

Exploring Youths' Perception of *Qiwamah* in the Light of Women's Financial Autonomy: The Case of Morocco

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ABSTRACT

Qiwamah postulate has received critical attention in both traditionalist and reformist circles. Within the traditionalist circle, *qiwamah* is perceived as man's Divine-sanctioned duty to provide for and the right to rule over his female dependents, especially the wife. Within the reformist circle, *qiwamah* is a context-bound construct; thus, it is subject to socioeconomic dynamics, notably women's increasing economic activity and leadership of the household. Between the jurisprudential articulation of *qiwamah* and its application in the changing world of today, it is pertinent to explore how people perceive this postulate in the light of the fast-changing socioeconomic reality. In this context, this article aims to interrogate Moroccan youths' conceptualization of *qiwamah* to explore the extent to which it intersects with the gender-driven transformations in the country.

Keywords- Islamic feminist, Moroccan youths, perception, *qiwamah*, classical legal tradition.

I. INTRODUCTION

Verse 4:34 says:

Men are in charge of [are guardians of/are superior to/have authority over] women (alrijalu qawwamuna 'ala l-msa') because God has endowed one with more [because God has preferred some of them over others] (bi-mafaddala AUahu ba'dahum 'ala ba'din) and because they spend of their means (wa-bi-ma 'anfaqu min amwalihim). Therefore the righteous women are obedient, guarding in secret that which God has guarded. As to those from whom you fear rebellion, admonish them and banish them to separate beds, and beat them. Then if they obey you, seek not a way against them. For God is Exalted, Great. (Stowasser, 1997, p. 33)

Barbra Stowser (1997) has described this verse as "the pivotal Quranic verse on gender relations" (p. 32). For Lamrabet (2021), verse 4:34 is "THE verse" that Muslim patriarchy has founded the Muslim family model on ("Une interprétation herméneutique patriarcale" section, para. 1). This verse has established man's *qiwamah* over woman on two premises. First, men and women have different God-given qualities that make each fit for certain tasks and not others; in this context, whereas man outperforms woman in his capacity to own a living and lead the family, woman is better fit for fulfilling homely responsibilities, notably raising kids. Second, man is *qawwam*, ruler, because he supports woman financially, *infaq*. If the second premise of man's *qiwamah*, namely financial support of woman, is unambiguous, the first premise, God-given qualities, has raised controversy among Muslim scholars and has been subject to multiple readings.

Muslim woman's status and roles within the family and outside of it have been significantly impacted by the interpretation of verse 4:34. *Qiwamah* postulate¹ has been integral to the reform of Family Laws and woman's status in Muslim countries (see for e.g., Guessous, 2014). It can be argued that this postulate is the epicenter of the Muslim Family Law and social dynamics within the Muslim family. Many Muslim jurists have read this verse as a timeless and immutable definition of gender roles, hence not impacted by the changing socioeconomic circumstances. Following this reading, traditionalists have constructed a pyramidal family structure where the husband is responsible for the financial upkeep of the family as well as its protection, hence the default household leader, while the wife takes care of homely duties. The "two watertight compartments" (Elamkulam, 2020, "Qiwāmah and Gender Roles" section), which are the outcome of a literalist reading of the verse, limits the possibility of redefining the family structure and revisiting gender roles within the Muslim household, especially given the changing socio-economic circumstances, notably the incremental financial autonomy of the Muslim woman.

Ziba Mir-Hosseini has described *qiwamah* as "the lynchpin of the patriarchal model of family in classical *fiqh*, Islamic jurisprudence, and a stumbling block to gender equality in the present" (The Oslo Coalition on Freedom of Religion or Belief, 2013, p. 13). This means, among other things, that Muslims' perception of this concept has critical repercussions on woman's status and roles in Muslim societies. In many cases, the potentiality of many girls and women has been conditioned on how this postulate is perceived and articulated (see for e.g., Al-Aoula, 2018), and it has been the basis for barring women's access to several professions, such as leadership of Muslim state, judgeship, and accredited notary. This ban has been justified on the premise that since women are under the authority of their husbands, they are not free agents that can deliver impartial justice if placed in positions of authority (The Oslo Coalition on Freedom of Religion or Belief, 2013, p. 13). This wider adaptation of *qiwamah* (since it goes beyond the private sphere within which verse 4:34 has situated the concept) has been a major obstacle to further gender equality within both the private and public spheres. Therefore, this postulate is the foundation of "the gender relations within the family, the market and state" (Naciri, n.d., p. 9). More than that, in Islamic legal tradition, *qiwamah* has been articulated beyond worldly/profane matters, and has been extended to the spiritual realm. In this respect, classical interpretations of *qiwamah* has given man the right to

'have a say' on woman's spiritual activities, such as supererogatory praying and fasting (Islam Question & Answer, 2003).

