

## Analyzing Domestic Violence in the Qur'an through Hermeneutics of H.G. Gadamer: Views of Amina Wadud

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**ABSTRACT:** *This study is motivated by interpretation and followed by an understanding of the position of men and women, which discredits one party. This research focuses on the thoughts of the philosopher Amina Wadud, a reformist Muslim thinker, in interpreting the Qur'an with her work Qur'an and Women. The purpose of this study is to discuss domestic violence further. This research is qualitative; the data were obtained from library sources, with the primary source from the Qur'an and Women. Data processing is done by grouping, reduction, and codification. Meanwhile, in data analysis, Hans-Georg Gadamer's Hermeneutical approach is that of intelligence subtily–how to understand (das Verstehen), explicandi subtily–how to explain (dem Auslegen), and applicandi subtily–how to apply (das Anwenden). The research results obtained in this article demonstrate that the interpretation of Amina Wadud does not violate Islamic teachings. Values and forms of deconstruction of understanding are by and refer to the Qur'an. Amina Wadud said that the Qur'an, in substance, never teaches the use of violence to solve family problems, especially in marital relations. The meaning that can be concluded is deliberation in solving issues by placing husband and wife in the same position because all human beings are equal before God.*

Kajian ini dilatarbelakangi oleh interpretasi dan diikuti pemahaman tentang posisi laki-laki dan perempuan yang mendiskreditkan salah satu pihak. Pada penelitian ini berfokus pada pemikiran filsuf Amina Wadud pemikir Muslim reformis dalam bidang tafsir Al-Qur'an dengan karyanya Qur'an and Women. Tujuan penelitian ini lebih dalam membahas kekerasan dalam rumah tangga. Penelitian ini merupakan penelitian kualitatif, data diperoleh dari sumber kepustakaan dengan sumber utama dari buku Qur'an and Women. Pengolahan data dilakukan dengan pengelompokan, reduksi, dan kodifikasi. Sementara itu, dalam analisis data, pendekatan Hermeneutika Hans-Georg Gadamer yaitu yaitu *subtilitas intellegendi*–cara memahami (*das Verstehen*), *subtilitas explicandi*–cara menerangkan (*dem Auslegen*), dan *subtilitas applicandi*–cara menerapkan (*das Anwenden*). Hasil penelitian yang diperoleh dalam artikel ini menjelaskan bahwa penafsiran Amina Wadud tidak melanggar ajaran Islam. Nilai dan bentuk dekonstruksi

pemahaman sesuai dan merujuk pada al-Qur'an. Ia menjelaskan, al-Qur'an secara substansi tidak pernah mengajarkan penggunaan kekerasan untuk menyelesaikan masalah keluarga, terutama dalam hubungan suami istri. Makna yang dapat disimpulkan adalah musyawarah dalam menyelesaikan masalah dengan menempatkan suami dan istri pada posisi yang sama, karena semua manusia sama di hadapan Tuhan.

**Keywords:** *Domestic Violence, Gadamer's Philosophical Hermeneutics.*

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## I. INTRODUCTION

Al-Qur'an, as the main guideline and sourcebook that covers all aspects related to humans, has a vital role in the development of Muslims and in solving every problem in human life. All descriptions about life in this world and after (afterlife) make Muslims cannot be separated from it. So that all movements, attitudes and directions that are the goal of life for Muslims are always based on the Qur'an. Therefore, proper interpretation and understanding are needed to strive for the Qur'an's compatibility with the times' demands (Madaniyyah & Munawar, 2022).

