

***Qiwamah's* Reconception of Muhammad Shahrur's Thoughts and Their Implications for the Feminist Movement in the World**

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DOI: <https://dx.doi.org/10.29240/jhi.v9i1.9797>

Received: 03-01-2024

Revised: 04-04-2024

Accepted: 21-05-2024

Cite this article:

Nelli, J., Harmanto, A., Hardani, S., Syu'aib, K., & Megawati, D. (2024). *Qiwamah's Reconception of Muhammad Shahrur's Thoughts and Their Implications for the Feminist Movement in the World*. *Al-Istinbath: Jurnal Hukum Islam*, 9(1), 309-334.
doi:<http://dx.doi.org/10.29240/jhi.v9i1.9797>

Abstract

This research aims to reconceptualize Muhammad Syahrur's views on the meaning of *qiwamah*. Muhammad Syahrur stated that the person most worthy of being *qiwamah* in the household is a woman. This view is different from the Jumhur Ulama which states that the leader in the household is a man. Does Shahrur's thoughts support the world feminist movement? This library research was carried out by examining books related to the research problem. Primary data sources are the books *Al Kitab Wa Al Qur'an* and *Nahwa Ushul Jadidah Li Al-Fiqh Al-Islami* by Muhammad Syahrur. Secondary data sources were obtained from other fiqh books and journals related to the problems in this paper. Descriptive analysis uses the content analysis method. The results of the research found that Syahrur is of the view that *qiwamah* can be played by husband or wife, as long as it has stability in the economic sector and the characteristics of *qiwamah*, namely *shalibat*, *qanitat* and *hafizah*, because these *qiwamah* qualities were firmly instilled by Allah, as qualities possessed by women, the ones most worthy of being appointed as *qiwamah* are women; Even though Syahrur only relies on linguistic analysis, and ignores the study of the context of the *Asbab al Nuzul* verse,

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resulting in inconsistencies and meanings that seem forced, Shahrur's thoughts seem to have given encouragement to the feminist movement in the world. Muhammad Shahrur's breakthrough feminist thought influenced the thinking of Muslim women in the world. This can be seen from the change in their mindset, who no longer want to simply follow or be controlled by men. Contemporary Islamic thinkers agree to provide leadership to men and women with conditions, but they do not say that women are the main leaders.

Keywords: Muhammad Shahrur; *qiwamah*; household; feminist

Introduction

In Islamic studies, leadership in the household or head of the family is known as *qiwamah*.¹ Discussions regarding the concept of *qiwamah* are not a new issue in the world of modern family law.² The study of *qiwamah* has become a global issue that has given rise to serious debate among Islamic scholars.³ According to Muhammad Syahrur, a contemporary Muslim intellectual, the *qiwamah* pronunciation applies to men and women. Even Syahrur stated that the verses of the Koran legitimize women's leadership in the household. Because Allah has given women the main characteristics that prospective family leaders must have. As found in a fragment of the verse of *fa al-sholibat al-qanitat hafizāt li al-ghaibi bi ma hafiz Allah*. The words *shalibat*, *anitat* and *al-hafizāt*, according to Shahrur, are the qualities of *qiwamah* that Allah bestows on women which proves that it is women who deserve to be appointed as *qiwamah* in the household.⁴ This opinion is very different from that of Jumhur Ulama.

Jumhur Ulama's opinions include: Thabari⁵, Al-Qurthubi⁶, Ibn Kathir⁷, Wahbah Zuhaili⁸ and al-Zamakhshari⁹, through the above verse, put forward the

¹ Ahmada Rivqy Virdausa, "Comparative Study About Qawamah in Family between Mahmud Syaltut and Muhammad Syahrur," *Icoless*, 2021, 1–14.

² Wardah Nuroniyah, "Konsep Qiwamah Dan Fenomena Perempuan Kepala Keluarga," *Equalita* 4, no. 1 (2022): 133.