Statistical data have revealed that the Moroccan family's financial burdens exert attrition on men's capacity to sustain it single-handedly, pushing many women to enter the job market in significant numbers (see Haut-Commissariat au Plan, 2022, pp. 58-89). Many women today are no longer dependent on men for their sustenance and are increasingly contributing to the financial upkeep of the households. Women represent 22.3% of the active workforce in Morocco, 18.2% of them are married (Haut-Commissariat au Plan, 2022, p. 58). Thus, the Moroccan family is turning into a joint enterprise where both men and women contribute financially to its sustenance. Therefore, male's financial provision, *nafaqa*, which is one of the two premises on which *qiwamah* is founded in classical legal thought, is disrupted. In addition to, or because of, women's increasing access to paid jobs, official gender policy has limited man's leadership prerogative to a great extent. This policy can be illustrated in several significant gender-driven breakthroughs, notably Morocco's ratification of CEDAW in 1993, reform of the Family Law in 2004, and constitutionalizing gender equality in 2011. In addition to these gender-driven legal reforms, women's access to political, economic, and religious positions has seen notable increase in the past decades (see Al-Uthmani & al-Musali, 2021). These gender-oriented transformations reflect both a top-down, state-mandated gender policy as well as gender-driven grassroots transformations in the country. Both have made revisiting this postulate paramount to promoting Morocco's gender-informed societal project.

This article aims to explore the extent to which Moroccan youths hold a traditionalist view of *qiwamah*, which makes man the sole financial maintainer of the family, even when woman is financially well-to-do, and grants him authority to monitor her actions. Second, it aims to find out if the participants' view is founded on man's financial superiority or specific God-given qualities, which stipulates masculinity for the performance of leadership roles within the family and beyond. Third and last, this research aims to explore the extent to which the participants' conception of *qiwamah* is informed by Morocco's gender-driven project, which is promoting a new model of family that is founded on equality and partnership.

II. CONCEPTUALIZING QIWAMAH

2.1 *Qiwamah in Classical Legal Thought*

Mainstream Islamic legal tradition situates *qiwamah* within a discourse of complementarity, whereby roles are divided between the spouses. Thus, whereas man is the breadwinner, woman takes care of homely duties. This view of *qiwamah* is attributed to males' financial responsibility, and in some views

¹ Mir-Hosseini (2014) has referred to *qiwamah* as a "postulate" to designate "an idea that has an impact on laws and has the same power and weight despite not being a legal provision in itself" (p. 109). Guessous (2014) has used the concept "qiwamah axiom" to refer to an undisputed principle that does not require revisiting or justification (p. 139).

masculinity. Classical interpretations of verse 4:34 are founded on two premises. First, man is *qawwam* because of his capacity to sustain the livelihood of the women under his responsibility (Abbas & Riaz, 2013, p. 10). Second, man's *qiwamah*, understood as enjoying a leadership status within the family, is premised on innate, i.e., masculine, abilities (see for e.g., Ahmad & Abdul Rasheed, 2018, pp. 176-178; Abbas & Riaz, 2013, pp. 9-10). In this sense, God's preference for men over women is not merely a functional preference, but it rests on a gender-based essentialist differentiation and preference of masculinity over femaleness. For Ahmad & Abdul Rasheed (2018), classical conception of *qiwamah* aims to attain three objectives, protecting women, preserving and enjoying rights, and fulfilling duties (p. 180).

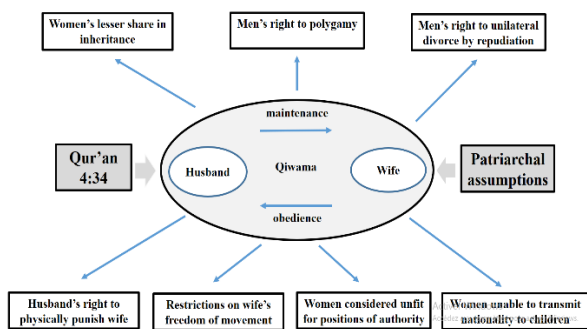


Figure 1: Qiwamah in Classical Thought

Note: The Oslo Coalition on Freedom of Religion or Belief, 2013, p. 14

The graph provides a visual representation of the legal applications of *qiwamah*. Man's 'natural superiority' grants him a number of privileges. First, he can exert power over his wife, such as initiating unilateral divorce. Second, man can resort to violence to 'fix' woman's disobedience, *nushuz*. Third, man has the capacity to pass his nationality on to his children from a foreign wife and denies woman the same right. Fourth, man has double share of inheritance. Fifth, man retains the legal custody over children, especially in case of divorce. These five prerogatives illustrate the privileged status man enjoys in classical legal, which can problematize the capacity of Muslim family laws to promote gender equality and eliminate gender discrimination.

