproduction and women's bodily autonomy.

Reproductive Governance and Women's Bodily Autonomy

In *Qurratu al-'Uyūn*, marital authority is expressed not only through expectations of sexual conduct but also through the ways women's reproductive capacity is represented and valued. Three passages are particularly relevant to this discussion: the characterization of an ideal wife in terms of fertility, the regulation of food consumption in anticipation of conception, and the religious encouragement to have numerous offspring. Taken together, these passages illustrate how reproduction becomes part of the text's normative understanding of marriage. They also raise questions about how reproductive responsibilities are distributed, how women's bodies are positioned within marital expectations, and how religious authority is invoked to give these expectations legitimacy.

The first passage states that "the wife should not be a barren woman" and invokes the prophetic recommendation to marry a woman who is affectionate and capable of bearing many children.[31] The association between affection and fertility is significant because it combines an emotional quality with a reproductive expectation in the representation of an ideal wife. The terms *al-wadūd* (affectionate) and *al-walūd* (capable of bearing many children), as reported in the passage, present fertility as a valued characteristic in the selection of a marital partner. This formulation does not, by itself, establish that women's identities are reduced entirely to reproduction or that infertile women are subject to a particular legal sanction.[32] It does, however, indicate that

[31] Ibn Madani, *Qurrah Al-'Uyūn Bi Syarḥ Naẓm Ibn Yamūn*, 25.

[32] Saini Saini et al., "Reconstructing the Concept of Istiṭā'ah Al-Nikāḥ: A Maqāṣid Al-Sharī'ah Response to Female Waithood," *Al-Majaalis: Jurnal Dirasat Islamiyah* 13, no. 2 (2026): 15, https://doi.org/10.37397/al-majaalis.v13i2.1511.

reproductive capacity occupies an important place in the text's representation of marital desirability. From a gender-critical perspective, the passage invites further consideration of how fertility becomes a criterion through which women are evaluated within the institution of marriage.

A similar concern emerges in the passage describing dietary restrictions for a bride during the first seven days of marriage. According to the manuscript, certain foods are prohibited because they are believed to diminish sexual pleasure and hinder conception.[33] Here, food consumption is linked to expectations concerning sexual experience and reproductive success. The bride's everyday bodily conduct is thus placed within a framework of prescribed behavior intended to support the anticipated outcome of conception. The significance of this passage lies less in whether the dietary restrictions were physiologically effective than in what they reveal about the relationship between bodily regulation and reproductive expectations. The text presents fertility as an outcome that can be encouraged through particular practices, making the bride's body a focus of normative attention. However, the passage should not be interpreted as evidence of hormonal or cellular control, since the available material does not establish such effects.

The third passage connects the production of offspring to the wider interests of the Muslim community. As translated in the existing manuscript, the reported prophetic statement encourages marriage and the multiplication of descendants, who would contribute to the growth of the community on the Day of Judgment.[34] In this formulation, procreation carries significance beyond the private relationship between husband and wife: it is associated with a collective religious objective. This connection helps explain how reproductive expectations can be framed not merely as personal or familial aspirations but also as contributions to the wider community.[35] Nevertheless, the communal value attached to offspring does not necessarily mean that women's reproductive capacity is treated exclusively as a collective resource. Establishing such a claim would require further evidence concerning the text's treatment of infertility, reproductive choice, and the respective

[33] Ibn Madani, *Qurrah Al-'Uyūn Bi Syarḥ Naẓm Ibn Yamūn*, 35.

[34] Ibn Madani, 37.

[35] Iman Lechkar, "The Role of Temporary Marriage in the Formation of a 'Modern' Islamic Sexual and Relational Ethics for Halal Dating among Young Pious Muslim Men," *Religion and Gender* 12, no. 2 (2022): 137, https://doi.org/10.1163/18785417-01202007.

responsibilities of husbands and wives.[36] The passage supports the more limited conclusion that procreation is presented as a religiously valued objective of marriage.

