

CHAPTER III

THE CONCEPT OF *NUSYŪZ*

Nusyūz is one of the problems that became the object of the study of jurisprudence. However, in the science of jurisprudence, *nusyūz* always associated with the figure of women only. *Nusyūz* is a sub chapter of fiqh discussion that is included in the marriage chapter, because it is a husband and wife problem in the household.

However, in fact *nusyūz* in the Quran is also based on men. Thus, it should be presented in this research, the theory of *nusyūz* both from the side of fiqh, and *nusyūz* according to the Quran whose theory is taken from the classical to modern mufassir so that this research get a balanced theory of the two scholars.

Here's an explanation of *nusyūz* and the discussion based on Islamic Jurist view:

A. *Nusyūz* on Islamic Jurist's View

There are some defition when Islamic Jurist speak about this issue. In Fathul Qarib, *nusyūz* is defined as a woman's high-mindedness who is unwilling to attend to the obligatory truth for her.¹ In Fiqh Sunnah Sayyid Sabiq means *nusyūz* is a lawless wife to the husband and disobey him, or refuse his invitation to

¹Syekh Muhammad bin Qasim al-Ghazy, *Fathul Qarib*, terj. Ahmad Sunarto (Surabaya: al-Hidayah, n.y), 55.

bed, or out of his house without his permission.² As for the term *nusyûz* which is based on men also, not explained about this in the books of jurisprudence.

The solution offered in the discussion of *fiqh* is also only to overcome *nusyûz*'s wife. It is said, if the husband is afraid *nusyûz* women, the husband should advise without hitting and not gathered. For example, the husband said to his wife: "Fear you to God in the truth that is obligatory for me over you, and know, the *nusyûz* can actually abort the livelihood and the right to turn."³

The above explanation, is in line with Sayyid Sabiq's explanation of giving advice to the wife which means to remind him of God, to scare him with his punishment, to awaken him to his duty to obey his husband and fulfill his husband's right, and to turn his attention to the sin which he will bear and his rights, His right to a living and clothing to be lost for his transgression and iniquity.⁴

For the husband should not cursed because *nusyûz*, but for the wife has the right to be given instruction from the husband, according to valid opinion. In addition, the husband should not report his wife's case to the judge. If the wife is still opposed after being given advice, which is still *nusyûz*, then the husband

²Sayyid Sabiq, *Fikih Sunnah 3*, terj. Khairul Amru Harahap, Aisyah Syaefuddin dan Masrukhin (Jakarta: Cakrawala Publishing, 2011), 482.

³Syekh Muhammad bin Qasim al-Ghazy, *Fathul Qarîb*, 59.

⁴Sayyid Sabiq, *Fikih Sunnah 3*, 482

should leave in his bed. As for the bed is the base (sleep) wife, then the husband does not need to collect his wife in that place.⁵

If the wife is still *nusyûz* repeatedly, then husbands should be silent and beat him in the form of teaching to him. If the beating brings damage to the wife, then for the husband must bear the consequences. Being killed because *nusyûz*, namely the right to receive their turn and livelihood.⁶

Wife should not be beaten the first time she *nusyûz*. In this verse there is *idhmar* (concealment of words). The explanation is: "The women you feared will be *nusyûz*, you should give them advice. (If they are still *nusyûz*), leave them in bed. (And if they insist on *nusyûz*), beat them."⁷

This shows the solution done in sequence, meaning that if the wife does not heed the advice and separation of the bed, the husband may hit him. Messenger of Allah. Said:

إن لكم عليهن أن لا يوطئن فرشكم أحدا تكرهونه، فإن فعلن فاضربوهن ضربا غير مبرح

"The truth is your right of them is that they will not allow anyone you do not like to enter your house. When they do so, beat them with a painless blow".⁸

⁵Syekh Muhammad bin Qasim al-Ghazy, *Fathul Qarîb*, 60.

⁶Syekh Muhammad bin Qasim al-Ghazy, *Fathul Qarîb*, 60-61.

⁷Sayyid Sabiq, *Fikih Sunnah* 3, 482.

⁸Muslim bin al-Hajjâj, Shahîh Muslim (Beirut: Dâr al-Kutub al-‘ilmiyyah, 2012), 230-232.

In addition, husbands must avoid the face and places of concern because the beating aims to educate, not to destroy. Hakim bin Muawiyah al-Qusyairi ra said, "O Messenger of Allah, what is the right of a wife from us upon it?". He said:

أن تطعمها إذا طعمت و تكسوها إذا اكتسيت، ولا تضرب الوجه ولا تقبح ولا تهجر إلا في البيت

"Feed him when you eat and dress him when you dress. Do not hit the face, do not disfigure, and do not look away except inside the house".

B. *Nusyûz* on *Mufasssir's* Perspective

Having seen from the viewpoint of fiqh, the present researcher will expose *nusyûz* based on the interpretive point of view coming from classical mufasssir like al-Thabari (w. 310H / 923 AD) with his commentary Jami 'al-Bayân fi Tafsîr al-Quran or often Tafsîr al-Thabarî and Ibn Katsîr (w. 774 AH / 1372 AD) with his monumental interpretation of Tafsîr al-Quran al-Adzîm. Then the modern period is Ali al-Shâbûnî (1347 AH / 1928 AD) with his commentary Shafwah al-Tafâsîr and Quraish Shihab (1944 AD) with his Tafsir al-Misbah.

Here's an explanation of *nusyûz* based on the *mufasssir* point of view:

The original meaning of the word *nusyûz* is *al-irtifa* '(up). Therefore, the high place is mentioned with *nasyz* and *nasyâz*.⁹

⁹Abu Ja'far Muhammad bin Jarîr al-Thabarî, *Tafsîr al-Thabarî* vol.6, terj. Akhmad Affandi (Jakarta: Pustaka Azzam, 2008), 898.

