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## Rebuke for the Ijtihad of the Prophet (Study of Q.S Al-Nisa' [4]: 34 as a Verse 'Itāb)

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### Abstract

As a human being, the Prophet was involved humanly in various dynamics of life. The Prophet used ijihad reasoning and subjective tendencies, which are of course relative, in responding to life's problems. As a messenger of Allah, the actions and words of the Prophet are decisions for Muslims except for revelation with other provisions from Allah such as with Q.S al-Nisa ' 4:34; one of the verses that presents a lot controversial discussion. The Prophet's decision to *qiṣāṣ* a husband who committed violence against his wife, his passion is to provide justice and protection to women, but the decision was overturned by Q.S al-Nisa ' 4:34 which came down with other provisions as well as nuances of reprimand to the Prophet. The problem to be revealed in this paper is why Q.S al-Nisa ' 4:34 intervened in the Prophet's decision in responding to domestic violence. This research is a qualitative library research. The method of description is descriptive-analytical, which explains the basic construction of the Prophet's ijihad and the significance of Q.S al-Nisa 4:34 to be analyzed using a historical-hermeneutical approach. The general conclusion from this paper is that Q.S al-Nisa' [4]: 34 places the issue of household and gender relations in the perspective of a social order that has been widely applied. The decision of the Prophet's *qiṣāṣ* itself is not wrong but *tark al-awla* (leaving a better thing) because it can actually increase the escalation of domestic conflicts in patriarchal society.

**Keywords:** The Prophet's Ijtihad, Verse of Admoniton, Q.S Al-Nisa[4]: 34.

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### INTRODUCTION

Muhammad SAW was appointed as the Messenger of Allah for *al-tabligh*: conveying the Message of Allah to mankind. The Messenger of Allah was not burdened with the results of this task (Q.S al-Maidah 5: 99 and Q.S al-Syrā 42: 48). The task of the Messenger of Allah is to convey His verses, accompanied by an explanation (*bayān*-- Q.S al-Qiyamah 75: 16-19) either *qawl* or *fi`l*. Thus, those who listen to them know and understand even

though they do not necessarily believe it. The Qur'an describes the objective task of the Prophet as in Q.S al-Najm 53: 3-4.

Of course, revelation does not have to come down to all issues. Thus, the Messenger of Allah continued to guide things that were not expressly or impliedly contained in Al-Qur'an. The scope of the Prophet's *ijtihad* is not related to the application-technical explanation of the legal norms of a verse because it is a *bayān* domain as confirmed in Q.S Qiyamah 75: 17-19.

The decision of the Prophet's *ijtihad* must be carried out as long as there are no other provisions in Al-Qur'an. Rasulullah has legal standing as *musyarri* '(law maker) and role of model (examples). The legal standing of the Prophet, especially in his capacity as *a musharri* 'and a role model that must be followed, has been explained in the Qur'an as in Q.S al-Hasyr 59: 7.

It is interesting to study when the Prophet's *ijtihad* was corrected by Al-Quran. Whereas the Prophet's *ijtihad* signifies the character of the Prophet who is humanist, fair, even modern (Ebrahim, 2017: 177 and 189). This statement is indeed vulnerable and prone to be conveyed because it seems to question Allah as *ahkam al-hākimīn* (Q.S al-Tīn 95: 8). For example, the Prophet's decision to *ijtihad* to *qisās* Sa'd bin al-Rabī' for slapping his wife, Habibah bint Zayd bin Ab Zuhayr. The Prophet's decision seemed to provide real protection for women, who in the context of human rights discourse are categorized as one of the vulnerable groups (vulnerable groups) targeted by violence (Riyadi & Nurhidayat, 2012: 7 and 519). Instead, the Prophet imposed the same punishment (*qisās*) on the man (husband) who beats his wife. But Allah vetoed the Prophet's *ijtihad* with Q.S al-Nisa' 4: 34 that has a masculine perspective because it provides an interpretation of violence against women who disobey their husbands (Ibn Katsīr, 2000: 27-28).