The proportion of normative and historical aspects of the Qur'an must be clarified about the role of Muhammad SAW as a prophet and apostle and Muhammad SAW as an ordinary human being, husband, father, warlord and merchant in his life in his society. The background of Arab society, which holds a patriarchal culture, is one aspect that needs attention. This culture made Arab society dominated by men and women to be minors and even very despised before Muhammad SAW was sent as an Apostle. Men entirely control essential roles in society, so the need for women to study, socialize and carry out non-household activities is optional, as Muhammad SAW is a person who upholds the degree of women in the social strata that exist in society (Al-Hajjaj, 1998). This is contrary to the traditions and dogmas that were in effect in Arabia during the *Jahiliyyah* period, where the position of women was significantly degraded. Having a baby girl was a disgrace to the family, so the baby had to be buried alive (Warsito, 2013). Even the wife can be passed on to others, like goods that are the property of men. This rooted thing is undoubtedly not easy to change and is impossible without conflict (Uwaidah, 2013).

In the eyes of Muslim feminists, patriarchal culture, which is very prominent in Islamic teachings, shackles the rights women should receive. For them, this is contrary to the teachings of justice in Islam, and as a woman who has to strive to realise these rights, these rights must be sought in various ways and evidence. Even in the family, the degree of women is placed below men so that men become superior beings, namely working in the public area with prestige. In contrast, women become inferior beings who work in the domestic space with services that differ from the relationship between husband and wife as taught by Islam's orientation towards equality and partnership.

Men and women in nature are created equal, and what distinguishes them before God is their piety, not anything else. Judging from the origin of the same incident in the letter Āli 'Imrān verse 195 and the biological distribution of the same type of letter al-Hujurat verse 13. In society, one another or certain groups against other groups

complement each other in the letter of Tawbah verse 17. From the same basis, In this case, it can be understood that one another has their strengths and weaknesses intended to work together to achieve perfection. So then, these concepts are perfected with the direction of the Qur'an not to be jealous of the gifts that God has given to each of His creations (Shihab, 2012).

Departing from the origin of the same incident, with the advantages and disadvantages that exist in each to complement each other in various spheres, including nature, society, family and even individuals, then in the Islamic conception, men and women have the same position, not except in discussing the relationship between men and women in the family as husband and wife (Murtopo, 2016). In a family, if it only consists of men or only women, the logical consequence will not be a family (Shihab, 2008). There is a need for marriage to perfect men and women to realize perfection in the family, in an-Nisā` verse 21 where men and women mix to continue their offspring and for other purposes that involve both outside of sexual relations, namely al-Baqarah verse 187.

The most appropriate way of communication to establish consensus in deciding a case between the two is by deliberation, which is not authoritative and mentioned in surah at-Ṭalāq 6 so that it does not burden either party but equal rights in opinion. Many verses talk about communicating or saying good words and not making other people angry, namely by saying the right words, appropriate words, noble words and words that are good. Besides that, the tone of one's speech must also be maintained because even if one speaks politely, the style is harsh, which will also hurt other people. In addition, facial expressions when speaking also need to be maintained. Do not let someone in every meeting with other people show a sour face. If, in talking or saying, someone offers a sour look, then the person being spoken to will also feel bad.

Gender problems in some countries with Muslim populations are still a barrier to obtaining "proportional" rights. Disputes that occur are not only due to patriarchal culture but also to political influences in these countries (Mutrofin, 2015). Discrimination against the rights of Muslim women of officials' families to wear the hijab that occurred in Turkey, for example, was caused by the cold war that occurred between Muslims and secularists. For Turkish secularists, the hijab is one of the barriers to achieving a modern and advanced Secular Turkish State. The same thing happened in France when the government became hostile to the Catholic church and became hostile to Islam. The hostility began with anti-immigrant issues, addressed by strike action by Muslim workers in the automotive industry. It continued with national news about the relationship between the headscarf and Islamic fundamentalism, published in a provocative article threatening secularism in 1998 (Murtadlo, 2014). Not only in Turkey and France, the same thing happened to almost all Muslims in Europe and even Africa located in Mali. This happened in connection with the prohibition of religious symbols in Europe (Fathurrosyid, 2016).