These passages reveal three related dimensions of reproductive expectations in *Qurratu al-'Uyūn*: fertility as a desirable attribute of a wife, bodily conduct as a means of anticipating conception, and procreation as a contribution to the Muslim community. Their significance lies in the way reproductive capacity becomes embedded in the text's account of marital life. Women are explicitly identified in discussions of fertility and bodily regulation, while the objective of procreation is articulated in relation to the interests of the wider religious community.[37] This distribution of emphasis provides a basis for examining the gendered implications of the text. It does not, however, establish that husbands exercise unrestricted control over every aspect of reproduction or that the author rejects women's agency in all reproductive matters. Rather, it suggests that women's reproductive capacities receive particular normative attention within the text's representation of marriage.

The Qur'anic account of parental responsibility provides a useful point of comparison. Qur'an 2:233 addresses breastfeeding, financial provision, the prevention of harm to either parent through the child, and mutual consent and consultation in decisions concerning early weaning.[38] It also recognizes the possibility of employing a substitute wet nurse under appropriate conditions. The verse therefore places certain aspects of child-rearing within a framework of reciprocal responsibility, consideration of capacity, and protection against harm. Although it does not directly address every question concerning fertility or reproductive autonomy, it offers a relevant textual basis for examining how parental obligations are framed and how the interests of those involved are taken into account.

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[36] Gamal I. Serour and Ahmed G. Serour, "Islamic Law and Reproduction," in *Ethical, Efficacy and Safety Issues in Contraception*, ed. Andrea R. Genazzani et al. (Cham: Springer Nature Switzerland, 2026), 49, https://doi.org/10.1007/978-3-032-07322-8_4.

[37] Ayesha Alvi and Mohammed Rizwan, "Retracing the Islamic Prohibition on Genetic Gestational Surrogacy (Uterine Service) for Married Couples: Scientific and Analogical Perspectives," *Australian Journal of Islamic Studies* 8, no. 1 (2023): 72, https://doi.org/10.3316/informit.501010610407923.

[38] Benaouda Bensaid, "Breastfeeding as a Fundamental Islamic Human Right," *Journal of Religion and Health* 60, no. 1 (2021): 369, https://doi.org/10.1007/s10943-019-00835-5.

This comparison does not necessarily establish a contradiction between *Qurratu al-'Uyūn* and the Qur'an, since the passages differ in subject matter and genre.[39] Rather, it highlights a difference in emphasis. The passages from *Qurratu al-'Uyūn* discussed here foreground fertility, practices associated with conception, and the religious value of offspring, whereas Qur'an 2:233 explicitly addresses parental responsibilities, financial provision, consultation, and the prevention of harm in breastfeeding and weaning. Read alongside one another, these sources raise an important question: how can reproductive expectations be understood in ways that also recognize women's physical circumstances, interests, and agency, as well as the responsibilities of husbands? This question enables a more nuanced analysis than simply classifying a text as either patriarchal or gender-just. It directs attention instead to the particular expectations the text emphasizes and the reciprocal responsibilities that receive less explicit attention in the passages examined.

The relationship between these representations and Mālikī jurisprudence must also be established through issue-specific textual evidence. General discussions of marital authority or a wife's obligations cannot, on their own, determine the legal position of a juristic school on fertility, contraception, pregnancy, breastfeeding, or child-rearing. Each issue requires examination of the relevant legal discussions and their historical context. For example, claims about Mālikī rulings on breastfeeding, maintenance, or parental responsibilities would need to be supported by verified passages from primary sources such as *al-Mudawwanah al-Kubrā*. Until such evidence has been examined, it would be premature to conclude that the passages in *Qurratu al-'Uyūn* either represent or depart from a definitive Mālikī position on reproductive autonomy.[40] This distinction is essential to avoid generalizing the position of one marital manual to the entire legal tradition.

A further distinction is necessary between interpreting the text historically and evaluating its implications normatively. At the descriptive level, the passages show how fertility, dietary conduct, and procreation are represented within the text's account of marriage. At the

[39] Ibn Madani, *Qurrah Al-'Uyūn Bi Syarḥ Naẓm Ibn Yamūn*, 37.