The redaction of the verse "*wa dribūhunna*" is stated explicitly in QS al-Nisa' 4: 34 as explicit as the Prophet's decision to give *qisās* punishment: The Prophet ordered to hit or slap back to Sa'd bin al-Rabī' who had slapped his wife, Habibah bint Zayd bin Abi Zuhayr as in the narrations of the popular *sabab nuẓūl* QS al-Nisa' 4: 34 is quoted from conventional sources. The masculine point of view in (interpretation) Q.S al-Nisa' 4: 34 makes observers of gender justice and human rights activists angry. For example, what if

disobedience arises because of an arbitrary husband. Or, what if it is the husband who disobeys his obligations. Can the same law be applied to the husband? When referring to Q.S al-Nisa' 4: 128, it seems as if Al-Qur'an's alignment with men (husbands) is getting clearer because of the difference in solutions to Nusy's husbands who prioritize *iṣlah*. Therefore, some modern thinkers such as Laleh Bakhtiar judge that the error lies in the mistake of giving the meaning of "beating them" (beat them) that should "go away from them" (go away from them) at the end of QS al-Nisa' 4: 34 (Bakhtiar, 2011: 432-438). Nafiseh Ghafournia criticized Bakhtiar's meaning and added that the notion of "going" must be clear to ask for third party mediation as stated in the next paragraph, Q.S al-Nisa' 4: 35 (Ghafournia, 2017: 10). The notion of "going away from them" can also mean going to calm down if Ghafournia refers to the story of the Prophet who went alone when he had problems with his wives (al-Khālīdī, 2002: 136).

There are few specific studies on the Prophet's *ijtihād*. But there is the study of olāh `Abd al-Fattāh al-Khālīdī in his work, *Itāb al-Rasūl fī al-Qur'ān*. al-Khālīdī discusses the verses that correct the words and actions of the Prophet. There are thirteen issues discussed in it. One of the sub-discussions is about the infallibility of the Prophet from wrong words or actions. The verses that rebuke the Messenger of Allah do not indicate that the Prophet has made a mistake. but rather *khilāf al-awlā* (leaving the more important guidance) (al-Khālīdī, 2002: 6 and 18).

Another researcher is `Abd al-Jalīl `Isā Abū Manṣūr with his work entitled: *Ijtihād al-Rasūl Shalla Allah `Alayh wa sallam*. `Isā stated that the Prophet in his capacity as an ordinary human being was involved in *ijtihād* and the dynamics of human life. This aspect of humanity is emphasized by the Prophet (`Isā, 2003: 11) through Allah's command in Q.S al-Kahf 18: 110, "*qul innamā ana basyar miṣlukum*".

`Isa explained several forms of the Prophet's *ijtihād*, such as being lenient to `Abd Allah bin Ubay who was sick, asking forgiveness for him, and praying for him after he died. Umar bin Khattab had expressed his objection to the Prophet but the Prophet continued to carry out the request of `Abd Allah bin Ubay's family in the hope of getting Allah's guidance. The Q.S al-Tawbah 9:80 and 84 corrected the Prophet's *ijtihādī* attitude (`Isā, 2003: 63).

The understanding of *`itāb* is linguistically associated with law with a choice of meaning to blame or reprimand. In the context of Al-Quran al-Ka'bi divides into two: *khafif* (light) and *syadid* (heavy) (al-Ka'bi, 2015: 25, 36-37). Al-Khālidī defines *`itāb as tanjīh wa irsyād minhu limā huwa awlā wa afḍhal wa ashwab wa ashab li anna Allah yurid li Rasūlihi al-afḍhal wa al-ashab wa al-akmal da'iman* (al-Khālidī, 2002: 8) (directing and pointing to the Prophet towards what is more important, more appropriate, and more correct because Allah always wants the best, the most correct, and the most perfect). A verse is called *`itāb* verse with textual and contextual characteristics. Textual characteristics can be seen from the editorial, for example in Q.S al-Qiyamah 75: 16. Contextual characteristics are based on the *asbab nuzūl* verse such as in Q.S al-Tawbah 9: 80 and 84. Therefore, by studying the *asbab nuzūl*, Q.S al-Nisa ' 4: 34 can be categorized as an *`itāb* verse with the aim of the Prophet.

Based on this background description, the academic problems (research questions) (Mustaqim, 2015: 3) that are important to discuss are the significance of Q.S. al-Nisa ' 4: 34 as the *'itāb* verse (rebuke verse) for the Prophet's *ijtihād* decision to *qisās* in the case of a husband doing harshly on his wife. The focus of the discussion is why Q.S al-Nisa ' 4: 34 intervened in the Prophet's decision in responding to domestic violence. The answer to the focus of this discussion has an urgency to reveal the horizon of Al-Quran on gender issues that in many traditional contexts are oriented towards the (power) relationship between men and women.

## DISCUSSION

### Prophet and Revelation

The revelation became the "manual book" of the Prophet. The revelation comes down to several conditions that went before an event or a response to an event. The revelation that preceded the event (*ibtidā'an*) was in the form of normative teachings, information on life after death, and imperative guidelines. While the revelation that came down as a response (*ijābatan*) was related to problems and events both around the Prophet's environment or regarding the Prophet himself (al-Khālidī, 2002:78).