³ Nur Afyah and Lailatul Zuhriyah, "Menelisik Makna Haqqul Qiwamah (Studi Penafsiran QS. An-Nisa': 34 Dalam Pandangan Islam Moderat)," *Prosiding Konferensi Nasional Gender Dan Gerakan Sosial* 1, no. 1 (2022). 286-307

⁴ Muhammad Syahrur, *Nabwa Ushul Jadidah Li Al-Fiqh Al-Islami* (Suriah: Al Ahali, 2000). 322

⁵ Abu Ja'far Muhammad Jarir Al Thabari, *Tafsir Al-Thabari* (Beirut: Muassasah al-Resalah, 1994). 451

⁶ Muhammad bin Ahmad bin Abi Bakr Al-Qurthubi, *Al-Jami' Al-Abkam Al Qur'an* (Beirut: Al Resalah, 2006). 280

⁷ Abu al-Fida' Ismail bin Umar bin Katsir, *Tafsir Al-Quran Al-Adzim* (Beirut: Dar Ibn Hazm, 2000). 477

⁸ Wahbah al-Zuhaili, *Tafsir al-Munir*, vol III, (Beirut: Dar Al Fikr, tt) h. 737

view that leadership in the family or *qiwamah* should and should only be in the hands of men. Forever, women are not allowed to be *qiwamah* in their families. They judge men better, nobler, and more important than women¹⁰. The interpretation of the number of ulama is in line with the provisions outlined by the marriage laws in Indonesia.¹¹ Juhur Ulama's opinion is at odds with feminists, who give equal place to men and women in the household and even in public spaces.¹²

Studies on women and leadership in the household can at least be grouped into four groups, namely: *first*, studies of Islamic law regarding the position of women in the household. This study produced two findings, which gave women the same rights as men and which differentiated the duties of men and women and placed women in subordinate positions, violence and marginalization.¹³ *Second*, the study of feminism in Islam. This study group stated that Islam came to elevate the status of women, this is in line with the

⁹ Abu al-Qasim Muhammad ibn Umar Al-Zamakhsyari, *Tafsir Al-Kasyshaf* (Beirut: Dar al-Ma'rifah, 2009). 234

¹⁰ Katsir, *Tafsir Al-Quran Al-'Adzim*. 477

¹¹ Hilman Hadikusuma, *Hukum Perkawinan Indonesia Menurut Perundangan, Hukum Adat, Hukum Agama*, III (Bandung: CV Mandar Maju, 2007). 103

¹² Aliflulahatin Utaminingsih, Hoiril Sabariman, and Harsuko Riniwati, "Representasi Feminisme Pada Kepemimpinan Perempuan Di Madura (Studi Keberhasilan Kepala Desa Perempuan Menjadikan Desa Bunder Sebagai Desa Swakarya Dan Desa Swasembada)," *Kafa'ah: Journal of Gender Studies* 10, no. 2 (2020): 173–85.

¹³ Suharnanik, "Peran Ganda (Bekerja Sekaligus Ibu Rumah Tangga) Perempuan Muslimah Dalam Perspektif Struktural Fungsional," *Al-Hikmah* 17, no. 2 (2019): 55–68; Syafe'i Imam, "Subordinasi Perempuan Dan Implikasinya Terhadap Rumah Tangga," *Institut Agama Islam Negeri Raden Intan Lampung* 15, no. Studi Keislaman (2015): 146; Jumni Nelli and Sobhan Lubis, "Community Support for Divorced Women: A Study in Riau Province," *Samarah* 6, no. 1 (2022): 407–22, <https://doi.org/10.22373/SJHK.V611.12467>; J S Hutabarat, G Krismonika, and E Lofa, "Perempuan Di Tengah Konflik Dan Upaya Membangun Perdamaian Yang Berkelanjutan Di Masa Pandemi Covid-19," *Jurnal Lembangan RI*, 2020, <https://www.academia.edu/download/79125161/102.pdf>; Jumni Nelli, "Analisis Tentang Kewajiban Nafkah Keluarga Dalam Pemberlakuan Harta Bersama," *Al-Istinbath Jurnal Hukum Islam* 2, no. 1 (2017); Ni Made Wiasti and Ni Luh Arjani, "Perempuan Karir Di Bawah Bayang-Bayang Kekerasan Dalam Rumah Tangga Di Kabupaten Badung: Suatu Analisis Gender," *Humanis* 25, no. 1 (2021): 8, <https://doi.org/10.24843/jh.2021.v25.i01.p02>; Budi Suhartawan, "Hak Dan Kewajiban Suami Istri Dalam Perspektif Al-Qur'an:(Kajian Tematik)," *TAFAKKUR: Jurnal Ilmu Al-Qur'an Dan Tafsir* 2, no. 2 (2022): 106–26, <http://e-jurnal.stiqarrahman.ac.id/index.php/tafakkur/article/view/65>; Cahya Edi Setyawan, "Pemikiran Kesetaraan Gender Dan Feminisme Amina Wadud Tentang Eksistensi Wanita Dalam Kajian Hukum Keluarga," *Zawiyah: Jurnal Pemikiran Islam* 3, no. 1 (2017): 70–91; H M D Huda and L Dodi, *Rethinking Peran Perempuan Dan Keadilan Gender: Sebuah Konstruksi Metodologis Berbasis Sejarah Dan Perkembangan Sosial Budaya* (books.google.com, 2020), <https://books.google.com/books?hl=en%5C&lr=%5C&id=qcwMEAAAQBAJ%5C&oi=fnd%5C&pg=PA57%5C&dq=peran+perempuan+sahabat+dalam+islam%5C&ots=NH70W2kpw4%5C&sig=7toMXRn6ErvACtoI3mvxwFtgnyk>.