Amina Wadud's track record is not only in terms of mass movements but also covers the realm of scholarly interpretation, which spawned a work entitled Qur'an and Women (Aulia, 2011). In this case, Wadud did a lot of deconstruction regarding the performance of classical clerics and society's understanding of the position of men and women in Islam (Wadud, 1999). One of the exciting and radical studies of this reinterpretation is about the solution to violence by hitting in Q.S al-Nisa: 34. The

deconstruction in the reinterpretation that he does in this verse is then made the focus of this study.

## II. METHOD

This type of research is qualitative research (Alwasilah, 2011), with data collection methods in the form of literature studies using library materials as a source of theoretical basis and data sources (Creswell, 2019). The primary source of research is the book *Qur'an and Women* by Amina Wadud Muhsin. The text used, published by Oxford University Press New York in English, is in the sub-chapter *Nusyūz: Disruption of Marital Harmony* and the book *Qur'an According to Women-Nusyūz: Disruption to Marital Harmony*, translated by Abdullah Ali, published by PT. Jakarta Universe Science Porch. The second primary source is *Truth and Method (Truth and Method)* by Hans-Georg Gadamer, an analytical knife and a method. Data processing is done by grouping, reduction, and codification (Gadamer, 2010). Meanwhile, in the data analysis, the Hans-Georg Gadamer Hermeneutics approach was used in three subtleties (Intellegendi, Explicandi, Applicandi) and historical background theories that influence thinking (Bildung, Censu Communis, Urteilschaft and Geschmack (Taste) (Muzir, 2016).

## III. RESULT AND DISCUSSION

### **Domestic Violence in the Qur'an, according to Amina Wadud**

#### *Historical Background of Wadud's Amina Interpretation*

In the central humanistic concept, Gadamer explains that text cannot be separated from the influence of history. The four things that influence the *nusyūz* text in the *Qur'an and Women* also include the central humanistic concept: bildung, censu communis, Urteilschaft, and tastes. So the description this time will explain these four things in detail and briefly.

#### 1. Bildung

This series of bildung depicts the figure of Amina Wadud, who is dedicated to continuing her studies as an African-American woman with various limitations in the United States. His life background with his father, a Methodist Christian pastor, did not prevent him from seeking Islam until he became a Muslim of his choice.

#### 2. Communist Censu

Based on the bildung text, The University of Michigan (Umich), Ann Arbor, America, 1989 became a common-sense standard used in understanding texts. How does the logic of the censu communis (reasonable reason) of the University of Michigan view the position of women in social interaction?

First, as the oldest university and one of the leading research universities in America, Umich significantly influences the quality of education in the United States. Umich participated in founding the Association of American Universities, which includes universities in the United States and several universities in Canada. It is also the first American university with a medical school to set up its hospital.

Historically, Umich stood as a preparatory school for universities in Detroit. With the establishment of Umich as a primary school in Detroit which is in the same area as the location of the black ghettos in the United States, of course, he is very used to dealing with oppression, discrimination, racial conflict, and differences. So it's not strange when Umich became a university, moved to Ann Arbor, and became one of the first colleges to allow women (1870) and black African Americans (1868) to study in his place (Lotha & Murray, 2023).

Umich adopted the European (mainly German) theoretical model in the academic model to become his educational reference. The European academic model, especially in Germany, has principles; 1) Education is the principal capital for building the country. Therefore the state is responsible for bearing the costs and educational facilities. 2) does not discriminate between groups because all citizens are obliged to participate in developing the country (Isri, 2015). 3) the educational process involves all levels of society 4) The general goals of education emphasize individual development and participation in community life (Kurniawati, 2015).

The facts mentioned earlier explain that the position of women in social interaction has the same rights as citizens. Both are obligated to build the country and are the state's responsibility. Therefore, various gender, race, religion, or other differences do not make Umich exalt one group over another. As stated by Umich's leader, Mark Schlissel, in a column on Umich's official website, We can only be excellent with being diverse in the broadest sense of the word. And we must also ensure that our community allows all individuals an equal opportunity to thrive.