Islamic jurisprudence has approached marriage as a financial transaction, whereby woman owes obedience to her husband and submission to his needs and desires in exchange for sustenance, *nafaqa* (see for e.g., Mir-Hosseini et al., 2015). More than that, Muslim jurists have extended the scope of *qiwamah* beyond the private sphere (see for e.g., Lamrabet, 2021, "Pour l'exégèse classique" section) as it touches every aspect of woman's life. For instance, Muslim jurists have granted man the 'right/capacity' to 'have a say on' woman's

spiritual activities. This interpretation establishes a minor-guardian relationship between the spouses, which does not only touch worldly matters (such as travelling and starting a job) but translates into a religious custodianship, *wisaya dinia*, which grants man prerogative to monitor women's performance of such acts as supererogatory praying and fasting. In addition, this custodianship is also manifested in the numerous male-produced books and (audio)visual content that meticulously detail woman's status and roles in the Muslim society. More than that, woman's spiritual fulfilment is contingent on how good she is to her husband, and her obedience to her husband is a translation of her obedience to God.

2.2 Qiwamah in Islamic Feminist Discourse

Islamic feminism addresses the tension between Sharia and *fiqh*, between patriarchal and egalitarian interpretations of religion, and between being a woman activist and a good Muslim. Islamic feminists start from the premise that Islamic foundational texts are not inherently patriarchal, nor do they set out an exhaustive set of eternal, immutable laws; but they give ethical guidance and principles for the creation of just laws (see for e.g., Ali at al., 2012; Wadud, 1999). By adopting a "contextualized spiritual reading" (Lamrabet, 2021, "Un réel malentendu" section, para. 2), Islamic feminists promote a new epistemological approach to the Islamic hermeneutics. This gender-informed shift in reading Islamic texts has broken with the traditionalist approach, which relies exclusively on the literal pronouncements of Islamic texts. The purpose from such foundational work is the extraction of broad, scripturally-founded principles that are relevant to and applicable within diverse contexts.

Islamic feminists base their work on three references: The lived reality of Muslim women, Islamic texts and normative tradition, and human rights as formulated in CEDAW and international conventions (Guessous, 2014, p. 139). In their hermeneutical endeavor, Islamic feminists make two distinctions, the first is between Sharia and *fiqh* and the second is between legal rulings, *ahkam*, which regulate *ibadat*, ritual/spiritual acts, and those for *mu'amalat*, social/contractual acts (Mir-Hosseini, 2014, pp. 108-109). In the same vein, Riffat Hassan has argued that *qawwamun* means "bread winners"; thus, it is an "economic term" (cited in Abbas and Riaz, 2013, p. 8), hence "contingent on a socioeconomic phenomenon rather than some inherent quality of man or woman per se" (Shaikh, 1997, p. 7). In this respect, superiority is not founded on physical advantage, but on management skills, wisdom, awareness, and knowledge (Al-Cherqaoui, 2015, p. 56). Situating *qiwamah* postulate within socioeconomic reality helps alleviate tension between women's diverse realities and their spiritual commitment. Thus, these distinctions open new venue of liberation/empowerment for Muslim woman from within Islamic tradition.

Mir-Hosseini (2019) views *qiwamah* as a patriarchal and socio-cultural construct (pp. 117-8) and not a Quranic concept (Mir-Hosseini, 2014, p. 107); thus, it is subject to change (Abbas & Riaz, 2013, p. 8). As *qiwamah* is premised on qualification rather than gender, a woman can be *qawwamah* (female of *qawwam*) if she is more qualified to assume that role. Amina Wadud (1999) situates *qiwamah* postulate within her Tawhidic paradigm. For her, the only superiority criterion is *taqwa*, God-consciousness (The Holy Quran, 49:13) not only between sexes, but between individuals as well. She states, “the Quran does not divide the labour and establish a monolithic order for every social system which completely disregards the natural variations in society. On the contrary, it acknowledges the need for variations” (Wadud, 1999, p. 67). In this context, she asks: “What happens in capitalist societies like America where a single income is no longer sufficient to maintain a reasonably comfortable style?” (Wadud, 1999, p. 73).

The two conceptions of *qiwamah* discussed above, viz., traditionalist and Islamic feminist, reflect the gender-driven dynamics that guide Islamic hermeneutics in its encounter with the changing socioeconomic reality. Within classical society, women were often financially dependent on their male relatives or husbands. Therefore, the quasi-transactional pact, whereby financial support was provided in exchange for obedience, was well-established and probably justifiable. In the modern era, as women have entered the job market in massive numbers, they are supporting the family either single-handedly or jointly with their spouse; thus, the concept of *qiwamah* may be disrupted due to the males’ incapacity to retain their exclusive financial superiority.