Al-Thabarî explains the meaning of the word *nusyûz* on the word of Allah "*nusyûzahunna*" is their arrogance of their husbands, their avoidance from husbands bed by doing immoral, violating their husbands on the things required by God to them to obey their husbands, their hatred, and their rebellion from their husbands. While *nusyûz* husbands interpreted as a selfish attitude, dictators and arrogant husband.¹⁰

Where as Ibn Katsîr explained *nusyûz* by abandoning marital obligations-wife and *nusyûz* from the wife's side such as leaving home without her husband's permission, being arrogant towards her husband, disobeying her orders, or hating her, where as Allah has obliged him to obey his husband and forbid him to disobey him. While *nusyûz* husbands interpreted as indifferent attitude from the husband.¹¹

Ali al-Shâbûnî defined the verse "Women whom ye fear for *nusyûz*," these are ungodly and rebellious women. Also meaningful, women who are arrogant and feel higher and disobedient to their husbands by being arrogant and indifferent.¹² Quraish Shihab also interpret *nusyûz* with his arrogant wife and a dissident. Being *nusyûz* who came from the husband interpreted as a pride that resulted in husbands underestimating his wife and hinder his rights or even though

¹⁰Al-Thabarî, *Tafsîr al-Thabarî* vol.6, 898.

¹¹Abdullah bin Muhammad bin ‘Abdurrahman bin Ishaq al-Syaikh. *Lubâbu al-Tafsîr min Ibn Katsîr*, terj. M. Abdul Ghoffar E.M. (Bogor: Pustaka Imam al-Syafi’i, 2004), 299.

¹²Muhammad Ali al-Shâbûnî, *Shafwatul al-Tafâsir* vol. 1, terj. Yasin (Jakarta: Pustaka al-Kautsar, 2011), 637.

only the attitude of turning away, is indifferent from her husband who made her feel no longer feel friendly attitude.¹³

The above meanings indicate that in tafseer, *nusyûz* is divided to *nusyûz* coming from the side of the wife and also from the husband. When relying on the wife *nusyûz* interpreted as disobedience or disobedience of the wife to husband is *nusyûz* who propagated to the husband interpreted as indifference or attitudes husband belittle wife.

The steps in facing *nusyûz* wife and husband as follows:

1. Solution to *Nusyûz* Wife:

In facing *nusyûz* wife there are three steps to be taken, that is advised, separated bed and the last step is beaten. Al-Thabarî defined the verse "So exhort them" by reminding them (women or wives) to God and fearing them with the threat of Allah if they do the things that Allah has forbidden them, that is, to have their husbands, Obliging them to obey their husbands. Some of the other narrations mentioned by al-Thabarî are of the opinion that the meaning of God's word is "O husbands, admonish them (your wives) in regard to the *nusyûz* they are doing to you."¹⁴

Ibn Katsîr explained, whenever the signs of *nusyûz* arise, then advise him and fear with the punishment of Allah, if immoral to her husband. Because Allah

¹³M. Quraish Shihab, *Tafsir al Mishbah: Pesan Kesan dan Keserasian al-Quran* (Jakarta: Lentera Hati, 2002), 517.

¹⁴Al-Thabarî, *Tafsir al-Thabarî* vol.6, 898.

has obliged the husband's right to wife, with the obedience of wife to husband, and forbids immoral to him, because of the virtue and excess that the husband has on the wife.¹⁵

While Ali al-Shâbûnî and Quraish Shihab interpret the verse "Advise them" by warning them in the name of Allah, through advice and direction.¹⁶ Advice is defined as the advice that should be given to the wife's husband, not related to what the content of advice as interpreted by al-Thabarî and Ibn Katsîr.

Followed by the second solution is, separating the bed. This solution is done if they (wife) do not obey the advice given by her husband. "And separate them in their beds", interpreted in Tafsir al-Thabarî "He can sleep with his wife, but should not talk to his wife, and must turn his back".¹⁷

But further al-Thabarî explained the meaning of the word *al-Hajr* itself, which according to him in Arabic *al-Hajr* has only one of three meanings as follows:¹⁸

1. *Hajara al-rajul kalâma al-rajuli wa haditsahu* (someone refuses and does not talk to others). That is, he refused and did not talk to the

¹⁵Abdullah bin Muhammad bin ‘Abdurrahman bin Ishaq Al-Syaikh. *Lubâbut Tafsîr min Ibni Katsîr*, 299.

¹⁶Muhammad Ali al-Shâbûnî, *Shafwatul al-Tafasir* vol. 1, 637. Also, M. Quraish Shihab, *Tafsir al Mishbah*, 517.

¹⁷Al-Thabarî, *Tafsir al-Thabarî* vol.6, 902.

¹⁸Al-Thabarî, *Tafsir al-Thabarî* vol.6, 910.

man. It is said, *hajara fulânun ahlahu yahjuruhâ hajran wa hujrânan* (fulan did not talk to his wife).

2. Many talk by repeating (the conversation), like the words of a mocking person. It is said that *hajara fulânu fî kalâmihi hajran* (fulan speaks improperly), if he is not known and lengthened the sentence.
3. *Hajara al ba'îra* (someone tied a camel). That is, the owner tied him up with a *hijar*, a rope tied to his thighs and ankles.

In Arabic, *al-hajr* has only one of these three meanings while the husband of a wife who is feared to do *nusyûz* is only commanded to remind his wife to be obedient to her in the things Allah has obliged her to, is agree with him if he invites his wife to his bed, then if his wife obeyed his husband's warning or advice, it would be an impossible matter if the husband was then ordered to ignore his wife in the advised case (agreeing to him as he took his wife to bed).¹⁹

So according to al-Thabarî, if so, baptize the opinions of those who say that the meaning of the word of Allah *wahjuruhunna fî al madhâji'i* "And separate them in their beds", is reject (by you) to have sex with them. " Breathe the opinion of those who say that the meaning of God's word is "Reject (by you) talk with them, because they have left your bed." That's because this opinion also has no understandable reason. For if his wife turned and did *nusyûz* to him, then

¹⁹Al-Thabarî, Tafsir al-*Thabarî* vol.6, 910-911.