goals of the Islamic feminist group.¹⁴ *Third*, a study on women's leadership and gender. This study explains that there is no strict prohibition on women's leadership in the household and public sphere. This opinion is connected with justice towards women, that Islam has come to give women the same rights as men.¹⁵ *Fourth*, the study of Shahrur's thinking in family law. This study group

¹⁴ L. Salaymeh, "Imperialist Feminism and Islamic Law," *Hanma*, 2019, https://brill.com/view/journals/haww/17/2-3/article-p97_2.xml; Syarial Dedi, "Kaji Ulang Pendapat Feminis Dengan Metode Ta'wil," *Al-Ahwal* 11, no. 2 (2018): 103–15; Andi Amirah Farhana Hanna and Syarif Abbas Abbas, "Telaah Pengaruh Pemikiran Tafsir Feminisme Amina Wadud Terhadap Masyarakat Muslim Barat," *El-Adabi: Jurnal Studi Islam* 2, no. 1 (2023): 62–88, <https://doi.org/10.59166/el-adabi.v2i1.35>; Rifki Elindawati, "Perspektif Feminis Dalam Kasus Perempuan Sebagai Korban Kekerasan Seksual Di Perguruan Tinggi," *AL-WARDAH: Jurnal Kajian Perempuan, Gender Dan Agama* 15, no. 2 (2021): 181–93, <https://doi.org/10.46339/al-wardah.xx.xxx>; Ineke Fadhillah, Muhammad Alfandy, and Hasan Sazali, "Fenomena Feminisme Dalam Kepemimpinan," *Jurnal Riset Rumpun Seni, Desain Dan Media* 2, no. 1 (2023): 28–33, <https://doi.org/10.55606/jurrsendem.v2i1.803>; Hadriana Marhaeni Munthe, Tunggal Sihombing, and Erika Revida, "Patriarchal Reproduction of Women's Gender Ideology in the Pakpak Family, Indonesia," *Junior Scientific Researcher* 5, no. 2 (2019): 1–15; Utaminingsih, Sabariman, and Riniwati, "Representasi Feminisme Pada Kepemimpinan Perempuan Di Madura (Studi Keberhasilan Kepala Desa Perempuan Menjadikan Desa Bunder Sebagai Desa Swakarya Dan Desa Swasembada)"; A. Kumedi Ja'far and Agus Hermanto, "Reinterpretation Of The Rights And Duties Of Contemporary Husbands And Wives," *Samarah* 5, no. 2 (2021): 648–67, <https://doi.org/10.22373/sjhh.v5i2.9124>; Ghufroon Achmad, "Kepemimpinan Keluarga Perspektif Feminisme Islam (Penafsiran Fatimah Mernissi Dan Riffat Hasan Terhadap Qs. An-Nisa: 34)," *Al-Thiqah* 3, no. 2 (2020): 1–16; Djilzaran Nurul Suhada, "Feminisme Dalam Dinamika Perjuangan Gender Di Indonesia," *Indonesian Journal of Sociology, Education, and Development* 3, no. 1 (2021): 15–27, <https://doi.org/10.52483/ijsed.v3i1.42>; Himatus Sa'diyah et al., "Analisa Signifikan Kemunculan Pemikiran Feminismedi Indonesia," *Journal of Economics, Business, Management, Accounting and Social Sciences (JEBMASS)* 1, no. 3 (2023): 106–10; Haikal Fadhil Anam, "Tafsir Feminisme Islam," *MAGHZA: Jurnal Ilmu Al-Qur'an Dan Tafsir* 4, no. 2 (2019): 161–76, <https://doi.org/10.24090/maghza.v4i2.3071>.