III. METHODOLOGY

This article has adopted a mixed-method approach to explore Moroccan youths’ perception of *qiwamah* in the light of the gender-driven transformations in the country. Data collection occurred in two phases. In the first phase, I distributed questionnaires in three educational institutions, namely, Reda Slaoui Preparatory Classes in Agadir, Faculty of Letters and Human Sciences in Agadir, and Faculty of Languages, Arts and Human Sciences in Ait Melloul. Teaching in the three institutions gave me direct access to participants. For this reason, the questionnaires were distributed and collected with notable convenience and without recourse to any mediation. Second, the three institutions host students from diverse backgrounds and areas. As the tables below illustrates, the research sample is heterogeneous in terms of gender, geographical location, and socioeconomic backgrounds. Therefore, the variety of the research sample can adequately reflect the attitudes of the research population.

Table 1: Research Sample Classified by Gender and Residence

	Urban	Semi-urban	Rural	Total
Male respondents	92	42	40	174
Female respondents	122	68	36	226

Table 2: Research Sample Classified by Parents’ Educational Backgrounds

	Mother	Father
Uneducated	221	142
Below baccalaureate	111	148
Baccalaureate holder	28	40
Higher education	31	59
Other	9	11
Total	400	400

Table 3: Research Sample Classified by Parents’ Profession

	Mother	Father
Housewife	331	NA
Unemployed	NA	20
Civil servant	22	90
Private sector	27	153
Own business	17	100
Other	3	37
Total	400	400

Data collection procedure was initiated by delivering printed questionnaires to the participants. The questionnaire aimed to explore the respondents’ attitudes towards four issues. First, it aimed to explore the respondents’ understanding of the *qiwamah* postulate. It specifically aimed to explore the extent to which the respondents perceived this concept from the vantage point of man’s financial prerogative/responsibility or if there were another basis for their conceptualization of this postulate. It is true that the participants are not yet economically active; still their responses can adequately reflect attitudes that are common and deeply-rooted in their socioeconomic and cultural milieu.

Second, the questionnaire aimed to explore the participants’ attitudes towards woman’s income. As women are increasing joining the job market, it is paramount to explore if the youths believe that woman’s income is all hers, hence free to spend it as she pleases, or if she is obligated to contribute to the sustenance of the family. In the first case, woman’s income would be seen as secondary; thus, man would be the default maintainer of the family (legally, ethically, and/or socially); in the second case, woman would be viewed as a partner and an equal contributor to the upkeep of the

family. This research venue is integral to the discussion of the qiwamah postulate because the latter is significantly premised on the financial power relations within the family. Thus, whoever is sustaining the family is expectedly enjoying leadership prerogative therein.

The third line of inquiry that the questionnaire aimed to explore was the extent of the husband’s authority over his wife. The questionnaire addressed the participants’ attitudes towards woman’s consent-seeking (from their husbands) to perform certain activities. It is well-established in Islamic tradition that Muslim woman owes obedience to her husband in exchange for nafaqa, sustenance. Therefore, a husband is relieved from the obligation to support his wife if she disobeys him. In this sense, man’s financial support of the wife translates into expecting her obedience.

The fourth and last issue concerns decision making in the family. Spouses make decisions all the time; some are more significant than others. Since there is often a correlation between making decisions and securing the financial means to implement them, it is paramount to explore who should make decisions in the family. Decision making reflects power relations in the family and the extent that family matters are performed collaboratively or are the prerogative of whoever feeds the family. This line of inquiry is significant as it should help throw light on the participants’ attitudes towards spousal partnership, hence exploring the extent they are in junction with the Moroccan Family Law.

After extracting and tabulating the major results, I conducted three group interviews in the three institutions (6 students in each group). While the questionnaire aimed to explore youths’ attitudes towards qiwamah in the light of the conceptual discussion laid out in the previous part, interviews aimed to glean the backdrop of the respondents’ conceptualization of qiwamah and situate it within the gender-driven dynamics in the country. In contrast to questionnaires, interviews allow for clarification, justification, and elaboration of ideas. Thus, they help consolidate the research results, revisit issues the questionnaire output brought to the fore, or explore ‘untapped research venues. In other words, interviews breathe life into the numerical data.

IV. RESULTS AND DISCUSSION

4.1 Financial Upkeep of The Family

In mainstream Islamic scholarship, the husband is the head of the ‘family enterprise’. A husband’s *mahr*, dowry, and *infaq*, sustenance, are the pillars of his leadership status within the family (Ahmad & Abdul Rasheed, 2018, pp. 171-172). In addition to this financial basis, several Muslim jurists have established qiwamah on masculinity. According to Abbas and Riaz (2013),

Man has been given the status of the caretaker, while woman is regarded as the centre of the family. In the status of caretaker

and maintainer, man has been given the sole responsibility of earning for the family, exempting woman from any kind of economic liability for herself or the family. (p. 2)

However, while this religious ruling can be seen as in woman’s favor, as Ahmad and Abdul Rasheed (2018) has suggested (p. 175), since it gives her chance to keep all the money and assets to herself, it has put her at a lower status than man as in exchange for financial sustenance, the husband guarantees his wife’s obedience. In other words, she gives in to man’s authority in exchange for financial support. However, in light of women’s increasing access to paid jobs and contribution to the family’s sustenance, we may ask if today’s youths hold a similar view towards the gendered basis of qiwamah within the family.