### 3. Urteilsraft

The Qur'an and Women are seen as The University of Michigan, Ann Arbor, America's dissertation text in 1989, not a universal text. How did the *bildung* and *census communis* determine the text? And what about other alternatives with different *bildung* and *census communis*?

Based on the *bildung* and *census communis* texts, it can be understood that the Qur'an and Women text is a scientific text with a universal side even though it is tied to the Umich context and Amina Wadud's *bildung* series (Wadud, 2006). The particular side is, of course, used in writing texts that use the worldview of the United States community. As for the universal side, it aims to colour the intellectual world of Islam with its respective historical context to respond to the challenges of the global world. In this era of globalization, the barriers that limit one culture to another seem to be abolished through cyberspace, which is increasingly accessible to anyone, Muslim/non-Muslim, rich/poor, white/coloured, and so on (Andriani, 2013).

In the reader's reflective consideration, Wadud's interpretation of *nusyūz* significantly influences the Islamic intellectual world. This can be seen in the distribution level of the Qur'an and Women's texts in countries with a majority Muslim population, as explained in the third chapter. With this fact, the interest of Muslim literacy activists in a breath of fresh air can be seen (Shihab, 2012). However, the interpretation of the Qur'an and Women shows that this form of performance only discusses the main points and does not provide detailed explanations about the linguistic aspects of the Qur'an or the worldview of the Companions, as did the *mufasssirs*. This certainly has a style that is entirely different from classical and contemporary *mufasssir* in making commentary books (Wadud, 2008).

#### 4. Geschmack (Taste)

As explained in the theoretical basis, taste is an innate tendency that becomes the foundation and colour of a text. Therefore, this discussion of taste will explore the text's movements. And is this trend a trend in the right direction? From the topics discussed in Qur'an and Women, several possible tastes of the text can be drawn, namely, gender studies, Islamic studies, and studies of the interpretation of the Qur'an (Quthb, 2001). Of the three possibilities that exist, the most basic possibility is identified as text taste. Bildung, and the community's census, were the primary considerations in the subsequent identification process.

#### ***Hitting in a Marital Relationship According to Amina Wadud***

Amina Wadud begins her description of beatings in the context of husband and wife relations with the sentence: “admonish them, banish them to beds apart, and scourge them. Then, if they obey you, seek not a way against them.” In her interpretation, Amina Wadud uses a partial translation of an-Nisa's verse 34, which has been mentioned. This translation becomes his reference in carrying out thematic interpretation of *nusyūz* problems (Wadud, 1999). So that the thematic interpretation he discusses does not exceed the translation he refers to, not the whole of Surah an-Nisa's verse 34, but only the part he includes. According to him, the amount of the verse that needs attention is related to the central theme of the Qur'an and Women, namely matters relating to women in the Qur'an. What do these concepts mean based on their worldview? What is the reason for these concepts to use these word choices? And is it appropriate to understand these concepts to explain the meaning of the verse?

In the ***Verbal Solution*** (ISNa) data, Amina Wadud interprets Surah an-Nisa verse 34 *fa'idzuhunna*, 35 *fabatsu hakaman* and 128 *aiyyusliha bainahuma*, with one meaning, namely verbal solution. In the data, this solution can be made by the husband and wife or by being represented by arbitrators. There is no difference in understanding verbal solutions with Indonesian regarding language. Verbal is an adjective that means spoken words, while solution implies an answer to a problem or difficulty. Thus, the meaning of the verbal solution used in interpreting the terms in the Qur'an above is an answer to the situation in the form of spoken words. This interpretation also uses the word arbiters to interpret *hakaman*. In contrast, the word arbiter itself is a synonym for the word arbitrator, which means someone with a position as a mediator and the power to make policies or establish agreements in a difference of opinion between several people (Band & Kim, 2017).