The revelation that came down after certain events related to the Prophet, in addition to providing affirmative or encouraging instructions, also corrected the decisions or actions of the Apostles (verse *`itāb*). This indicates that the Prophet is also the object of God's education and signifies the human aspect of the Prophet. The correction of the Prophet shows the originality of the verses of Al-Quran as His words. Some verses that rebuke the Prophet, sounded loud. If the verses of the Qur'an were written by the Messenger of Allah, these verses will only bring down the authority.

The first *kehitāb* of Al-Quran is the Prophet himself. The first verse of the Qur'an is a guide for the Prophet in spreading and carrying out his message. The whole phenomenon of Al-Quran is directly proportional to the twists and turns of the struggle of the Prophet. No wonder there are several intervention verses to guard and straighten the attitudes, decisions, and or actions of the Prophet.

The Prophet used his reasoning and tendencies in responding to the problems that lasted until. Reasoning and tendencies are relative to human thoughts and actions in general. It is humane if the reasoning and tendencies are right or wrong. The Prophet's reasoning *ijtihad* signifies his humanity (ʿIsā, 2003:11). In Q.S al-Kahf 18:110 it is stated: *qul innama ana basyar mitslukum*.

According to Ibn ʿĀsyūr, *'adat basyr in lafadz innamā* signifies that the Messenger of Allah/Prophet was an ordinary man who would not be able to surpass his human nature in knowing things that were supra-rational (*al-mughībāt*). The knowledge of the Prophet was limited to what he knew as a human being. The Prophet only knew what was revealed to him (Q.S al-An`am 6:50; al-A'raf 7:203; Yunus 10:15; al-Ahqaf 46:9). Therefore, the Messenger of Allah was not sent to answer and respond to all things because he was not sent with the omniscience of all things (Ibn ʿĀsyūr, 1984:54-55). With his human nature, the Prophet was an example for all models of human character that are dynamic and problematic.

### **God's Rebuke: The Dynamics of Humanity and the Prophet's Apostolate**

When the Prophet carried out a *da'wah* to spread the message of Islam in Mecca, a positive response emerged from the majority of people who were poor, indigent, and marginalized. Therefore, the prominent figures of the Qurays who had pride in their social

status underestimated the da'wah of the Prophet. They asked to be provided with a place or group status that was different from that of the marginalized. The request was a clearly mere mockery. Yet, the Prophet wanted to fulfill this request.

Thus, Allah rebuked the Prophet by lowering Q.S al-An'am 6:52-54 (al-Khālidī, 2002:56). In the interpretation of al-Ṭabarī, the verse is mentioned in connection with a series of events related to the requirements of the Quraysh officials to be able to join the Prophet by excluding the lower classes. In this incident, the Prophet happened to be with Bilal, uhayb, `Ammar, and Khobbab. The dignitaries asked for a written statement from the Prophet as proof of approval. The Prophet called Ali bin Abi Talib to write it down. However, a revelation came to rebuke the Prophet (al-Ṭabarī, IX, 2001: 258-275; Ibn Katsr, XI, 2000:44).

Q.S al-An'am is strengthened by Q.S al-Kahf 18:28-29. These last two verses emphasize the command to the Prophet to remain in the ranks of committed (believers) from any circle. It is not stated why the Messenger of Allah tended to fulfill the request of the Quraysh officials except for the analysis of al-Khālidī (2002: 41-42) who considered that the Prophet's tendency was an attempt to make these rulers tolerant of the Prophet's da'wah.

Another example is when Muslims won the Battle of Badr. Many enemies can be captured by the army of Islam. According to the narration of Ibn `Abbas there were approximately 70 captives. The Prophet then consulted with the main companions to determine the fate of the captives. Some of the followers, `Umar bin Khattab, proposed to execute the captives. Even `Abd Allah bin Rawāhah suggested that the captives be burned alive in a valley where there was a lot of dry wood. While some others, such as Abu Bakr, proposed a ransom payment because after all the captives were people who were related by blood to the companions of the Emigrants. This second proposal was approved by the Prophet (al-Khālidī, 2002: 43).

It turned out that Allah was not pleased with the Prophet's decision. Then, Q.S al-Anfal 8:67-71 appeared. Allah confirmed the proposal of `Umar bin Khaṭṭāb. Allah even threatened to send down punishment for the choice of the Prophet's decision to take ransom because it tended to be compromising and accommodating to the Meccan

polytheists who have exceeded the limit. Except in Q.S al-Anfal 8:70, in Q.S al-Anfal 8:67 Allah's rebuke was not directly directed against the Messenger of Allah for using the *isim nakirah* "nabiyyin". It means that according to al-Khālidī, Allah rebuked the Messenger of Allah gently and respectfully. Q.S al-Anfal 8:67 is reinforced by Q.S Muhammad 47: 4. Allah's rebuke is related to the condition of the Muslims themselves who were still weak and had not fully mastered the situation (al-Khālidī, 2002:46-47). In Q.S al-Anfal 8:67, it is called *hatta yutskhina fi al-ardl*. In Q.S Muhammad 47: it is called: *hatta atshkhantumūhum*. That is, if you have not been able to overcome the enemy's strength, compromise is a weak path. Allah's rebuke to the Prophet's decision is a warning regarding the issue of tactics.