[40] M. Coetsee and M. al-Marakeby, "Between Sale and Worship: Consistent Inconsistencies in Classical Ḥanafī and Mālikī Rulings on Marital Annulments," *Islamic Law and Society* 29, no. 4 (2022): 417, https://doi.org/10.1163/15685195-bja10023.

evaluative level, concepts such as *maqāṣid al-sharī'ah*, *maṣlaḥah*, and the prevention of harm provide a framework for considering whether reproductive expectations adequately account for human welfare, bodily well-being, and reciprocal marital responsibility. Qur'an 2:233 is particularly relevant to this discussion because it addresses the prevention of harm and recognizes the importance of consultation in a specific context of parental decision-making. A *maqāṣid*-oriented assessment can therefore ask whether particular expectations protect or compromise the welfare of spouses, whether responsibilities are distributed fairly, and whether women's physical circumstances are adequately considered.[41] These are questions arising from a contemporary normative assessment; they should not be attributed directly to al-Tahāmī unless supported by the text itself.

From the perspective of gender justice, the central issue is not whether reproduction has religious and communal significance, but how that significance is interpreted in relation to women's agency and well-being.[42] Recognizing the value attached to offspring does not require treating fertility as the sole measure of a woman's worth. Nor does an encouragement to have children necessarily demonstrate coercive control.[43] A more precise analysis examines whether reproductive expectations are accompanied by consideration of infertility, physical limitations, bodily well-being, and the shared responsibilities of spouses. This approach makes it possible to evaluate the gendered implications of the text without overlooking its historical context or assuming that every reproductive norm has the same consequences.

The passages examined here thus show how reproductive capacity becomes a significant element in *Qurratu al-'Uyūn*'s representation of marital life. Fertility is associated with the qualities of a desirable wife, bodily conduct is linked to the anticipated possibility of conception, and procreation is connected to the interests of the wider Muslim community.

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[41] Ahmad Saifudin et al., "Child Rearing Traditions and the Maqāṣidī Tafsir of Q.S. Al- Baqarah (2):233: Integrating Islamic Values with Cultural Practices," *Mimbar Agama Budaya* 42, no. 1 (2025): 219, https://doi.org/10.15408/mimbar.v42i1.46102.

[42] Intan Islamia, Diah Mukminatul, and Hendriyadi, "Marriage Contract from an Interdisciplinary Perspective: Integrating Islamic Law, Positive Law, and Gender Justice," *Gender, Islamic Law, and Sustainability* 1, no. 2 (2026): 126, https://doi.org/10.70211/gils.v1i2.388.

[43] Al Fiqri Ardiansyah et al., "Qiwāmah And Epistemic Violence: A Critical Socio-Legal Analysis of Gendered Authority In Islamic Family Law," *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 623, https://doi.org/10.52496/mjhki.v3i2.100.

These representations provide a basis for analyzing reproductive governance as one dimension of marital authority, although they do not establish a comprehensive doctrine governing pregnancy, childbirth, breastfeeding, or child-rearing. The broader implication is that historically situated marital norms must be examined both in their original textual context and in light of the ethical questions they raise today. Such an approach creates space for a critical engagement with Islamic textual and juristic traditions that takes reciprocity, human welfare, and the prevention of harm seriously without conflating the author's historical formulations with the entirety of Islamic family law.

From Patriarchal Norms to Gender-Just Islamic Family Law

The preceding analysis demonstrates that marital authority in *Qurratu al-'Uyūn* is articulated through representations of spousal obedience, sexual relations, and reproductive expectations.[44] These elements suggest that the text presents marriage not merely as a private relationship but also as a normative arrangement in which husbands and wives are assigned differentiated roles. The husband's authority and the wife's responsibilities become visible through the language used to describe obedience, sexual availability, fertility, and the regulation of bodily conduct.[45] Nevertheless, these findings should be understood as an interpretation of a particular marital manual rather than as a comprehensive representation of classical Mālikī jurisprudence. The distinction is important because the relationship between textual prescriptions, juristic reasoning, and lived marital practices cannot be established through textual analysis alone.

A critical reassessment of these norms requires attention to the difference between historically situated gender expectations and the broader ethical objectives of Islamic family law. The presence of asymmetrical representations in *Qurratu al-'Uyūn* does not, by itself, resolve the normative question of whether every prescribed relationship of authority should be maintained in contemporary legal practice. Instead, it raises a further question: how can the ethical purposes of marriage be articulated without treating gender hierarchy as an unquestionable basis for allocating rights and responsibilities? Addressing this question requires a clear distinction between describing

[44] Ibn Madani, *Qurrah Al-'Uyūn Bi Syarḥ Naẓm Ibn Yamūn*, 53.