¹⁵ Arsal Arsal, Busyro Busyro, and Maizul Imran, "Kepemimpinan Perempuan: Penerapan Metode Tafsir Hermeneutika Feminisme Amina Wadud," *AL QUDS: Jurnal Studi Alquran Dan Hadis* 4, no. 2 (2020): 481, <https://doi.org/10.29240/alquds.v4i2.1976>; Achmad, "Kepemimpinan Keluarga Perspektif Feminisme Islam (Penafsiran Fatimah Mernissi Dan Riffat Hasan Terhadap Qs. An-Nisa: 34)"; Abdurrohman Azzuhdi, "PEREMPUAN SEBAGAI KEPALA RUMAH TANGGA (Kajian Lintas Kitab Suci)," *Jurnal SMART (Studi Masyarakat, Religi, Dan Tradisi)* 4, no. 1 (2018): 63–77, <https://doi.org/10.18784/smart.v4i1.573>; Aminah Wadud, "*Qur'an and Woman*" *Dalam Charles Kurzman (Ed.) Liberal Islam: A Source Book*, ed. Charles Kurzman (ed.), Alih Bahas (Jakarta: Paramadina, 2001); Riyan Erwin Hidayat, "Studi Pemikiran Wahbah Al-Zuhaili Dan Muhammad Syahrur Tentang Pernikahan Serta Relevansinya Dengan Peraturan Perundang-Undangan Perkawinan Di Indonesia," *Istinbath: Jurnal Hukum* 16, no. 1 (2019): 50–66, <https://e-journal.metrouniv.ac.id/index.php/istinbath/article/view/1442%0Afiles/674/Hidayat> - 2019 - Studi Pemikiran Wahbah Al-Zuhaili Dan Muhammad Sya.pdf; Afrida Arinal Muna, "Eksistensi Perempuan Dalam Kursi Kepemimpinan Dalam Al-Qur'an: Aplikasi Teori Batas Hukum Tuhan (Hudud) Muhammad Syahrur," *Marwah: Jurnal Perempuan, Agama Dan Jender* 19, no. 1 (2020): 15, <https://doi.org/10.24014/marwah.v19i1.9425>; S. K. Ula, "Qiwama Dalam Rumah Tangga Perspektif Teori Mubadalah Dan Relevansinya Di Indonesia," *Mahakim: Journal of Islamic Family*

explained Shahrur's style of thinking in family law and brought the idea of women's defenders.¹⁶

Law, 2021, <https://jurnal.iainkediri.ac.id/index.php/mahakim/article/view/3046>; Utaminingsih, Sabariman, and Riniwati, "Representasi Feminisme Pada Kepemimpinan Perempuan Di Madura (Studi Keberhasilan Kepala Desa Perempuan Menjadikan Desa Bunder Sebagai Desa Swakarya Dan Desa Swasembada)"; M Mutimmah and B Saifullah, "Pemikiran Husein Muhammad Tentang Hukum Perempuan Bekerja," *Ma'mal: Jurnal Laboratorium ...*, 2022, <https://jurnal.fsh.uinsby.ac.id/mhs/index.php/mal/article/view/155>; Miftahul Huda. Tri Wahyu Hidayati, "The Concept of Muhammad Shahrūr on Gender Parity in Inheritance Legislation," *El-Ushrah: Jurnal Hukum Keluarga* 6, no. 2 (2023): 262–80; Ramdan Wagianto, "Konsep Keluarga Masalah Dalam Perspektif Qira'Ah Mubadalah Dan Relevansinya Dengan Ketahanan Keluarga Di Masa Pandemi Covid-19," *Juris: Jurnal Ilmiah Syariah* 20, no. 1 (2021): 1–17, <https://doi.org/10.31958/juris.v20i1.2889>; Cindy Irawati Ramadani, "Domestic Violence Dalam AlQur'an (Analisis Penafsiran Muhammad Syahrur Terhadap QS. An-Nisa' Ayat 34)," *Alyis* 3, no. 5 (2023): 532–44, <https://doi.org/10.58578/alsys.v3i5.1482>; R S Fathoni, "Domestifikasi Perempuan Dalam Gerakan Islam Transnasional Di Indonesia 1998–2016 M," *Jurnal Wanita Dan Keluarga*, 2020, <https://journal.ugm.ac.id/v3/pswk/article/view/764>; T Hasanuddin, "Pola Adaptasi Dan Kemandirian Perempuan Kepala Keluarga Pasca Perceraian," *Ganaya: Jurnal Ilmu Sosial Dan ...*, 2021, <http://repository.lppm.unila.ac.id/id/eprint/31576>; Nasrulloh Nasrulloh and Khusniyah Utami, "Fenomena Perempuan Sebagai Pemimpin Di UIN Maulana Malik Ibrahim Malang: Antara Patriarki Dan Feminisme," *Yinyang: Jurnal Studi Islam Gender Dan Anak* 17, no. 1 (2022): 19–34, <https://doi.org/10.24090/yinyang.v17i1.5196>; Ineke Fadhillah, Muhammad Alfandy, and Hasan Sazali, "Fenomena Feminisme Dalam Kepemimpinan."