In domestic life, Rasulullah is an example of a husband who wants to provide comfort for his family. Once the Prophet was in the place of one of the Umm al-Mu'minīn Zaynab bint Jahsy, the Prophet was served honey and he drank it. It was known by two other wives of the Prophet, namely Umm al-Mu'minīn Aisyah and Hafṣah. Out of jealousy, the two agreed to "intimidate" the Prophet (al-Khālidī, 2002: 136). After Zaynab, the Prophet visited Ayesha or Hafṣah. Both of them satirized the smell of the Prophet like the smell of *maghāfir* (that is, the smelly sap from the *urfuth* tree that grows in the desert and has thorns). The Prophet understood the meaning of the satire and said that he had just drunk honey. The Prophet then vowed not to drink honey anymore (al-Khālidī, 2002: 135-136). That oath means that the Prophet prevented himself from something lawful. Therefore, Allah rebuked the prophet and his two wives with the revelation of Q.S al-Tahrim 66:1-5.

The action of the Prophet swearing not to drink honey again was not because the Prophet was irritated by his jealous wife's insinuation but because he wanted to please his wife (*tabtaghi mardlat aswājika*). The Prophet's oath prevented him from doing something lawful. In another narration, it is stated that Q.S al-Tahrim 66:1-5 relates to a rebuke to the Prophet who swore and forbade himself against Maria Qibtiyah. It was narrated by al-Ṭabarī from Zayd bin Aslam that once Hafṣah went to visit her father, Umar bin Khattab. When Hafṣah left, the Prophet was with Maria Qibtiyah at Hafah's place. Knowing this, Hafṣah was jealous. The Prophet then swore and forbade Mary over him. Hence, the Q.S al-Tahrim 66:1-5 was revealed as a rebuke to the Prophet and his two wives, Hafṣah and Aisyah (al-Khālidī, 2002:139).

Another example is when the Prophet prayed for the hypocritical Medina leader of the Khazraj tribe: `Abd Allah bin Ubayy bin Salūl, in 9 Hijriyah after the Tabuk war. Even the Prophet gave his robe as a shroud for bin Salul. Even though `Umar bin Khattab protested, but out of compassion, the Prophet continued to do it to fulfill the request of Hubāb, the son of `Abd Allah bin Ubayy bin Salūl who was pious (al-Khālidī, 2002: 69). For the actions of the Prophet to pray for bin Salūl, Allah sent down Q.S al-Taubah 09:84 as a warning.

All forms of reprimand, even the address itself is the Messenger of Allah, is a function of revelation as a warning (QS al-Baqarah 2:119) which this function is also attached to the task of the Prophet as well as exemplified openly by the Koran to the Prophet as *usmah asanah* (QS al- Aḥzab 33:22). The rebuke also shows the human side of the Prophet but is always under the guidance of revelation (Q.S al-Kahf 18: 110).

### **The Controversy of Interpretation on Q.S al-Nisa' 4:34**

QS al-Nisa' 4:34 is one of the verses that sparked controversy because it is considered often used to mobilize the subordination of women and even provide opportunities for violence against one of these vulnerable groups (vulnerable group) not only in the domestic sphere but also, according to Riffat Hassan, in the public domain (Liv Tønnessen, 2014:6). Moreover, according to Ibn `Asyur, *khiṭāb al-rijāl* and *al-nisā'* in Q.S al-Nisa' 4:34 are generally applicable and not only in husband-wife relationships (Ibn `Āsyūr, V, 1984:38). On the other hand, Q.S al-Nisa ' 4:34 is the target of the major criticism of Islam as a sexist religion and does not accommodate human rights (Bakhtiar, 2011: 432). For many scholars, the problem is not in Q.S al-Nisa' 4:34 but, to quote Rachel M. Scott, in the masculine interpretation (androcentric interpretation) of the verse (Scott, 2009:77; Rahman, 2017:156). Or more clearly, problems that arise from the perspective of traditionalist interpretation (Omar, 2017; 101).

The key issue in the discussion of the interpretation of Q.S al-Nisa' 4:34 is the interpretation of *qawwām*, *qānītāt-nusyūz*, and *wadribuhunn*. The word *qawwām*, with a general meaning: leader or protector, is questioned by contemporary thinkers because it produces interpretations and fiqh that are patriarchal and misogynistic. Women are dominated by men as *qawwām* which, for Riffat Hassan, is simply the breadwinner (Liv Tønnessen, 2014).