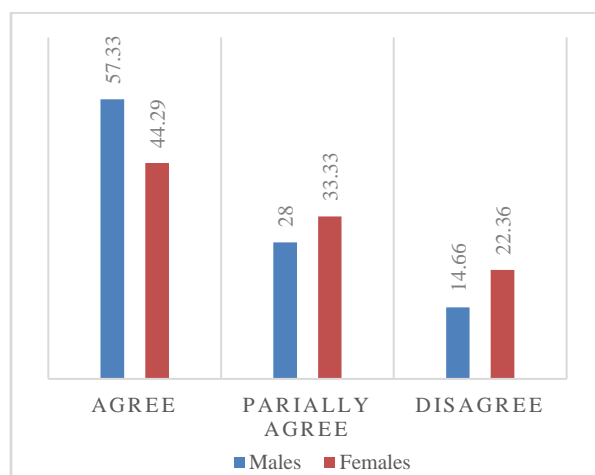


Figure 1: Participants’ Opinion on Woman’s Contribution to the Upkeep of the Family

Respondents seem to agree with jurists that a woman’s income is all hers and can spend it as she pleases. In other words, she is not obligated (legally, culturally, and/or ethically) towards the financial sustenance of her family. This position aligns with mainstream Islamic jurisprudence, which faithfully articulates the literal pronouncement of verse 4:34. During the group interviews, the respondents who exempted women with the financial means from the obligation to support the family explained their position as preservation of male ego and pride. Thus, woman’s financial support of man is perceived as a possible threat to his ego as it would be interpreted as his inability to fulfill his duty. It could also mean that woman would become a ‘joint manager’ and not merely a subordinate. Therefore, “sharing is threatening,” as one of the respondents put it. In a patriarchal culture, women are still seen as financial minors who need to act under men’s shadows even when they are financially independent. Man’s financial authority is his way to preserve the status quo, namely his privileged position within the family. On the other hand, some female respondents see financial contribution as a burden and a

responsibility they are afraid, or not yet able, to claim. Therefore, ‘throwing’ this burden on man, even when woman is financially well-to-do, is a ubiquitous reflection of the classical conception of the qiwamah postulate.

Although only 20% of the respondents disagree that man is losing his capacity to make the family’s ends met singlehandedly, they still maintain that providing for the family is man’s obligation; thus, they view woman’s contribution as voluntary and limited to filling ‘the gaps’. There is consensus that since man is the one that takes the initiative to start a family, as he is often the one that proposes, he should be up to the responsibility it comes with it. Thus, man is the default maintainer of the family, whereas woman may willingly choose to contribute. For some respondents, woman’s exemption from the financial contribution is a relief from financial burden. One respondent argued that woman should not be obligated to contribute to the financial upkeep of the family since she is already burdened with domestic chores, which should compensate for her exemption from financial contribution. Another respondent argued that since man is obligated to sustain his wife, a working wife’s ability to support herself is already a relief for the husband. From this perspective, man is still regarded as the default financial provider for the family. Regardless of the arguments respondents provided to support the stipulation of masculinity for the financial responsibility within the family, we may ask if this responsibility puts man in charge of decision-making. In other words, does qiwamah, understood as financial responsibility toward the family’s upkeep, support and maintain man’s leadership status within the family?

4.2 Decision Making

Decision-making is integral to family life. Spouses make decisions on a daily basis. Mainstream Islamic jurisprudence gives man, the husband, the leading role within the family enterprise. For Muslim jurists, leading is a one-person endeavor that cannot be split as sharing decision-making would create chaos and disrupt family life. For this reason, only man should have the capacity to lead. Asghar Engineer (1996) has called this leadership status “functional superiority” (cited in Abbas & Riaz, 2013, p. 7), which aims to maintain a smooth management of family affairs. Based on the assumption that financial responsibility usually bestows prerogative to make decisions that touch man’s life and those dependent on him, sharing expenses should translate into sharing decision making. This assumption aligns with several reformists who have articulated qiwamah in light of women’s current contribution in the financial upkeep of their families.