¹⁶ Hidayat, "Studi Pemikiran Wahbah Al-Zuhaili Dan Muhammad Syahrur Tentang Pernikahan Serta Relevansinya Dengan Peraturan Perundang-Undangan Perkawinan Di Indonesia"; Rahmat Agung Sedayu et al., "Tafsir Pemikiran Muhammad Syahrur Tentang Waris Dan Kontribusinya Bagi Perkembangan Hukum Kewarisan Di Indonesia (Studi Analisis Kompilasi Hukum Islam)," *Mahakim: Journal of Islamic Family Law* 7, no. 1 (2023): 1–24, <https://doi.org/10.30762/mahakim.v7i1.172>; Riyan Erwin Hidayat and Muhammad Nur Fathoni, "Konsep Nafkah Menurut Muhammad Syahrur Dan Kompilasi Hukum Islam," *Seri Pustaka Yusticia* 2, no. 22 (2001): 11; Syifaun Nufus Atmi, "Kesetaraan Gender Dalam Tafsir: Kajian Hermeneutika Syahrur Tentang Wanita Shalihah," *Jiip - Jurnal Ilmiah Ilmu Pendidikan* 6, no. 10 (2023): 8423–30, <https://doi.org/10.54371/jiip.v6i10.3056>; Musda. Rahadian Kurniawan.Linda Agustian Asmara, "Teori Batas Kewarisan Muhammad Syahrur Dan," *De Jure: Jurnal Hukum Dan Syariah* 12, no. 1 (2020), <https://doi.org/http://dx.doi.org/10.18860/j-fsh.v12i1.7580>; A Saeful, "Poligami Dalam Hukum Islam: Telaah Atas Pemikiran Muhammad Syahrur," *Syar'ie: Jurnal Pemikiran Ekonomi Islam*, 2019, <https://stai-binamadani.e-journal.id/Syarie/article/view/81>; Afrida Arinal Muna, "Eksistensi Perempuan Dalam Kursi Kepemimpinan Dalam Al Qur'an: Aplikasi Teori Batas Hukum Tuhan (Hudud) Muhammad Syahrur," *Marwah: Jurnal Perempuan, Agama Dan Jender* 19, no. 1 (2020); F Nurdiansyah, "Pendapat Muhammad Syahrur Tentang Poligami Serta Relevansinya Bagi Rencana Perubahan KHI," *Jurnal Al-Hukama*, 2018, [http://download.garuda.kemdikbud.go.id/article.php?article=1040425%5C&val=10687%5C&title=Pendapat Muhammad Syahrur Tentang Poligami Serta Relevansinya Bagi Rencana Perubahan KHI](http://download.garuda.kemdikbud.go.id/article.php?article=1040425%5C&val=10687%5C&title=Pendapat%20Muhammad%20Syahrur%20Tentang%20Poligami%20Serta%20Relevansinya%20Bagi%20Rencana%20Perubahan%20KHI); Khairuddin Hasballah, "The Milk Al-Yamin Concept as a Validity of Sexual Relationship in a Modern Context: An Analysis of Muhammad Syahrur's Thoughts," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 2 (2020): 337–59, <https://doi.org/10.22373/sjhk.v4i2.7068>; Muna, "Eksistensi Perempuan Dalam Kursi Kepemimpinan Dalam Al-Qur'an: Aplikasi Teori Batas Hukum Tuhan (Hudūd) Muhammad Syahrur"; Masthuriyah Sa'dan, "Posisi Perempuan Kepala Keluarga Dalam Kontestasi Tafsir &

So this research combines all studies, examining Muhammad Shahrur's thoughts about leadership in the household and its relevance to the feminist movement, especially Islamic feminism. Answering the question, how does Muhammad Shahrur understand the concept of leadership in the household? What is the connection between Syahrur's thoughts and the world's feminist movement? and how do contemporary Islamic legal experts accept Shahrur's thoughts which seem to carry a feminist mission?