[45] Abu Rokhmad and Sulistiyono Susilo, "Conceptualizing Authority of the Legalization of Indonesian Women's Rights in Islamic Family Law," *Journal of Indonesian Islam* 11, no. 2 (2017): 501, https://doi.org/10.15642/JIIS.2017.11.2.489-508.

how marital authority was represented in a historical text and evaluating how that authority should be understood within contemporary Islamic family law.

The framework of *maqāṣid al-sharī'ah* offers one approach to this evaluation, provided that it is applied as an explicit analytical framework rather than attributed retrospectively to al-Tahāmī. The objectives of Islamic law can be used to examine whether marital arrangements protect welfare, preserve dignity, and prevent harm. Within this framework, the distribution of marital rights and duties should be assessed not only in terms of formal obligations but also in relation to their consequences for both spouses.[46] An interpretation that emphasizes a wife's duties, for example, requires further examination of the corresponding responsibilities of the husband and the safeguards available when marital authority is exercised in ways that cause harm. This approach does not presume that every differentiated marital role is necessarily unjust; rather, it requires the justification and consequences of such roles to be examined critically.[47]

The Qur'an provides relevant material for this ethical reassessment. Qur'an 2:233, for instance, discusses breastfeeding, financial provision, consultation, and the prohibition of causing harm to either parent because of the child.[48] Its reference to mutual consultation in decisions concerning weaning is particularly relevant to questions of family responsibility and decision-making. The verse does not offer a complete theory of gender equality or directly resolve every question concerning sexual consent and reproductive autonomy. Nevertheless, it provides a textual basis for examining parental responsibilities in conjunction with welfare, consultation, and the prevention of harm. Read in this context, the verse encourages an analysis of family obligations that considers the interests and responsibilities of both parents rather than isolating one spouse's duties from the conduct of the other.

This ethical orientation also requires a more precise engagement

[46] Abdul Aziz et al., "Supreme Court's Decision Regarding the Prohibition of Interfaith Marriage and Its Relevance of Maqaṣid Al-Shari'ah," *Jurnal Hukum Islam* 22, no. 1 (2024): 231, Indonesia, https://doi.org/10.28918/jhi_v22i1_8.

[47] Agus Purnomo et al., "Dimensions of Maqāṣid Al-Sharī'Ah and Human Rights in the Constitutional Court's Decision on Marriage Age Difference in Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (2023): 1412, https://doi.org/10.22373/sjhk.v7i3.13283.

[48] Iman Jauhari and Zamakhsyari Hasballah Thaib, "The Qur'an and Islamic Legal Perspectives on Child Protection," *The Pharos Journal of Theology* 104, no. 04 (2023): 11.

with the Mālikī legal tradition. The analysis of *Qurratu al-ʻUyūn* should be compared with relevant discussions in Mālikī jurisprudential sources concerning maintenance, marital harm, and parental responsibilities.[49] Such a comparison would help establish whether a particular prescription reflects a broader juristic position, a specific interpretation, or the distinctive presentation of the marital manual under examination. Without this comparison, it would be premature to characterize a textual representation as a uniform rule of Mālikī law. It would be equally problematic to assume that the presence of patriarchal language eliminates the possibility of other legal arguments concerning reciprocal obligations, protection from harm, and the responsibilities attached to marital authority.

From the perspective of gender justice, the central issue is therefore not simply whether classical texts differentiate between husbands and wives, but how those differences are justified, interpreted, and applied. In matters of sexuality, this requires distinguishing the language of marital obligation from the question of how consent, bodily integrity, and harm are addressed in relevant legal sources.[50] In matters of reproduction, it requires distinguishing the religious value attached to having children from the claim that a woman's worth is determined by her fertility. Encouragement to have offspring does not, on its own, establish that coercion was legally authorized; similarly, the assignment of particular responsibilities to wives does not establish that their interests and circumstances were absent from the wider legal tradition. Each conclusion must be supported by evidence appropriate to the specific question being examined.