his wife would feel more happy if her husband did not talk to her and did not see herself.²⁰

The logic of al-Thabarî explained that if a wife hates and turns away from her husband, then how is it possible that her husband is commanded to do something that will make her happy, not to have sex with her, and not to talk and talk to her? Automatically, all the meanings we have mentioned do not escape the defects, then al-Thabarî argued that the most correct meaning in that case is, which says that the meaning of the word of God is alleged "And separate them", is binding with a rope, we mentioned. This meaning is derived from the words of the Arabs addressed to the camel, *hajarahu yahjuruhu hajran* (he tied it), if the owner tied it with a rope, as we have mentioned earlier. That is, (brackets them) in their home and residence.²¹

While in Ibn Katsîr's commentary described Ali ibn Abi Talha narrated from Ibn 'Abbas: "*al-Hajru* is not fifth" (intercourse) and not sleeping with him on his bed, and trying to deflect it."²² Ibn Katsîr made the narrations of Ali ibn Abi Talha as quotations of his interpretation without explaining the meaning of *al-hajru* as al-Thabarî.

²⁰Al-Thabarî, Tafsir al-*Thabarî* vol.6, 912.

²¹Abdullah bin Muhammad bin 'Abdurrahman bin Ishaq Al-Syaikh. *Lubâbut Tafsîr min Ibni Katsîr*,299.

²²Muhammad Ali al-Shâbûnî, *Shafwatul al-Tafasîr* vol. 1, 637. M. Quraish Shihab, Tafsir al Mishbah, 517.

Similarly Ali al-Shâbûnî explained that if counsel is unsuccessful, then separate them in their beds, do not talk to them and do not approach them. He quotes Ibn Abbas's account of the meaning of "*al-Hijru* (separated bed) which means not to interfere with his wife, or to turn his back on the bed".²³

Quraish Shihab explained the meaning of *wahjuruhunna* translated by leaving them is the command to the husband to leave the wife driven by the displeasure of his behavior. This is understood from the word *hajar*, which means leaving a place or situation that is not good or unpopular to the place and or the good or better. Obviously, this word is not used to simply leave something, but in addition it also contains two other things. First, that something left behind is bad or unpopular, and the second one is left to go to a better place and situation.²⁴

If so, according to Quraish Shihab through this command, the husband is required to do two things as well. First, showing displeasure over something bad and has been done by his wife, in this case is *nusyûz*, and secondly, the husband must strive to achieve behind the execution of the command something good or more than the original state.²⁵

Different from 3 previous interpreters who are only busy on the meaning of *al-Hajr*. He also explained *fî al-madhâji'i* which was translated by in the bed, according to him the word indicates that the husband did not leave them at home,

²³M. Quraish Shihab, *Tafsir al Mishbah*, 517.

²⁴M. Quraish Shihab, *Tafsir al Mishbah*, 518

²⁵M. Quraish Shihab, *Tafsir al Mishbah*, 518.

not even in the room but in bed. Because the verse uses the word *fi* which means in bed not the word *min* which means from the bed which means leaving the bed. If so, the husband should not leave the house, not even leave the room where the husband and wife usually sleep. The distance from couples in misunderstanding can widen the gap.²⁶

The existence of the room limits the dispute and because of the presence of the room is to show the husband's displeasure over his wife's behavior, which is left behind is something that shows the husband's displeasure. If a husband is in a room and sleeping together, but no condiments, no sweet words, no sex, it has shown that the wife is no longer pleasing in the heart of the husband. When she would feel that the powerful weapon she possessed-the appeal of her beauty-would no longer work to awaken her husband. Well, that's when the wife is expected to realize his mistake. When it is expected that a better state which is the goal of *hajr* can be achieved.²⁷

The third solution is *Wadhribûhunna* (And hit them). Al-Thabarî said that the meaning of this word is to beat them in order that they return to their obligation, that is to obey God in their duty regarding your rights. "He mentions that the Titlist said," The nature of the punishable punishment of God to the husband is a blow Hurt ".²⁸

²⁶M. Quraish Shihab, *Tafsir al Mishbah*, 518.

²⁷M. Quraish Shihab, *Tafsir al Mishbah*, 518-519.

²⁸Al-Thabarî, *Tafsir al-Thabarî* vol.6, 916-917.

Based on the narrations described by al-Thabarî some meaning of *wadhribûhunna* does mean hitting with the limit of the unharmed blow ".²⁹ And there is also a narrated meaning, "With a blow that does not hurt, is do not give a trace."³⁰

Similarly, in the commentary of Ibn Katsîr quoted the narrations of Ibn Abbas and other scholars about the meaning of *wadhribûhunna*, they say: "That is an unharmed blow", al-Hasan al-Bashri said: "That is, (the punches) leave no traces" . The Jurist said: "That does not hurt the limbs and leave no traces at all".³¹

While Ali al-Shâbûnî interpreted *wadhribûhunna* with, then beat them with a painless blow.³² Unlike al-Shâbûnî, Quraish Shihab interpreted the length of the word *wadhribûhunna* translated by their beat. This word is derived from the word *dharaba* which has many meanings. When using in the sense of hitting, it is not always understood in the sense of harming or committing a crude and crude act. The person who walks or the traveler is named by the language and by the Quran *yadhribûhunna fî al-ardh* which literally means to hit on earth. Therefore, the above command, understood by the scholars based on the explanation of Rasul saw that the intended hitting is a painless hit.³³

²⁹As quoted by al-Thabarî from Ibnu Athiyah in *Al Muharrir al Wajîz* (2/48).

³⁰As quoted by al-Thabarî from *Al Mawardi in al Nukat wa al 'Uyun* (1/483) and Ibnu Jauzi in *Zâd al Masîr* (2/76).

³¹Abdullah bin Muhammad bin 'Abdurrahman bin Ishaq al-Syaikh. *Lubâbut Tafsîr min Ibni Katsîr*,300.

³²Muhammad Ali al-Shâbûnî, *Shafwatu al-Tafâsîr* vol. 1, 638.