This research is a literature review by examining books and books related to the research problem. The primary data sources outlined by Muhammad Shahrur in his two books are the books *Al Kitab Wa Al Qur'an* and *Nabwa Ushul Jadidah Li Al-Fiqh Al-Islami*. Furthermore, secondary data sources were obtained from other jurisprudence books, journals, and other writings related to the problem in this paper. Then the data obtained from library sources is described and analyzed using descriptive analysis. The analytical method used is the content analysis method with a normative-idealist, hermeneutic and socio-historical approach.

Discussion

The Concept of *Qiwamah* in the View of Muslim Scholars and Feminists

Qiwamah in the view of a *jumhur ulama* is someone who is given authority to lead his family. As a leader in the family, he must be responsible for providing for his family, including sustenance, as material needs, and guiding his family, as immaterial needs. This latter need, for example, requires the husband to keep his wife in the house and educate the wife to know which rights the wife must fulfill and believe.¹⁷ In short, being *qiwamah* means being responsible for meeting all the needs of his household, ranging from the needs of shelter, food, and clothing for his family.¹⁸

The role of the leader of the family, in the view of many scholars, should and should only be imposed on the man who is the husband of a family.

Negosiasasi Realita Masyarakat Nelayan Madura: Kajian Muhammad Syahrur,” *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 18, no. 2 (2017); Bayu Fermadi, “Konsep Dasar Teori Batasan: Tela’Ah Pemikiran M. Syahrur Dalam Metodologi Fiqh Islam Kontemporer,” *Jurnal Islam Nusantara* 2, no. 2 (2018): 282, <https://doi.org/10.33852/jurnal.v2i2.105>; Miftahul Huda. Tri Wahyu Hidayati, “The Concept of Muhammad Shahrur on Gender Parity in Inheritance Legislation”; Maula Sari, “Analisa Term Nisa Dalam QS. Ali-Imran [3]: 14 (Kajian Hermeneutika Muhammad Shahrur),” *Tanzil: Jurnal Studi Al-Quran* 4, no. 2 (2022): 71–82; N Khosiah, R H Luayyin, and ..., “Poligami Perspektif Muhammad Abduh Dan Muhammad Syahrur,” *IMTIYAZ: Jurnal ...*, 2021, <http://jurnal.staim-probolinggo.ac.id/index.php/Imtiyaz/article/view/149>.

¹⁷Yulmitra Handayani, “Tipologi Pelaksanaan Kewajiban Nafkah Lahir Suami Yang Berstatus Narapidana Perspektif Hukum Islam (Studi Analisis Interpretasi Teori Qira’ah Mubadalah),” *Jurnal Ilmiah Syari’ah* 19, no. 1 (2020): 16.

¹⁸Rasyid Kahus, *Fi Dhan’i Al-Qur’an Al-Karim Wa Al-Sunnah Al-Nabawiyah* (Yordania: Maktabah Al Wathaniyyah, 2007). 22

It is this concept of *qiwamah* that has been expressed and developed by classical and modern scholars from time to time. From Thabari,¹⁹ al-Zamakhshari,²⁰ Muhammad Fakhruddin al-Razi,²¹ al-Qurthubi,²² Ibn Kathir²³ to Wahbah al-Zuhaili.²⁴ Al-Zamakhshari, even mentions that the position of men as *qiwamah* over women is the same as the position of the government to its people. That is, both have the authority to create several rules and a set of prohibitions that must be obeyed together. Zamakhshari gives the reason for the *qiwamah* of men over women, namely because men have advantages that do not exist in women, among others, strength of reason, constancy, firmness, strength, writing skills, horseback riding skills, ability to give i'tikaf, advantages in archery, advantages in receiving inheritance, guardianship in marriage, authority in mentality and referencing, the ability to have many partners, And most importantly, the authority to provide for and distribute dowry is in the hands of the man or husband.²⁵