Verbal Solution 1 (ISNa-1) stated that this solution was the best solution because it was discussed in both cases of *nusyūz* husbands and women. It is further explained in Verbal Solution 2 (ISNa-2) that apart from being the best solution, it is also a solution that is in line with the general principles of the Qur'an on mutual consultation or shura. Joint consultation means a meeting (with people, books, etc.) to exchange ideas and opinions or to obtain information, advice, etc., equally. There is also shura means expressing thoughts to each other. So the general principle of the Qur'an that is represented by an oral solution here is a meeting to express thoughts and ideas to each other to resolve the disturbance of peace that occurs between husband and wife.

In another context, *shura* can mean deliberation or consultation to find the best way with a calm mind. Deliberation is a typical human nature and includes demands for the stability of a society, especially a family. Deliberation is not the goal at its origin, but

it is prescribed in Islam to bring about justice among people and also to choose the case that is best for them, as the embodiment of the goals of the shari'ah and its laws. Therefore deliberation is one of the branches of deliberation. Branches of religious shari'ah, following and submitting to the basics of religious shari'ah. If only the wider community could harmonize with this deliberation, let alone families with smaller dimensions and in the context of a marital relationship that is full of love and affection (Ari & Kurniawan, 2021).

According to this interpretation, the verbal solution to resolve *nusyūz* is intended to fix the problem and return to peace and harmony between the two partners. This is based on his understanding of the letter an-Nisa verse 128, which has the translation "... then both of them can make genuine peace, and peace is better (for them)... Amina Wadud added a statement that the primary purpose of the solution is to bring peace and improve the situation instead of causing violence or forced obedience. Such additions are not included in the interpretation but are helpful as a conclusion emphasizing the substance the interpreter is aiming for. So it is understood that the solution most aligns with Islamic teachings is a joint consultation between husband and wife and/or with arbitration from the families of both parties. The verbal solution is the foremost solution in line with the socio-cultural context of the United States, namely human freedom, as previously explained (Arief & Rahim, 2015).

As the second solution in resolving *nusyūz* between husband and wife, the **Separation Solution** (ISNb) is interpreted as a suggested follow-up solution from the previous solution by using the expression a more drastic solution. Separation has a translation banish them to beds apart, meaning the act or fact of separating, living separately, by law or formal agreement by husband and wife. The word banish a transitive verb which means to isolate as a punishment, to stop thinking about something, while apart is an adverb which means far/separate, to be parts, exceptions, to be able to tell the difference between (something) (Dewi, 2013).

In this discussion point, there are two terms separation and banish them to beds apart. It is possible to use different expressions to describe one substance. Still, it is impossible to discuss the same substance. Two or more different faces have separate meanings. So that the two expressions used in the Qur'an and Women to refer to one thing, of course, limit each other or expand each other's definition of interpretation. From these two expressions, it can be understood that Qur'an and Women mean living separately for the husband and wife to interpret the second solution to *nusyūz* settlement offered by the Qur'an.

According to Amina Wadud, living separately is insignificant if those who do so are polygamists. This kind of thing is certainly a common thing and is always done. Therefore, Amina Wadud explained that what is meant by this verse is not to live separately as a literal meaning, but a 'Cooling-off period which would allow both the man and the woman, separately, to reflect on the problem at hand', namely a period of calm for one evening or so to reflect on the problems that exist separately between husband and wife. That way, this solution still has equal implications for husbands and wives without giving priority to one of them (Wadud, 1999).

This husband and wife contemplation has no time limit, so the benchmark is the agreement between the two in solving the problem. Before a solution to the problem is found, both have the right to live separately from their partner. According to Wadud, committing violence for any reason is not justified, even if the husband and wife are

separated for quite a long time (Wulandari, 2009). Wadud places the order of peace or divorce after the second solution, separation, by saying *...it allows for a mutually peaceful solution or a continued separation—divorce*.