Table 4: Male Respondents’ Opinion on Decision Making in the Muslim Family

Who should make decisions when:	Husband	Wife	Both	The best qualified
Buying/renting a house	12.28	1.91	80.25	2.54

Choosing school for the kids	7	2.54	81.52	4.45
Buying/renting a car	26.11	0.63	57.32	12.73
Choosing a travel destination	7	4.45	80.24	3.18
Shopping	17.83	12.10	58.59	7.64
Managing family financials	26.11	1.91	43.94	17.19

Table 5: Female Respondents’ Opinion on Decision Making in the Muslim Family

Who should make decisions when:	Husband	Wife	Both	The best qualified
Buying/renting a house	4.42	3.09	89.38	3.53
Choosing school for the kids	1.32	1.76	83.62	12.38
Buying/renting a car	19.91	1.76	57.96	15.04
Choosing a travel destination	2.65	5.30	91.59	1.32
Shopping	6.63	19.91	62.83	8.40
Managing family financials	20.35	3.09	56.19	19.46

The majority of respondents agree that spouses should take decisions jointly. Matters that affect kids’ life, such as choosing a school, or decisions that affect the whole family, such as choosing a house and a travel destination, seem to receive a majority agreement among the respondents. On the other hand, the respondents seem to have less agreement on matters that fall within ‘man’s expertise’, such as buying or renting a car. Still, there is a notable agreement that decisions, regardless of their substance, require agreement between the spouses. Therefore, although most respondents have grown up in families where fathers are the ones in charge of financial matters (83.82%), it seems that most of them agree that decisions are to be taken collaboratively.

From the previous discussion, we can conclude that respondents hold a compartmentalized view of qiwamah; whereas they agree that it is man’s duty to sustain the family, even when woman is financially well-to-do, they still believe that decision making should be a joint matter. This perspective does not promote full-fledged conceptualization of equality that is founded on partnership, both in assuming rights and fulfilling responsibilities. In this context, we can ask: Isn’t sharing decision making without sharing financial duties an oxymoron? In other words, since decisions often require financial means, how can women engage in decision making when they do not contribute to their fulfillment?

4.3 Women Seeking Husband’s Consent

Qiwamah, understood as man’s right to exert authority over woman, gives man the right to monitor woman’s movements within the private sphere as well as

outside of it. In this sense, he performs the role of inspection (Ahmad & Abdul Rasheed, 2018, p. 171). In mainstream Islamic jurisprudence, woman cannot perform several tasks without her guardian's, usually a father or husband, consent. For example, most Muslim jurists agree that a woman cannot conclude her marriage contract without the permission of her male guardian (Islamweb, 2002). A woman also needs her husband's consent to work (Islamweb, 2006), leave the house (Islamweb, 2003), and travel (Islamweb, 2013). Therefore, man's sustenance of woman gives him authority to sanction/deny her performance of everyday activities and guarantee her obedience (Ahmad & Abdul Rasheed, 2018, pp. 171-172).

Table 6: Respondents' View on Woman's Seeking her Husband's Consent

A woman should seek her husband's consent to:		Male respondents (%)	Female respondents (%)
support her family financially	Agree	35.66	15.62
	Partially agree	21.01	14.28
	Disagree	43.31	70.08
open a bank account	Agree	53.94	27.02
	Partially agree	23.68	18.46
	Disagree	22.36	54.50
start work	Agree	72.78	52.46
	Partially agree	15.18	17.04
	Disagree	12.02	30.49
travel	Agree	86.62	74.66
	Partially agree	9.55	12.88
	Disagree	3.82	12.44

For the respondents, a woman's mobility outside the private realm should be subject to man's supervision and monitoring. In this respect, travelling and working require the husband's consent. Although travelling is easier, faster, and safer today, it is still unacceptable for woman to travel without her husband's consent. A respondent argued that a woman's 'getting out of sight' puts her whereabouts into question and raises the stakes over her safety. Thus, there is often some suspicion about the woman's behavior when she is outside the home.

For the respondents, a woman starting a job requires permission from the husband. It is neither seen as a woman's right, at least from women rights perspective, nor an obligation, given the financial difficulties modern families go through today. During the interviews, respondents agreed that woman's income is an extra family income or personal pocket money that she could spend as she pleases. Several participants argued that woman's work may compromise her duties

towards her children and husband, both are prioritized over building a career. In this sense, a wife's primary duty is to fulfil her obligation toward her husband and children. Striking balance between both functions is still considered far-fetched, especially because a husband's help with homely duties is not yet favorable in the Moroccan culture. Also, by granting woman consent to work, man might (implicitly) communicate his 'willingness' to sacrifice his comfort as woman might get invested into her work, hence partially getting distracted from her homely duties.

When it comes to financial matters, it seems that male and female respondents disagree on whether opening a bank account requires the husband's permission. While more than half of female respondents agree on woman's 'right' to do it without securing the husband's consent, males are more reluctant to give women that freedom. This divergence might reflect a disagreement on the extent woman's financial autonomy can go. Giving woman right to open a bank account without requiring consent from her husband would signify acknowledging her financial autonomy, which might disrupt man's financial superiority and leadership status within the family. Conversely, in line with mainstream Islamic tradition, which grants woman the right to use her money as she pleases, the majority of respondents disagree that a woman needs her husband's consent to provide for her family. Thus, she has complete control over her income and assets.