The socio-economic role of men as breadwinners in this century, in Ismail Raji al-Faruqi's view, has been filled by many women so that the superiority of men in the family economy has shifted (Abbas & Riaz, 2013: 8).

By contemporary readers, Q.S al-Nisa ' 4:34 is considered to offer the most comfortable gender position for men or in the language of Asma Barlas: the verse that is most often quoted in defense of men's privileges (Barlas, 2016: 28). The context of the Al-Quran to provide positive changes for women gradually from the unequal practice of ignorance towards women does not seem to be visible today (Ebrahim, 2017: 177-189). The context of al-Nisa' 4:34 according to Kecia Alia, has a historical specificity that is different from conditions in the 21st century. At that time, the status of women was similar to that of slaves (Dunn & Kellison, 2010:32). Misunderstanding of the large context of Q.S al-Nisa ' 4:34 or emphasis on inappropriate contexts, has stigmatized Islam to place women in a bad situation.

Misunderstanding is also addressed to the error of understanding the text. As an example, in the keyword: *waddribūhunn* about the ability to hit in popular interpretation. Meanwhile, the root word *d-r-b* is one of the idiomatic verbs with the most diverse meanings used, not only in Al-Quran, but also in Arabic. Examples in addition to the meaning of hitting, also travel, set forth, go forth, put forth, cast, present, set up, take away, put up, leave). Because the philosophy of Al-Quran is love and mutual respect, interpreting *waddribūhunn* by hitting, is contrary to the vision of the Koran (Qorchi, 2017: 177-179).

### **Conventional Interpretation on Q.S. al-Nisa' 4: 34**

According to al-Zamakhsyari, Q.S al-Nisa ' 4:34 is an indication that men obtain a gift from Allah (*al-tafḍīl*) physical and mental advantages to become leaders. According to al-Zamakhsyari, men as leaders are not to beat women or force themselves to be leaders but because it has become a provision of Allah. Therefore, the prophets and scholars are men (al-Zamakhsyari, II, 1998: 67-68; Ibn Katsir, IV, 2000:20).

Meanwhile, Mutawalli al-Sya'rawi is of the view that Q.S al-Nisa' 4:34 must be seen from the heavy burden of being a leader. The status of a leader is not a gift but a trust. Leadership is not mastery but the execution of responsibility. Women do not need to worry

about Q.S al-Nisa ' 4:34 because it is normal for a mother to expect to be blessed with a son to be the guardian of the family (al-Sya'rawi, IV, 1991: 2192-2201).

According to Abduh, the notion of men as leaders in Q.S al-Nisa' 4:34 is based on their capabilities; not because it is positioned rather than forced. Even though the husband is the leader, his existence can't be separated from the wife's existence. Both are partners like limbs in one body (*anna al-mar'ah min al-rajul wa al-rajul min al-mar'ah fi manzilab al-`a`dā' min body al-syakhs al-wāhid*). Therefore, according to Rasyid Ridla, men with physical advantages should not be arbitrary to women, on the other hand, women should not be a burden to men. All of them must complement and respect each other in their respective natural roles even though there are not a few women who have superior capacities and capabilities even in work matters (Abduh & Ridha, 1328 H:68).

For Thahir bin `Assyria, although not all mentioned, the advantages of men over women have become commonplace because it has been confirmed by history. This is proof of Allah's *tafīl* towards men. Different from other commentators, Ibn `Asyur argues that *lafadz* al-rijāl and al-Nisā' in the context of qiwāmah, are general; not specific to the household context because there is no indication of a special meaning (Ibn `Āsyūr, V, 1984: 38-39).

The views above, according to Husein Muhammad, it shows the same perspective on gender and a patriarchal perspective. With that perspective, the struggle for women's equality is still faced with attacks that will carry agendas for the actualization and strengthening of women (Muhammad, 2001:14). It is not surprising that the depiction of Muslim women who are constrained and restricted in their rights is still a common assumption. Secular feminists openly call the Islamic system a curse for women's existence. The oppression of women in Islam is more dominant than liberation (Jawad, 1998: viii).

### **Investigating the Context of Descending Q.S al-Nisa' 4: 34**

Understanding of Q.S al-Nisa' 4:34 is not enough to conduct with normative and conventional textual interpretation. The textual approach is inadequate without an understanding of the historical context (*asbāb nuzūl*/the historical context of its revelation) and the context of the logical structure of the verse (*munāsabah ayat*). Surprisingly, Q.S. al-Nisa' 4:34 among Muslims is not only understood as an indication of the husband's

authority to take physical repression against his wife in solving household problems but also psychological and even sexual repression (al-Bantani, tth, 75).