Women, according to many scholars, forever, will not be able to occupy the role of *qiwamah*, in fact, the scholars, including the Shafi'i and Maliki schools, mention that if the husband is unable to bear the burden of providing for his wife because of poverty or, indeed, his inability to earn a living, which is, therefore, leadership or *qiwamah* a husband has been lost, because he is unable to play the important role of *qiwamah*: providing for the family, instead of transferring the role of *qiwamah* to women, who may be, able to provide for the family in place of their husbands, the scholars choose, should they just be divorced, *fasakh*.²⁶ So that the concept of *qiwamah* developed by Jumhur Ulama also gives legitimacy to the assumption circulating in mainstream culture that divides the roles between men and women into two domains, namely men are conceptualized as someone playing a role in the public sphere while women are in the domestic sphere.²⁷

Meanwhile, Muslim feminists consider that the *qiwamah* construction that has been developed by the above scholars contains gender injustice.²⁸ The jumhur ulama, according to them, has affirmed the concept of asymmetric

¹⁹ Jarir Al Thabari, *Tafsir Al-Thabari*.

²⁰ Al-Zamakhshari, *Tafsir Al-Kasyshaf*: 234-235

²¹ Muhammad Fakhruddin Al-Razi, *Tafsir Al-Fakhr Al-Razi Wa Mafatih Al-Ghaib* (Beirut: Dar Al Fikr, 1981). 90-91

²² Al-Qurthubi, *Al-Jami' Al-Abkam Al Qur'an*.

²³ Katsir, *Tafsir Al-Quran Al-Adzim*.

²⁴ Wahbah al-Zuhaili, *Tafsir Al-Munir* (Beirut: Dar Al Fikr, n.d.).

²⁵ Al-Zamakhshari, *Tafsir Al-Kasyshaf*.

²⁶ Al-Qurthubi, *Al-Jami' Al-Abkam Al Qur'an*. 281

²⁷ Ramadhita, "Bias Gender Dalam Hukum Acara Perceraian Di Indonesia: Latar Belakang, Dampak, Dan Solusinya," *De Jure: Jurnal Hukum Dan Syaria* 11, no. 2 (2022): 10.

²⁸ Siti Ruhaini Dzuhayatin et al, *Rekonstruksi Metodologis Wacana Kesetaraan Gender Dalam Islam* (Yogyakarta: Pustaka Pelajar Offset, 2002). 5-22

gender, which places men as dominant subjects and has a high degree because of their role as leaders and, therefore, breadwinners in the family. And because of this, men gain authority over the women they provide for.²⁹ Whereas today, women are not only able to earn a living for their families, working women are also proven to have a central role in realizing the resilience of their families.³⁰

Feminist Amina Wadud, for example, mentions that "men as *qiwamah* over women" occurs only if the following two conditions are met: the first is "excess" and the second is "supporting women from their property." If any conditions are not met, then the male is not *the qanwam* over the female.³¹ Unfortunately, Wadud did not explain in detail, whether the loss of *qanwamah* could benefit the relationship between husband and wife or thus whether the wife could be appointed as the head of the family in place of her husband. According to the author, this is because Wadud views *qanwam* in verse Q.S. al Nisa' [4]: 34 in a general scope, which aims to prove that the man who is said to be superior to the woman is not something natural given by God, but something non-natural that is "shaped" by the social order of a society.³²

In general, the ideas of Muslim feminists have the same goal, which is to reconstruct the understanding of gender-related verses in the Qur'an, especially Q.S. al Nisa' [4]: 34 which, according to them, has been understood by a number of scholars in a "discriminatory" manner. The statement "men are *qanwam* for women" in the verse is not with the normative sentence, namely "men should be *qanwam* for women". Because this verse is sociological and contextual, it is possible for a process of change in the concept of *qiwamah*. That is, men and women are equally likely to be used as *qiwamah* in their families, as long as they can fulfill the two conditions mentioned in the verse,³³ as stated by Wadud above.

Reading the Concept of *Qiwamah* in the View of Muhammad Shahrur Muhammad Shahrur Biography: The Socio-Historical Context of Muhammad Shahrur's Life and Academic Career and Works

In the Shirian quarter of Damascus, on April 11, 1938, the figure whose full name is Muhammad Shahrur ibn Dayb was born, just at the time when the

²⁹ Roland Gunawan et al, *Fikih Perwalian: Membaca Ulang Hak Perwalian Untuk Perlindungan Perempuan Dari Kawin Paksa Dan Kawin Anak* (Jakarta: Rumah Kitab, 2019).