4.4 Spiritual Qiwamah: Fact or Fiction?

In mainstream Islamic scholarship, the scope of qiwamah, understood as man's right to monitor and 'have a say' on woman's decisions, exceeds profane matters (travelling, getting a job, and opening a bank account) and include sanctioning/denying her performance of spiritual activities, more specifically performing supererogatory fasting and praying. Muslim jurists have based their ruling on the following prophetic saying: "It is not permissible for a woman to fast when her husband is present except with his permission" (Islam Question & Answer, 2003, "Answer" section, para. 1). This hadith indicates that "the husband's right over his wife takes precedence over her doing voluntary good deeds, because his right is an obligation and doing what is obligatory takes precedence over doing a voluntary action" (Islam Question & Answer, 2003, "Answer" section, para. 5). Al-Nawawi explained:

The reason for that is that the husband has the right to be intimate with her on all days, and his right must be fulfilled immediately and cannot be delayed by a voluntary action or an obligatory action that could be done later on. If it is said that he should let her fast without his permission, and if he wants to be intimate with her he can do so and break her fast, the answer is that if she fasts, that usually prevents him from being intimate with her, because he would not want to spoil her fast. (Cited in Islam

Question & Answer, 2003, “Answer” section, para. 6)

Therefore, mainstream Islamic jurisprudence is ubiquitous on granting man the right to exert his “hegemonic dominance over woman’s ethical life” (Lamrabet, 2021, “Pour l'exégèse classique” section, para. 2), hence making woman prisoner or slave to the absolute power of man (Lamrabet, 2021, “Pour l'exégèse classique” section, para. 3). Conversely, the table below demonstrates that the majority of respondents deny man’s right to ‘have a say’ on woman’s spiritual life.

Table 7: A woman should seek her husband’s consent to:

A woman should seek her husband’s consent to:		Male respondents (%)	Female respondents (%)
Perform supererogatory prayer	Agree	7.64	9.30
	Partially agree	7.64	3.72
	Disagree	84.71	88.83
Perform supererogatory fast	Agree	12.58	23.07
	Partially agree	10.59	8.14
	Disagree	76.82	68.77

The vast majority of the respondents agree that woman does not have to seek her husband’s permission when she wants to perform supererogatory praying and supererogatory fasting. Interviewees communicated their unfamiliarity with this report. Yet, even when they were informed of the report, most of them did not change their positions. One female respondent remarked: “I never thought this could be possible; it is just out of the question.” This respondent could not understand/accept a husband’s ‘encroaching’ on her spiritual life, despite being optional. This respondent’s statement is not normative, however. After having been informed of the report, some respondents accepted the husband’s interference, provided he offered a plausible justification. One respondent gave the example of a husband whose family were to pay a visit; in this case, the husband should have the right to command his wife to halt her fast to host his family. In response to this suggestion, I asked: “What if the wife’s family were to pay a visit when the husband was the one fasting?” The respondent was indecisive. Therefore, a man’s authoritative leverage is not put on the same footing as a woman’s.

All in all, man’s ‘spiritual qiwamah’ seems to be a product of its own time. This is demonstrated by, first, lack of the respondents’ familiarity with the tradition, showing that it is not common practice in the respondents’ milieu. Second, even when the respondents were informed of the tradition, their responses were not

as firm and confident as the ones they provided on the previous (profane) issues. Therefore, man’s qiwamah is subject to socioeconomic dynamics and cultural reception; thus, it is not an overarching male prerogative/responsibility as it is presented in Islamic legal tradition.

V. CONCLUSION

Qiwamah postulate, being the basis of family relations in many Muslim households, is integral to the discussion of gender relations in Muslim societies, partially because of its strong pertinence to the reform of the Family Law and to the woman’s status and roles in Muslim Majority Countries.

By faithfully adhering to the literal pronouncements of religious texts, traditionalist scholarship has discarded the changing socio-economic circumstances. While modern reality is undergoing massive transformations, which are affecting and redefining gender roles, traditionalists still hold tight to a pyramidal structure of the family where man is the ‘boss’ and woman is under his command. For traditionalists, the Muslim family model, founded on a hierarchical structure, is considered a safety net for the society. Since man has taken the initiative (proposing) and taken care of the financial upkeep of the family ‘enterprise’, he is the rightful leader in the household. In this perspective, man within the family does not only make decisions but ‘have a say’ on the decisions of his female dependents as well. This control has extended to his interference in woman’s spiritual activities.