A gender-just approach to Islamic family law consequently requires both historical precision and normative accountability. Historical precision prevents a single text from being treated as representative of an entire legal school, while normative accountability makes it possible to examine whether interpretations of marital authority protect the welfare and dignity of both spouses. The concepts of *maqāṣid al-sharīʻah*, *maṣlaḥah*, and harm prevention can contribute to this evaluation, but their application must be supported by explicit reasoning

[49] Ari Schriber, "Judicial Practice as Islamic Law: The ʿAmal of Fez in Post-Classical Mālikī Legal Tradition," *Asiatische Studien - Études Asiatiques* 78, no. 1 (2024): 215, https://doi.org/10.1515/asia-2024-0012.

[50] Busriyanti Busriyanti et al., "Marriage Law Reform in Indonesia A Maqasid Al-Usrah Perspective on Legal Adaptation," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 647, https://doi.org/10.29240/jhi.v10i2.12739.

and relevant textual and juristic evidence. They should not be used as labels that automatically validate a contemporary conclusion.

Ultimately, *Qurratu al-'Uyūn* provides a valuable case for investigating how marital authority, sexual expectations, and reproductive responsibilities are represented in a particular Islamic marital manual. Its significance lies not in proving that all classical Islamic family law follows a single patriarchal model, but in revealing how specific textual formulations can organize gendered expectations within marriage. A critical reading can therefore preserve the historical specificity of the text while opening a broader inquiry into the ethical foundations of marital rights and responsibilities. The movement toward gender-just Islamic family law depends on this dual task: understanding the historical formation of legal and moral expectations, and evaluating their contemporary application through carefully substantiated arguments about reciprocity, welfare, dignity, and the prevention of harm.

CONCLUSION

This study demonstrates that *Qurratu al-'Uyūn* represents marital authority through interconnected ideological, domestic, sexual, and reproductive expectations. Religious discourse provides a framework for legitimizing differentiated marital roles, while representations of obedience and sexual obligations position the husband and wife within an asymmetrical relationship of authority and responsibility. The discussion of fertility and reproductive conduct further illustrates how expectations concerning women's bodies are incorporated into the text's normative understanding of marriage. These findings identify the ways in which patriarchal assumptions are articulated in the marital manual examined here; they do not establish that al-Tahāmī's position represents the entirety of Mālikī jurisprudence or that textual prescriptions necessarily correspond to the lived experiences of Muslim couples. The study's contribution lies in tracing how representations of marital authority are constructed through the interaction of religious legitimation, domestic hierarchy, sexuality, and reproduction within a specific textual context.

The study also develops the concept of *psycho-somatic control* as an analytical category for examining how marital discourse addresses embodied sexual experience. Rather than claiming that the text demonstrates actual psychological conditioning, neurobiological processes, or physiological effects, this concept identifies the discursive relationship between religious prescriptions, expectations of sexual

conduct, and representations of the body. It extends the analysis of patriarchy by drawing attention to the ways normative authority may be expressed through expectations concerning bodily behavior and intimate relations. Its contribution is therefore interpretive rather than clinical or biological: it offers a framework for analyzing the representation of embodied experience in marital discourse, not evidence of measurable psychological or physiological control. Further research should test the framework against other marital manuals and relevant juristic sources before its explanatory scope can be extended beyond the text examined in this study.

These findings have implications for contemporary Islamic family law, particularly for efforts to evaluate marital rights and responsibilities through the principles of justice, reciprocity, dignity, and the prevention of harm. A gender-just reconstruction requires attention not only to the obligations assigned to wives but also to husbands' responsibilities and the welfare of both spouses. Qur'anic ethical principles, including *mawaddah* (affection), *raḥmah* (compassion), and *muʿāsharah bi al-maʿrūf* (kind and equitable marital conduct), provide relevant foundations for examining how authority and responsibility should operate within marriage. The framework of *maqāṣid al-sharīʿah* can further inform this assessment by directing attention to human welfare and the protection of dignity, provided that its application is supported by explicit legal and ethical reasoning. These principles should not be attributed retrospectively to al-Tahāmī without textual evidence; rather, they offer resources for contemporary normative evaluation. Because this study focuses on one marital manual and does not establish a comprehensive comparison across Mālikī sources, other legal schools, or lived marital practices, further research is needed to assess the diversity of classical juristic positions and the implications of their interpretation for contemporary family law. Such work can help develop an approach to Islamic marriage that takes religious tradition seriously while evaluating marital authority in light of mutual responsibility, sexual dignity, and the well-being of both spouses.

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