³³M. Quraish Shihab, *Tafsîr al Mishbah*, 519-520.

Quraish Shihab explained that, 'Atha (a great scholar), argued that husbands should not hit their wives, the only high is to scold him. Ibn al-Arabi commented on Atha's opinion by saying, "His understanding was based on the criticism of the Prophet. To a husband who beats his wife ". Some scholars agree with 'Atha and refuse to beat his wife. However, if this verse is understood as a wife-beating permit for a husband-it should be linked to the hadiths of the Prophet.³⁴

Thus, we can know that there are several versions of interpretation about *wadhribûhunna*. Some of them interpret it as a hit, with various conditions, such as not injuring, not causing scars, and not injuring limbs. However, as explained by the Quraish Shihab above, some do not allow the beating, but are only interpreted as scolding because of the hadith of the prophet who denounced the husband who beat his wife.

After discussing the solution *nusyûz* wife then the following will be presented about the solution *nusyûz* coming from the husband:

2. *Nusyûz* Solutions for Husband

Different from *nusyûz* wife, the solution offered when facing husband *nusyûz* advocated by the Quran is to do peace. As al-Thabarî explained the meaning of the verse which means "So why not for both of them to make a real peace," with his interpretation, the innocent of both, a woman who feared the *nusyûz* and the indifference of her husband, to make peace actually because her

³⁴M. Quraish Shihab, *Tafsir al Mishbah*, 519-520.

husband has gone through her days, wasting some of the obligations of the wife who has become the husband's right to ask for peace over the incident, to remain in the bond of marriage, refrain from the marriage contract that binds both.³⁵

He said "Lafadz *والصلح خير*" And peace is better, "it means to make peace because it has abandoned some of its rights, constantly doing things that are forbidden, and refraining from marriage contracts, better than asking for divorce and separation."³⁶

And al-Thabarî mentioned the meaning of *والصلح خير* "And peace is better" by mentioning the story of Ali bin Abi Talha said from Ibn Abbas, "That gives choice, that is, a husband offers a choice between defending or divorcing, it is better than - emphasizes and prioritizes his other wives. "³⁷

While Ibn Katsîr explained that the *zhahir* of the verse is that the second peace, that is, with the wife giving some of his rights to the husband and husband to receive the right then it is better than the absolute divorce. As the story of the Holy Prophet maintains Saudah bint Zum'ah by giving his turn to 'Aisha. He did not divorce him, but he kept it part of his wife. His deed is to be imitated by his

³⁵Abu Ja'far Muhammad bin Jarîr al-Thabarî, *Tafsir al-Thabarî* vol.7, terj. Akhmad Affandi (Jakarta: Pustaka Azzam, 2008), 840.

³⁶Al-Thabarî, *Tafsir al-Thabarî* vol.7, 840.

³⁷Al-Thabarî, *Tafsir al-Thabarî* vol.7, 841.

people in the shari'ah and its permissibility. It is more important to the Prophet's right. And because the deal is more beloved of Allah swt than divorce.³⁸

Ali al-Shâbûnî explained the meaning of the verse which means "And if a woman is afraid of *nusyûz* or indifference from her husband", with, if a woman knows and feels that her husband is arrogant and indifferent to her due to her husband's hatred of his wife because of her apparent bad or age is older, and the desire of a husband to become a wife younger and more beautiful than him. "So why not for both of them to make a true peace", there is no sin for either of the two spouses to make peace and mutual improvement, by imposing a certain part of the wife's rights, by reducing their bread, clothing, and furnishings, it aims to keep giving a sense of mercy and perpetuate his love and friendship. It is confirmed by the presence of Ibn Jarîr from Aisyah, he said, "This man has had two wives, one of them is older and ugly, her husband does not love her. Then the old wife said, "Do not divorce me, and you are still lawful to me".³⁹

Quraish Shihab explained and if a woman is afraid to suspect that there are signs of *nusyûz* pride which resulted in her belittling his wife and obstructing her rights or even just the attitude of turning away, the indifference of her husband that made her feel no longer getting friendly, either in conversation or in the marriage of her husband, as it had been felt before and it is feared to lead to divorce, it is okay for both of them to hold between the two real peace, such as a

³⁸Abdullah bin Muhammad bin 'Abdurrahman bin Ishaq al-Syaikh. *Lubâbut Tafsîr min Ibni Katsîr*, 422.

³⁹Muhammad Ali al-Shâbûnî, *Shafwatu al-Tafâsîr* vol. 1, 727-728.

wife or husband giving or sacrificing some of his rights to his spouse, and that peace in all things as long as it does not violate divine guidance is better for anyone who fusses including husband and wife.⁴⁰

C. The Term of *Nusyûz* on Syekh Muhammad Mutawalli al-Sya'râwî and Amina Wadud Muhsin

1. Al-Sya'râwî's Interpretation about *Nusyûz*

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ
فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ
وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا
كَبِيرًا (٣٤).

*Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill- conduct, admonish them (first), (Next), refuse to share their beds, (And last) beat them (lightly) but if they return to obedience, seek not against them Means (of annoyance) For Allah is Most High, great (above you all)*⁴¹

The discussion about *nusyûz* is the second discussion in surah al-Nisâ verse 34, where previously the core of the discussion is the male leadership. However, according to the author, to get a full understanding of the verse, we should see the verse as a whole as well, although in this case sura al-Nisâ verse 34 has two discussions in it.

⁴⁰M. Quraish Shihab, *Tafsir al Mishbah*, 740.

⁴¹Abdullah Yusuf Ali, *The Holy Quran (Koran)* (ttp: The King Fahd Holy Quran Printing Complex, 1987), 37.