Islamic feminists’ readings of Islamic texts make a strategic distinction between matters that pertain to rituals, *‘ibadat*, which are timeless and immutable, and matters that pertain to human relations, *mu‘amalat*, which are context-bound and subject to change. By integrating discourse of gender equality and women empowerment into their hermeneutical endeavor, Islamic feminists have taken into account the significant gender-driven transformations that have occurred in Muslim countries, notably women’s access to education and paid work. Therefore, gender relations today cannot be constricted to readings of religious texts that were produced at different times and contexts. Islamic feminists offer an alternative hermeneutical reading that is informed by the changing roles of women, hence situating human relations, *mu‘amalat*, within social negotiations rather than the realm of the sacred and the immutable.

The main objective of this research was to situate Moroccan youths’ attitudes towards the qiwamah postulate within this hermeneutical discussion. Given the fact that the target population were born into an era characterized by a notable feminization of education and the job market, field work aimed to find if Moroccan youths hold a context-bound understanding of socially-

oriented religious injunctions, or if they articulate a literalist reading of religious texts.

Data have revealed three significant findings. First, the respondents hold a compartmentalized understanding of *qiwamah*, as while they agree with Muslim jurists that man is financially *qawwam*, provider for/ruler over, woman, they still view the family as a joint enterprise when it comes to decision making. In this way, many respondents have dissociated man's financial responsibility and woman's right, or capacity, to partake decision-making. Communicating this ambivalence, the participants have shown lack of coherence towards the *qiwamah* postulate. In other words, they seek more contribution to decision making 'without owning it'. Given the fact that decision making often requires securing the financial means to fulfil them, can women contribute to decision making without partaking expenses? While this question warrants further research, it seems that partnership/equality is not perceived as a two-way process, since contributing to decision making requires financial contribution, which in turn would enhance women's status within the family.

Second, this research has shown that religious injunctions do not always translate into a concrete reality. Acknowledging man's right to grant or deny woman consent to travel or work is not put on equal footing as his right/capacity to 'have a say' on 'woman's performance of supererogatory praying and fasting. This 'double discourse' reveals the extent to which cultural practices and socioeconomic circumstances impact the respondents' conceptualization of *qiwamah*. Since woman's work and travelling can have more impact on the status of man in the community, as well as on the image that the married woman builds if she shows dissidence or independence from her husband, respondents were more inclined to traditionalist conceptualization of *qiwamah*; thus, they communicated their 'satisfaction' with the status quo. On the other hand, as supererogatory fasting and praying do not have any notable repercussions on power relations within the family, respondents were in agreement to give woman freedom on these spiritual matters. In other words, as woman's free movement and financial autonomy might disrupt man's leadership status within the family, they should be subject to his control and monitoring.

Third, the respondents' growth into an environment characterized by women's increasing access to education and positions of authority should have been translated into a more egalitarian view of spousal relationship. However, this egalitarian atmosphere has not yet transformed their view of gender equality, especially towards women's contribution to the family income. While this is probably due to the fact that 83.82% of the respondents' mothers are housewives, holding man the sole financial maintainer of the family, even when woman is economically active, could also be explained as an attempt to preserve 'male pride'. Based on this cultural construct, woman's income is perceived

as a threat to the husband's self-image and status in the community. Conversely, there is notable agreement that decisions within the family should be taken collaboratively. Thus, whereas spousal financial co-responsibility is not yet established, there is a significant recognition that woman should contribute to decision making within the family.

It is notable that the respondents' view of spousal relationship is congruent with the provisions of the 2004. While the legal document has established spousal relationship on partnership, the husband is still the default financial provider of the family. For instance, giving a dowry to a woman is prerequisite for the validity of the marriage contract. Besides, in the case of divorce, the husband is always the one charged with the financial repercussions, regardless of the wife's financial status. In this sense, *moudawana* still views *qiwamah* as male's financial responsibility regardless of the financial status of the wife; thus, it has not established full-fledged equality; in other words, the Moroccan Family Law considers both spouses partners when it comes to decision making and the management of the family's affairs, but it still puts *infaq*, sustenance, on the husband even when the wife's income is greater than his (Naji, 2015, p. 41). Thus, woman's access to the job market has not legally established egalitarian contribution of woman within the family. Therefore, while the *moudawana* has established partnership as the basis of spousal relationship, it has not yet established full-fledged equality in both duties and rights.

However, data have revealed that the Moroccan society is in transition between a traditionalist conception of male leadership and the woman's increasing economic activity. At this historical juncture, the king's call for a reform of the Family Law in his speech on October 13, 2023 might be read as a response to the transformations that have taken place since the adoption of the 2004 Family Law. In this respect, it is worth exploring whether the expected Family Law is going to reconsider *infaq*, sustenance, in light of the woman's increasing economic activity. In the same vein, given the pivotal role of the *qiwamah* postulate in the building of the Muslim family, it will be interesting to explore the extent to which the anticipated Family Law will reflect the gender-driven transformations within the Moroccan society or if it will maintain the husband's status as the financial provider of the family.

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