The third solution **Scourge Solution** (ISNc), is the last allowed only in exceptional cases. The first Scourge Solution (ISNc-1) states that *wadhribuhunna* is a noun which means a cause of damage or suffering. So that in this interpretation, the word *dharaba* is interpreted as anything that causes damage or suffering in various forms, such as violence, exile, isolation, and so on.

Whereas in the second Scourge Solution (ISNc-2), the process of interpreting this solution differs from previous interpretations. In examining this solution, Wadud uses a semiotic study or a study of the meaning of words between their basic-meaning and relational meaning. Oral Al-'Arab and Lane's Lexicon are used as aids in this study. He also mentions one example of using the word *dharaba* in a particular verse and discusses its relational meaning. According to him, this word does not only mean hitting or acts of violence. In the meaning of the example verses that are included, the word *dharaba* means going from somewhere or starting to make a journey. Wadud stated in ISNc-3 that the word *dharaba* means hitting when it is used in the second form, namely *dlarraba* (beating repeatedly).

According to Amina Wadud's historical analysis, the emergence of a *dharaba* solution as the final solution is not a command or legalization of the Qur'an to commit acts of domestic violence. According to him, this act of violence in the form of beating a wife by a husband is a dogma or tradition that has taken root in the recipient community of the revelation. This can be investigated through the biographies of the *shahabah* and community practices in the time and space of disclosure. It was stated that one of these practices was the killing of female babies in Arab society at that time because babies or girls only brought disgrace to their families (Yanggo, 2010).

His historical analysis is the culmination of the process that produces the meaning of prohibition, abolition and condemnation of discrimination against women in acts of violence, murder and others in the *jāhiliyyah* tradition. So implicitly, this interpretation does not include scourge/beating one's wife as one of the solutions to resolve *nusyūz* (Ath-Thabari, 2001).

According to Amina Wadud, the solution offered is not a disciplinary measure. Disciplinary is an adjective meaning to correct or punish bad behaviour or related to discipline. At the same time, the bar is a noun which means an amount or extent of something, an instrument, tool, or unit used to measure something. Therefore, the purpose of the disciplinary measure is a tool or device consisting of rules to correct or punish disciplinary violations in this context, namely *nusyūz* (Wadud, 1999).

As described in Qur'an and Women, Amina Wadud stated that the Qur'an prioritizes harmony between husband and wife and emphasizes trying to realize this condition so that these solutions are not patent in nature but are flexible by the needs of the action while still referring to the primary goal of learning harmony between husband and wife (Wadud, 1999).

Amina Wadud added the consideration that if sequential actions follow the solution offered by the Qur'an, then it should be seen that it is possible to resolve the problem and obtain harmony before the final step, namely scourge (it would seem it would be possible to regain order before the last step). In this sense, Amina Wadud uses the

expression would seem' likely to express an opinion. In this expression, Wadud hesitates to state this statement, which is a statement that there are still many possibilities for solving problems between husband and wife without the need to reach a final solution. However, Wadud's opinion is correct when he emphasizes ways involving both of them in solving problems.

#### IV. CONCLUSION

In interpreting the verses of the Qur'an about women, Amina Wadud takes a radical step to deconstruct existing interpretations. According to him, the solution given by the Qur'an is tied to the position of women at the time of the revelation. Hence, the equality of rights and different current parts makes this solution not have to be carried out as written in the Qur'an. According to him, acts of violence in the text can be seen as Islamic because, with the socio-cultural background for women at that time, this verse is still by the nature of the Most Merciful and Merciful of Allah. This explains why the solution in acts of violence at the time of revelation was placed in the last answer. If the third solution for the husband does not solve the problem internally, the husband's and wife's families must be involved to avoid continued or excessive violent behaviour. According to Amina Wadud, the structure of the verse shows that violence anywhere, including within the family, has never been taught in Islam. Therefore, Wadud put another solution in this verse, namely by mutual arbitration or discussed by deliberation. This deliberation covers two scopes: the internal scope, namely between husband and wife, and the external area, which includes all family members of both husband and wife.

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