In understanding this *nusyûz*, there are two keywords contained in the verse, namely the word *qânitât* and the word *nusyûz* itself, following the interpretation of al-Sya'râwî against the word *qânitât* and *nusyûz* are:

a. Al-Sya'râwî's Interpretation of *Qânitât*

لقد قدم الحق سبحانه وتعالى في صدر الآية مقدمة بحكم يجب أن يلتزم به، لأنه حكم الخالق الذي أحسن كل شيء خلقه، فأوضح القضية الإيمانية: (الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ) ثم جاء بالحِثِّيات فقال: (بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ) ويتابع الحق: (فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ) و المرأة الصالحة هي المرأة التي استقامت على المنهج الذي وضعه لها من خلقها في نوعها، فما دامت هي الصالحة تكون قانته، و القنوت هو دوام الطاعة لله.⁴²

Based on the interpretation of al-Sya'râwî above, he interpreted the word *qânitât* as a virtuous woman who always *istiqâmah* obedient to Allah.⁴³ Often the word *qânitât* is associated with 'obedience' and is later linked to a wife obedient to the husband. In the context of the whole verse of the Quran, this word is commonly used to refer to the personality characteristics of a believer to God. Both tend to work together and submit before God. This is clearly different from simply submissive or obedient to fellow creatures. It means that *qânitât* does not mean women who receive any gift from husbands, but women and men who obey God.⁴⁴

⁴²Muhammad Mutawalli al-Sya'râwî, *Tafsir al-Sya'râwî* (Qâhirah: Akhbar al-Yaum, tt), Vol. 4, 2195.

⁴³Al-Sya'râwî, *Tafsir al-Sya'râwî*, 2195.

⁴⁴Istibsyaroh, *Hak-Hak Perempuan*, 113.

From the interpretation of al-Sya'râwî above also, it can be seen that when he interpreted the word *qânitât* cannot be separated from the discussion of men as female leaders. Before interpreting the word *qânitât* there is a word *shâlihât* that he interpreted with women who accept the provisions that have been determined by the Creator, followed by the word *qânitât* which is defined as a woman who always obey Allah Almighty.

Then he reiterated in the next interpretive paragraph:

و المرأة القانتة خاضعة لله، إذن فحين تكون خاضعة لله تلتزم منهج الله و أمره فيما حكم به من أن الرجال قوامون على النساء،⁴⁵

A woman who is *qânitât* will surrender to God, she will accept every provision of God, so even with the provisions of men is a leader for women.⁴⁶

The interpretation of the word *qânitât* according to al-Sya'râwî is in line with the interpretation of Ibnu Katsîr although there are slight differences where Ibnu Katsîr directly interpreted this word *qânitât* with women who are obedient to God and obedient to her husband.⁴⁷ While al-Thabarî interpreted the meaning of *qanitat* by showing 7 *riwâyah*, which resulted in three interpretations, 5 of which interpreted *qânitât* with obedient women, followed by a *riwâyah* of the *qânitât* as

⁴⁵Al-Sya'râwî, *Tafsir al-Sya'râwî*, 2195.

⁴⁶Al-Sya'râwî, *Tafsir al-Sya'râwî*, 2195.

⁴⁷Ibnu Katsîr, Ismâ'îl bin 'Amr. *Tafsîr al-Quran al-Adzhîm*, vol. 2 (Riyâdh: Dâr Thayyibah, 1999), 293.

a devout woman to God and her husband and a recent *riwâyah* Interpreting *riwâyah* as obedient women to her husband.⁴⁸

Although similar to the previous interpreter, al-Sya'râwî tried to interpret the word *qânitât* in accordance with the meaning of the language only. *Qânitât* is not just a *shâlehah*, she is a woman who always accepts every will of God and believes no one can change his provisions.⁴⁹ To obey husbands in the sense of obedience is not a worship is a thing to be performed by women who *qânitât* because it is one of God's commands.

The later commentators such as Al-Shâbûnî and Quraish Shihab interpret the word *qânitât* as *shâlehah* women who are obedient to Allah and to their husbands. Without the additional interpretations of the word *qânitât* first.⁵⁰

b. Reading of *Nusyûz*'s Word by al-Sya'râwî

{النساء : ٣٤} (وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ)

ما النشوز ؟ عندما نسمع عن الموسيقى نجد من يقول: (هذه نغمة نشاز) أي أنها نغمة خرجت عن تسلسل النغم و إيقاعه. والأصل فيها مأخوذ من النشز، وهو ما ارتفع و ظهر من الأرض، و المفروض في الأرض أن تكون مبسوطة، فإن وجدنا فيها نتوءا فهذا اسمه نشوز.^{٥١}

⁴⁸Muhammad bin Jarîr Al-Thabarî, *Jâmiu' al-Bayân 'an Ta'wîli âyi al-Qurân*, vol.5 (Libanon: Dâr ahyâ al-Turâts al-'Arabî, n.y), 72-73.

⁴⁹Ibnu Manzhûr, *Lisân al- 'Arab*, 73.

⁵⁰Muhammad Ali al-Shâbûnî, *Shafwatu al-Tafâsîr*, Vol. 1 (Libanon: Dâr al-Qurân al-Karîm, 1981), 274. See also, M. Quraish Shihab, *Tafsîr al-Mishbah: Pesan, Kesan dan Keserasian al-Qurân*, Vol. 2 (Jakarta: Lentera Hati, 2009), 509.

Al-Sya'râwî regards *nusyûz* as when listening to music, then finds people bringing the song out of the tone of the regularity of the song. It means *nusyûz* is not good and bad, as listening to music that is not in accordance with the rules. *Nusyûz* derived from "ن ش ز" means the surface that is lifted from the earth, something harmonious will cause fun where as on the contrary if there is something that is not harmonious and cause displeasure then this is called *nusyûz*.⁵²

As for *nusyûz* related to the relationship between husband and wife he explained:

والأصل في علاقة الرجل بزوجه، أن الرجل قد أخذ المرأة سكنا له و مودة و رحمة و أفضى إليها و
أفضت إليه.⁵³

And basically a husband and wife relationship is a relationship in which the husband will feel calm, get love, and affection and support each other.⁵⁴ The opposite state of tranquility, love between husband and wife is the absence of harmony, this is what is meant by *nusyûz*.