The disobedience of the wife, that is called *nusyūz* as a factor in the permissibility of violence against the wife, must be seen in a proportional context. A *nāsyizāb* wife (a *nusyūz* perpetrator) is defined as a wife who belittles, ignores requests, opposes it, and takes anger out on her husband (Ibn Katsir, I, 2000: 466). Optionally-gradually, the husband can take the following steps: first, affective persuasion; second, biological-psychological; and third, psychic (light hitting).

Muhammad Abduh stated that it is permissible to hit if it is in a compelling condition, namely environmental damage and moral decadence so that there is no other way except by repressive measures. But if the wives can accept a persuasive approach then there is no reason to act tough. Because in fact, men in any condition are ordered to be gentle with women (Abduh & Ridha, 1328 H: 75).

The commentators view that the position of men in Q.S al-Nisa ' 4:34 is a balance between obligation and authority. The authority of men over women in the household domain is based on the general social context. *Qiwamah* authority is a consequence of the great obligation of men to their family members inwardly (as a family imam) and outwardly (household fortress). Thus, men who can't carry out their obligations with full responsibility, also lose their *taqwim* status and position.

Although it supports male superiority, but for the interpretation of the permissibility of hitting, Muhammad Thahir bin 'Assyria praised an opinion from Atha' bin Abi Rabbah as an open view. According to Atha', a husband should not beat his wife but only scold her. Several groups of scholars, according to Ibn 'Assyria, are also in line with Atha's opinion. Even that group of scholars, according to Ibn Faris as quoted by Ibn 'Asyur, denied the hadiths that narrated the permissibility of hitting the wife. However, Ibn 'Asyur chose the expression "*mentakwil*" rather than "deny" it (Ibn 'Āsyūr, V, 1984:43).

According to Ibn 'Asyur, his *asbab nuḥūl* relates to women in Medina led by Umm al-Mu'minīn Umm Salamah, who complained about the unequal distribution of inheritance between men and women. The problem of inheritance distribution is related to the involvement of women in the vanguard of war.

Umm Salamah said: *a taghẓū al-rijāl wa lā naghẓū wa innamā lanā nishf al-mirāts* (is it because men fight and we don't fight that our inheritance is only half?). Or in another narration: *laytana istawayna fī al-mirāts wa syaraknābum fī al-ghaẓw* (If only we had an equal share with men and we also joined them –men-- in the war) (Ibn `Āsyūr, V, 1984:38-40).

Umm Salamah's complaint does not indicate the absence of the role of women in the battles of the Muslims. The involvement is not comparable to that of men. In Muslim history, there are names of female companions such as Umm `Athiyah in the medical and logistics department in the seven wars she participated in with the Prophet. There are also Umm Umarah, Asma bint Yazid al-Ansariyah, Nasibah al-Maziniah, and Azdah bint al-Harith, who was recorded as Muslim female soldiers, including in the Uhud war. In recent events, Aisyah Umm al-Mu'minīn, was listed as a general in the Jamal war (Azzuhri, 2009: 4).

Another narration is popularly linked as *asbāb nuzūl* QS al-Nisa' 4:34. According to Ibn `Āsyūr, it is not a *sabeeh* hadith and not a *marfu'* hadith but a narration from al-Hasan al-Bashrī, al-Sudd, and Qatādah (Ibn `Āsyūr, V, 1984). In this more popular narration, it is told that Sa'd bin al-Rabi' quarreled with his wife, Habibah bint Zayd bin Abi Zuhayr then slapped him (Talbi, 1996: 121). *Sa'd's* father-in-law, Habibah's father did not accept and complained to the Prophet. The Apostle's decision was *qiṣāṣ* to slap back Sa'd bin al-Rabi'. The Prophet's decision was so progressive in the context of Arab patriarchal culture. Sa'd bin al-Rabi' is an Ansar figure and the main circle of the Prophet's companions.

The Prophet's decision was canceled with the revelation of Q.S al-Nisa ' 4:34 and it is also said that Q.S Thaha 20:114. Then the Prophet said: *Aradna amran wa arāda Allah amran wa allāẓi arāda Allah kbayr* (We want a decision and Allah wants another decision. What Allah wills is better). According to al-Zamakhsyari, there is a difference of opinion that there is no *qiṣāṣ* between husband and wife except regarding life. Some argue that *qiṣāṣ* applies when it causes injury and loss of life. For slapping and the like, *qiṣāṣ* does not apply (al-Zamakhsyari, 1998:68).