The interpretation of al-sya'râwî about the meaning of *nusyûz* is different from the interpretation of his predecessor's like Ibnu Katsir who interpreted it as

⁵¹Muhammad Mutawalli al-Sya'râwî, *Tafsir al-Sya'râwî* (Qâhirah: Akhbar al-Yaum, tt), Vol. 5, 2683.

⁵²Al-Sya'râwî, *Tafsir al-Sya'râwî*, 2683.

⁵³Al-Sya'râwî, *Tafsir al-Sya'râwî*, 2683.

⁵⁴Al-Sya'râwî, *Tafsir al-Sya'râwî*, 2683.

abandoning marital wives,⁵⁵ al-Thabarî interprets it with the arrogance of wives against husbands, the avoidance of wives from husbands' beds, the hatred of wives against husbands and the alienation of wives against husbands.⁵⁶

The interpretation of these two predecessors is as if the word *nusyûz* is only for women, unlike al-Sya'râwî which states that the word *nusyûz* is used for men and women. Mufassir later generations like Ali al-Shâbûnî and Quraish Shihab interpreted *nusyûz* with ungodly and rebellious women.⁵⁷

2. Interpretation of *Nusyûz* Solution by al-Sya'râwî

a. Solutions to *Nusyûz* Wife

In facing *nusyûz* wife there are 3 solutions given by alquran that is by giving advice, separating bed and the last by being hit, the following interpretation of al-Sya'râwî, the three will be described one by one:

1). Advise (*faidzhûhunna*)

(فَعِظُوهُنَّ) أي ساعة تراها تنوي هذا فعظها، و الوعظ: النصح بالرفقة و الرفق، قالوا في النصح بالرفقة: أن تنتهز فرصة انسجام المرأة معك، و تنصحها في الظرف المناسب لكي يكون الوعظ و الإرشاد مقبولا فلا تأت لإنسان و تعظه إلا و قلبه متعلق بك.⁵⁸

⁵⁵Ibnu Katsir, *Tafsîr al-Quran al-Adzhîm*, vol. 2, 294.

⁵⁶Al-Thabarî, *Jâmiu' al-Bayân 'an Ta'wîli âyi al-Qurân*, vol.5, 76.

⁵⁷Al-Shâbûnî, *Shafwatu al-Tafâsîr*, Vol. 1, 274. See also, Quraish Shihab, *Tafsîr al-Mishbah: Pesan, Kesan dan Keserasian al-Qurân*, Vol. 2, 517.

⁵⁸Al-Sya'râwî, *Tafsîr al-Sya'râwî*, 2200.

According to al-Sya'râwî the advice is given with some tips, that is with gentle advice and give advice in the right time and opportunity as well. Usually a woman shows acceptance or rejection of advice, can be seen from the expression of her face or her behavior. If the advising is not effective in solved the problem and the problem peaked, then beware of this *nusyûz*.⁵⁹

Al-Thabarî interpreted this *faidzhûhunna* by giving advice to the wife to remember Allah and fear them with the threat of Allah if they have done the things that Allah forbade them to be, that is, to have their husbands, while Allah has obliged them to obey their husbands they.⁶⁰

Al-Thabarî interpreted this word *faidzûhunna* by explaining the content of his advice while al-Sya'râwî explained it by how the giving of advice was given to be effective in overcoming the *nusyûz* wife. In contrast to ali al-Shâbûnî and Quraish Shihab who gave no further explanation of this word *faidzuhunna*. Both are just interpreting this word with advice.⁶¹

2). Separating beds (*wahjurûhunna fi al-madhâji 'i*)

(وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ) و ماذا يعني بأن يهجرها في المضاجع؟ نقول: مادام المجمع واحدا فليعطها ظهره و بشرط ألا يفضح المسألة، بل ينام على السرير و تغلق الحجة عليها ولا يعرف أحد شيئا،

⁵⁹Al-Sya'râwî, *Tafsir al-Sya'râwî*, 2200.

⁶⁰Al-Thabarî, *Jâmiu ' al-Bayân 'an Ta'wîli âyi al-Qurân*, vol.5, 76-77.

⁶¹Al-Shâbûnî, *Shafwatu al-Tafâsîr*, Vol. 1, 274. See also, Quraish Shihab, *Tafsîr al-Mishbah: Pesan, Kesan dan Keserasian al-Qurân*, Vol. 2, 517.

لأن أي خلاف بين الرجل و المرأة إن ظل بينهما فهو ينتهي إلى أقرب وقت، و ساعة يخرج الرجل و عواطفه تلهب قليلا، يرجع و يتلمسها، و هي أيضا تتلمسه. والذي يفسد البيوت أن عناصر من الخارج تتدخل، وهذه العناصر تورث في المرأة عنادا و في الرجل عنادا، لذلك لا يصح أن يفصح الرجل ما بينه و بين المرأة عند الأم والأب والأخ، ولنجعل الخلاف دائما محصورا بين الرجل و المرأة فقط. فهناك أمر بينهما سيلجئهما إلى أن يتسامحا معا.⁶²

In interpreting the phrase *wahjurûhunna fî al-madhâji'i* al-Sya'râwî says that instead of separating the bed with a different place but only by giving the back or reversing direction of his wife's sleep, this is do if it will not cause trouble, and the problem happens must covered from others, because with no one knows the problem happens truly. However, if the problem already involves a third party, it will be more difficult to be resolved due to the emergence of indignation between the two parties. Therefore, husband and wife should solve their own problems so that both can be airy towards their partner.⁶³

As al-Sya'râwî's interpretation, al-Thabarî interpreted this *wahjurûhunna fî al-madhâji'i* with various meanings from various *riwâyah* which he proposed but none in the *riwâyah* express this separation of the bed as sleeping in different places but with Don't sexual intercourse and keep her back.⁶⁴ Similarly, this interpretation is similar to the interpretation of Ali al-Shâbûnî and Quraish Shihab

⁶²Al-Sya'râwî, *Tafsir al-Sya'râwî*, 2200.

⁶³Al-Sya'râwî, *Tafsir al-Sya'râwî*, 2200.

⁶⁴Al-Thabarî, *Jâmiu' al-Bayân 'an Ta'wîli âyi al-Qurân*, vol.5, 77-81.

who interpret the word *wahjurûhunna fî al-madhâji'i* by don't sexual intercourse and backed her in bed.⁶⁵

3). Being Hit (*wadribûhunna*)

(فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ) وقالوا : إن الضرب بشرط ألا يسيل دما ولا يكسر عظاما، أي يكون ضربا خفيفا يدل على عدم الرضا، ولذلك فبعض العلماء قالوا: يضربها بالسواك.⁶⁶

In response to this third step al-Sya'râwî requires no blow to bleed and destroy the bones, in other words with a light blow, which shows displeasure, which is why some scholars say hit him with *siwak*.⁶⁷

Al-Sya'râwî explained in his commentary that Allah Almighty has taught us how exactly the husband's blow to the wife was reflected from the story of the prophet Ayyub, when he was told to beat his wife with a hundred punches.

(وَأُخِذَ بِيَدِكَ ضِعْفًا فَأُضْرِبَ بِهِ وَلَا تَحْنَثْ....) (ص: ٤٤)

والضغث هو الحزمة من الحشيش يكون فيها مائة عود، ويضربها ضربة واحدة فكأنه ضربها مائة ضربة وانتهت. فالمرأة عندما تجد الضرب مشوبا بحنان الضارب فهي تطيع من نفسها، و على كل

⁶⁵Al-Shâbûnî, *Shafwat al-Tafâsîr*, Vol. 1, 274. See also, Quraish Shihab, *Tafsîr al-Mishbah: Pesan, Kesan dan Keserasian al-Qurân*, Vol. 2, 518.

⁶⁶Al-Sya'râwî, *Tafsîr al-Sya'râwî*, 2201.

⁶⁷Al-Sya'râwî, *Tafsîr al-Sya'râwî*, 2201.

حال فيأياكم أن تفهموا أن الذي خلقنا يشرع حكماً تأباه العواطف، إنما يأباه كبرياء العواطف، فالذي شرع و قال هذا لابد أن يكون هكذا.⁶⁸

The Prophet Ayyub hit his wife with *Dhiqtsa* (a bundle of 100 tied bamboo or grass), then he beat his wife with a gentle blow but as if it had hit 100 times. Thus women will feel the softness of her husband will give effect to change her.⁶⁹

And from the story above al-Sya'râwî states that *Syarî'ah* is still the *Syarî'ah*, likes or dislikes the provisions of Allah, it must remain so. Because Allah is the Creator also creates rules what has been created.

The former interpreter and interpreter after al-Sya'râwî also interpreted *wadhribuhunna* by hitting without harm, without leaving a mark and not a hard blow.⁷⁰

b. Solution to *Nusyûz* Husband

وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُورًا أَوْ إِعْرَاضًا

Beginning with the above verse al-Sya'râwî interpret, that *nusyûz* it has not happened, but the wife is afraid of the occurrence of it. And this draws our attention, we should be wary before the problem occurs by avoiding the cause of

⁶⁸Al-Sya'râwî, *Tafsir Al-Sya'râwî*, 2201.

⁶⁹Al-Sya'râwî, *Tafsir al-Sya'râwî*, 2201-2202.

⁷⁰Read More, Al-Thabarî, *Jâmiu' al-Bayân 'an Ta'wîli âyi al-Qurân*, vol.5, 82-84. Al-Shâbûnî, *Shafwat al-Tafâsîr*, Vol. 1, 274. See also, Quraish Shihab, *Tafsîr al-Mishbah: Pesan, Kesan dan Keserasian al-Qurân*, Vol. 2, 519-521.

the problem, because if the problem has happened then we will never be able to restore the original state.⁷¹

And the recommended solution is the peace between the two parties that will give benefit to both, because the difficulty is not only felt by one party but both, both husband and wife are not easy to deal with.⁷²

In interpreting this verse also, al-Sya'râwî asserted to solve the problem of the household should be solved by the couple in the household itself without involving the other party. According to him the problem will be more difficult to solve if there are people who intervene in it, because the couple is the one who knows exactly the cause of the problem occurs, so the problem is more quickly resolved and does not become more complicated.⁷³

Regarding the word *thâ'a* in the continuation of this verse al-Sya'râwî still interpret this as obedient to the husband but by underlining that in interpreting this verse is not who is higher than others because obeyed. Allah created man and woman, there is nothing inferior to one another, as God protects men's rights, Allah also protects the rights of women. No one is superior to one another because God created both by wanting balance and harmony.⁷⁴

The interpretation of al-Sya'râwî above is not much different from the interpretation of al-Thabarî which explained the word *thâ'a* with the wife removed

⁷¹Al-Sya'râwî, *Tafsir al-Sya'râwî*, 2682.

⁷²Al-Sya'râwî, *Tafsir al-Sya'râwî* 2683.

⁷³Al-Sya'râwî, *Tafsir al-Sya'râwî*, 2684.

⁷⁴Al-Sya'râwî, *Tafsir al-Sya'râwî* 2202.

their hatred towards you (husband). While Ali al-Shâbûnî interpreted *thâ'a* by obeying the husband.⁷⁵

3. Interpretation of Amina Wadud Muhsin about *Nusyûz*

a. *Qânitât* According to Amina Wadud

Amina Wadud begins to interpret this verse of *nusyûz* with the word *qânitât*. First, the word *qânitât* is used here to describe 'good' women. According to him, often the word *qânitât* is wrongly translated as 'obedience', and then linked to 'obedience to the husband'.⁷⁶

Amina argues so, seeing the use of the word *qânitât* in the entire context of the Quran. It is commonly used for men (eg in QS, 2: 238, 3:17, 33:35) and women (in QS 4: 34, 33: 34, 66: 5, 66: 12) The personality of those who believe in Allah. Both tend to cooperate with one another and submit before God. This is clearly different from mere compliance among created beings.⁷⁷

Sayyid Qutb underlines that the choice of this word indicates that the Quran describes a personal emotional response rather than 'following the command' from outside so that it is followed by the attitude of *thâ'a* (obedience).⁷⁸

⁷⁵Read More, Al-Thabarî, *Jâmiu' al-Bayân 'an Ta'wîli âyi al-Qurân*, vol.5, 85-86. See also, Al-Shâbûnî, *Shafwatu al-Tafâsîr*, Vol. 1, 274.