Based on the reportage of Sufyan bin 'Uyaynah, the Prophet Muhammad forbade acts of repression against women until a complaint came from the masculine friend `Umar bin al-Khattab (Ibn Katsir, IV, 2000:27-28):

وقال سفیان بن عیینة عن الزهري عن عبد الله بن عبد الله بن عمر عن عیاس بن عبد الله به أبي ذباب قال: قال رسول الله صلى الله عليه وسلم: لا تضربوا إماء الله. فجاء عمر رضي الله عنه إلى رسول الله صلى الله عليه وسلم فقال: ذئرت النساء على أزواجهن. فرخص رسول الله في ضربهن.

“...The Prophet (SAW) said: "Do not hit the women." Then Umar bin Khattab came to the Messenger of Allah and reported: "The wives have many who act bravely to their husbands." So the Messenger of Allah gave relief in hitting.”

### Analysis of Q.S al-Nisa' 4: 34 and the Prophet's Ijtihad

The attitude of the Prophet to protect women from physical repression and glorify them faced a dilemma situation. The arrival of Umar bin Khattab as in the history of Sufyan bin `Uyaynah was not only to report but also to demand that the Messenger of Allah showed his side to the men (husbands).

Sayyidina Umar has a specific complaint about the current situation of husbands from among the Muhajirin: *kunnā ma'syar al-muhājirīn qawman nuḡhallibu nisa'uma fa iżā al-Anṣār qawmum tuḡhallibubum nisa'ubum fa 'akbaḡa nisa'una yata'addabna bi adabi 'i al-Anṣār* (We Emigrants are a society that governs our wives. While the Ansar is a society that is governed by their wives. Now our wives are behaving like the behavior of Ansar wives) (Ibn `syūr, V, 1984: 42).

It turned out that the impact of the cancellation of the Prophet's decision was due to the revelation of Q.S al-Nisa ' 4:34, causing many complaints from wives (Ibn Katsir, IV, 2000: 28-29). This probably be the result of the escalation of conflict in the household due to the prevalence of husbands being harsh on their wives. Regarding this phenomenon, the Messenger of Allah said: *laysa ulāika bi kbiyārikum* (They are not good people among you men). The Prophet was concerned and regretted the actions of the husbands. The Prophet asked husbands to restrain themselves (Ibn Katsir, IV, 2000).

There are several factors to understand when Q.S. al-Nisa ' 4:34 came down, including the anxiety and anxiety of husbands that peaked over the phenomenon of "radical feminism" in Medina at that time. The habits of Ansar women who are aware of gender, affect the women of the Muhajirin. The feminist movement is wriggling in Medina

and its motor is not half-hearted, namely Umm al-Mukminīn Umm Salamah. This condition confused male friends/followers, especially from the Muhajirin. Masculine companions of the Prophet: Umar bin Khattab went to the Prophet and asked for his wisdom (Ibn Katsir, IV, 2000).

Based on Mohamed Talbi's historical analysis, the important thing that must be considered regarding the background of Q.S al-Nisa' 4: 34 is the mental and moral sluggishness of the Islamic soldiers due to the defeat of the Uhud war and the threat to security after the defeat of the war. The men in Medina were frantic when the phenomenon of Medina feminism increasingly weighed on their minds and souls due to the failure in the Uhud war on the one hand and on the other hand the machinations of the Jewish hypocritical movement and its networks.

Umar bin Khattab asked the Prophet for guidance to provide a solution to the domestic problems of the companions who were overwhelmed with Medina-style feminism. As the exposition of the narrations in al-Thabari's interpretation (VIII, 2001:300), the disobedience of women referred to in this discourse is not specified in the form of a wife's rejection of her husband's biological needs but also other things. The men of the Prophet's companions experienced the "feminist" pressure in their households at a time when they required support and concentration in consolidating the military power of the Muslims who had fallen after the defeat of Uhud (Talbi, 1996: 121-127).

During the social turmoil in the household lives of friends, Q.S. al-Nisa'4:34 is here to show a stabilizing solution in the instability of society that is experiencing social and political shocks, both internally (mental-moral atmosphere after the Uhud war) or externally (the maneuver of the Medina and Jewish hypocrite groups). If the Messenger of Allah persisted in imposing *qiṣāṣ* on the husband who beat his wife, then it would be counterproductive not only to the issue of "feminist commotion" but also to the fighting mentality of the Prophet's companions who needed strength and fighting power. Normal laws could not be enforced in a threatening atmosphere.

Nevertheless, the spirit of the Prophet to defend women among the people of Medina, must be understood as the true spirit in Islam to uphold equality between men and women. The Prophet said: *lan yadriba kbiyārukum* (A good man among you, will never beat

his wife) (Ibn `Āsyūr, V, 1984: 43). Based on the exposure of the context above, the decline in Q.S. al-Nisa' 4:34 is in a specific situation whose understanding cannot be stripped away from that context.