⁷⁶Amina Wadud Muhsin, *Quran and Woman* (Kuala Lumpur: Fajar Bakti, 1994), 74.

⁷⁷Amina, *Quran and Woman*, 74.

⁷⁸Sayyid Qutb's opinion is shared by Amina as it is contained in Amina, *Quran and Woman*, 74.

b. *Nusyûz* Definition on Amina Wadud's Thought

As for the use of the word *thâ'a* in the continuation of the verse which reads 'women of which you fear its *nusyûz*', it should be noted again that the word *nusyûz* is also used for men (QS, 4: 128) and women (QS, 4:34), although both the words in this verse are defined differently. When applied to the wife, the term *nusyûz* is usually interpreted as 'disobedience to the husband', followed by the use of the word *thâ'a* afterwards. Another interpretation says this verse shows that a wife must obey her husband.⁷⁹

But since the Quran uses the word *nusyûz* for men and women, this word cannot be interpreted as 'obedience to husbands'. As Sayyid Qutb explains, this word is a statement of the occurrence of disharmony in a marriage in which this view is shared by Amina.⁸⁰

c. Solutions to *Nusyûz* (Wife and Husband)

There are three solutions offered by the Quran as a solution of *nusyûz*. *First*, the verbal solution: either between the husband and wife (as in the Sura al-Nisâ verse 34) or between husband and wife with the help of a mediator (as in al-Nisâ 'verses 35 and 128). *Second*, may be separated. And finally, hit them.⁸¹

Here is Amina's interpretation of *nusyûz*'s solution:

1). Verbal Solutions

⁷⁹Amina, *Quran and Woman*, 74-75.

⁸⁰Amina, *Quran and Woman*, 75.

⁸¹Amina, *Quran and Woman*, 95.

Before discussing the first solution Amina asserted that the Quran states and emphasizes the importance of peace between husbands and wives, without the need for certain crackdowns to overcome them. Then, if the steps of peace follow the procedures as taught in the Quran, then it is very possible that the husband and wife relationship improved, before the last step done. Even if the third step should be done then the essence of beating the wife should not cause violence or fights between the two couples, because the action was not at all Islamic.⁸²

Amina argues that this first solution is the best offered and preferred solution of the Quran, since both should discuss the issue of this *nusyûz*. This step is also in line with the general principle of the Quran for deliberation, which is the best way to resolve the two conflicting issues.⁸³

Amina states that the Quran does indeed intend to resolve the dispute and restore the state of a married couple to a harmonious, with the verse that says 'then there is no sin if both make peace. Peace is better (than divorced)' (QS, 4: 128). So 'peace' (Surah 4: 128) is the ultimate goal, not violence or forcing a partner to obey.⁸⁴

2). Separating beds

Associated with this bed separation according to Amina, could be a solution if the couple is constantly sleeping in bed. If not, like a polygamist

⁸²As quoted by Amina Wadud of Sayyid Qutb, *Fi Zhilal al-Quran*, 6 Vol (Kairo: Dâr al-Syuruq, 1980), Vol II, 653, in Amina, *Quran and Woman*, 95.

⁸³Amina, *Quran and Woman*, 95-96.

⁸⁴Amina, *Quran and Woman*, 96.

couple, then this action is meaningless at all. In addition, the 'bed separation' indicates at least one night passes with separation, so the time of separation is used as a time of 'stress relief' in which both partners can think better about the problems they face. Until this step produces fruitful results for both.⁸⁵

If an overnight separation instead of a prolonged bed, without any completion steps being made, then this solution becomes meaningless. However, that does not mean also with this condition to be a sign of a man may beat his wife. This can still be regarded as a step toward resuming a peaceful settlement, or staying separate, or going further in the direction of a divorce. And separating the bed is one form of waiting period in divorce. So this action can be taken as part of the overall context of irreconcilable differences between married couples.⁸⁶

3) Being Hit

According to Lisân al-'Arab and Lanes's Lexicon, *dharaba* does not necessarily indicate the use of force or violence. This word is also used in the alquran for example in the sentence *dharaba Allah matsalan* (God gives or makes as an example), this word is also used if someone goes or stops a journey.⁸⁷

But the subsequent meaning of the word *dharaba* can mean hitting repeatedly. The verse is also a step to prohibit acts of violence without cause in

⁸⁵ Amina, *Quran and Woman*, 96.

⁸⁶ Amina, *Quran and Woman*, 96.

⁸⁷ Amina, *Quran and Woman*, 97.

women. So this action should not be done, but for a limited amount, this step can still be done.⁸⁸

The problem of domestic violence that currently occurs in many Muslims, is not rooted in the verses of the Quran. There will not be many men who beat his wife if they perfectly follow the Quran's suggestion in an attempt to restore domestic harmony. If they choose to commit violence in order to frighten it without any desire to improve domestic harmony, they cannot mention the Sura al-Nisâ verse 34 as justification for their actions.⁸⁹

Next Amina highlights the word *thâ'a* in this verse, according to which this word needs to be interpreted contextually. This verse says 'if they are obedient to you, then seek not a way to trouble them'. For women, this sentence is a sentence of requirement not a command. And the commandment is that husbands' are not looking for ways to trouble obedient wives. The emphasis lies in the treatment of men against women, not the opposite.⁹⁰

⁸⁸Amina, *Quran and Woman*, 97.

⁸⁹Amina, *Quran and Woman*, 97.

⁹⁰Amina, *Quran and Woman*, 97-98.