With a historical approach, God's intention in the verse can be understood. That is not to stipulate the permissibility of violent action against women as an eternal law of God (continuing divine sanction). Q.S al-Nisa ' 4: 34 is to control the situation in Medina by considering established social values. The Qur'an still directs to treat women well, recognize women's rights, and accept them as equals with men as explicitly explained in Q.S. al-Rm 30:21 (Talbi, 1996: 137).

### **Coherent Reading Strategy of Q.S al-Nisa' 4:34, 35, and 128**

The question that can arise to test the verse is what if the husband is the factor. Is it permissible for the wife to take certain steps to straighten her husband? Is it permissible for the wife to take the same steps as the Qur'anic guidance for husbands against a nusyūz wife? The answer, besides being found in the words of the Prophet which mentions what a good man looks like, is also contained in Q.S al-Nisa ' 4:34 itself which affirms men as qawwāmūn. What kind of husband or man is abusive to his wife? What is the most appropriate law for a husband or man who denies his responsibilities as qawwāmūn?

Al-Qur'an does mention reciprocal actions towards husbands in Q.S al-Nisa '4:128, but it seems not comparable to Q.S al-Nisa' 4:34 because the solution for the husband of nusyūz/i`rād is to make peace. The recitation of Q.S al-Nisa' 4:34 must be linked to Q.S al-Nisa' 4:35 that shows the solution and the true spirit of Al-Quran. Q.S al-Nisa ' 4:35 shows that domestic life is an equal relationship between two partners from two families. Al-Qurann commands arbitration involving two families. In this position, the husband's *qawwāmūn* status has been replaced by two *hakam* (wise peacekeepers) from two families. It means that the husband as a man can't act arbitrarily to the wife.

In the interpretation of Tabari based on the opinion of Ibn `Abbas that if hitting cannot melt the wife, then the husband can impose sanctions on withdrawing *fidyah* from his wife (al-Ṭabarī, IX, 2001: 314). Internal problems in the household, if they can't be resolved and tend to lead to hardened conflicts, will become a big family matter for both

parties. Third parties from the husband and wife must be invited to mediate (Ibn Katsir, IV, 2000: 29; Hussain, 2021: 84).

It's just that the conventional interpretation does not place Q.S al-Nisa' 4:35 as a further step from the action against Nusyūz's wife in Q.S al-Nisa' 4:34. According to Ibn Katsir, Q.S al-Nisa' 4:35 is a matter of dispute between two husband and wife parties (Ibn Katsir, IV, 2000). Thahir bin `Asyur emphasized that Q.S al-Nisa' 4:35 is a provision for non-nusyūz household problems (Ibn `Āsyur, V, 1984:44). It means that the provisions in Q.S al-Nisa' 4:35 relate to husband-wife disputes other than *nusyūz* that can result in household divisions which are different from the case of nusyūz's wives in Q.S al-Nisa' 4:34. Conventional standards do not provide opportunities for dynamic dialectical interpretation.

Therefore, the reading of Q.S al-Nisa' 4:35 is placed as a coherent continuation of the discourse of Nusyūz's wife in Q.S al-Nisa' 4:34. The end of the discussion on Q.S al-Nisa' 4:34 must be emphasized on the editorial in *yurīdā iṣlāḥan yuwaffiq* Allah baynahumā in Q.S al-Nisa' 4:35. Thus, the reading of Q.S al-Nisa' 4:34 will be comparable to the solution of the husband of *nusyūz/i`rād* in Q.S al-Nisa' 4:128, namely *yusliḥā baynahuma ulban wa al-ṣulḥ kbayr*. The spirit is both looking for a peaceful solution because Islam itself is the way of safety and peace.

## CONCLUSION

The decision of the Prophet's *qiṣāṣ* in the background of Q.S al-Nisa' 4:34, although it seems fair, it can lead to an escalation of new problems in a patriarchal society that can lead to a more complicated relationship between husband and wife and move away from the path of peace. While the Prophet himself never used violence against his wives except to go alone from them. The Qur'an (through Q.S al-Nisa' 4:34) provides the authority that the husband can take (*as qanwām*) to enforce the household organization. That authority is attached to the responsibility of *qiwāmah* and by itself puts the bearer at greater risk if he violates the responsibility. It is not that Al-Quran justifies acts of violence by husbands against their wives. Allah's rebuke to the Prophet through Q.S al-Nisa' 4:34 is indirect. Q.S al-Nisa' 4:34 sees household problems in a broader perspective and interest, namely the discipline of household organization to maintain harmony and stability in domestic life.



Households that have a clear organizational system will be strong. A strong household will be a guide to strong community life.

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