³⁰ Tri Wahyu Hidayati, Ulfah Susilawati, and Endang Sriani, "Dynamics of Family Fiqh: The Multiple Roles of Women in Realizing Family Resilience," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (2022): 219.

³¹ Amina Wadud, *Quran Menurut Perempuan, Membaca Kembali Kitab Suci Dengan Semangat Keadilan* (Jakarta: Serambi, 2006). 121

³² Wadud.

³³ Asghar Ali Engineer, *Hak-Hak Perempuan Dalam Islam* (Yogyakarta: LSPPA, 2000). 71. Husein Muhammad, *Fiqh Perempuan: Refleksi Kiai Atas Wacana Agama Dan Gender* (Yogyakarta: PT. LKiS Printing Cemerlang, 2012). 26

country was still achieving half its independence from French colonialism³⁴. Shahrur was raised by his mother named Siddiqah bint Saleh Filyun and his father who worked as a dyer named Dayb ibn Dayb.³⁵ Syria is one of the countries where the majority of the population adheres to Islam. Like other Middle Eastern countries, Syria also faces the same problem of modernity, namely the clash between religion and Western modernism. If traced from the historical roots of the country, the emergence of this problem is not something surprising. Stronger religious roots there can be found in the Umayyad dynasty, of which Syria was once a fiefdom. Syria, from 1517 to 1518 before independence in 1944, was also within Ottoman Turkey. While the roots of Western modernity can be found in the French civilization that once invaded the country of Syria³⁶

Syria or Syria, in the course of its history, is recorded as a country that has good prestige and extraordinary influence in the world of Islamic thought, both socially, politically, culturally, and intellectually. This can be evidenced by the many Muslim thinkers born in Syria, among others, such as Musthafa al-Siba'i, a hadith expert who also served as general supervisor of the *al-Ikhwān al-Muslimin* Movement, and Muhammad Sa'id Hawwa who was also an important figure of the movement. In the contemporary era, there are also Syrian thinkers, such as Aziz al-Azmeh, Adonis (Ali Ahmad Said), Georgy Kan'an, Firas Sawwah, and Hadi Alwi, whom Ghasan F. Abdullah categorizes as figures of the new secularism movement in the Arab world³⁷

Shahrur began his first education at a madrasa ibtida'iyyah (equivalent to elementary school) and *i'dadiyyah* (equivalent to junior high school) in Damascus. Then continued to the level of tsanawiyyah (equivalent to high school) at a school, which is still located in Damascus named Abdurrahman al-Kawakibi. All levels of education pursued by Shahrur, from the level of ibtida'iyyah to the level of tsanawiyyah, none of them had the style of huts (*kuttāb*) or local religious schools (*madrasah*), as Shahrur himself admitted when interviewed by Andreas Christmann in Damascus in May 2001.³⁸

³⁴ Muhyar Fanani, *Konstruksi Fiqh Madani Hukum Islam Di Dunia Modren* (Yogyakarta: LKiS, 2009). 31

³⁵ Andreas Christmann, "Bentuk Teks (Wahyu) Tetap, Tetapi Kandungannya (Selalu) Berubah": Tekstualitas Dan Penafsirannya Dalam Al Kitab Wa Al-Qur'an Karya Muhammad Syahrur," in *Metodologi Fiqh Islam Kontemporer*, ed. Muhammad Syahrur (Yogyakarta: el-SAQ Press, 2004). 19

³⁶ Moh. Khasan, *Rekonstruksi Fiqh Perempuan: Telaah Terhadap Pemikiran Muhammad Syahrur* (Semarang: AKFI media, 2009). 58

³⁷ Ghassan F. Abdullah, *New Scularism in The Arab* (2023).

³⁸ Christmann, "Bentuk Teks (Wahyu) Tetap, Tetapi Kandungannya (Selalu) Berubah": Tekstualitas Dan Penafsirannya Dalam Al Kitab Wa Al-Qur'an Karya Muhammad Syahrur."

Armed with a scholarship awarded by the Damascus government, in March 1958, Shahrur, who had turned 19 years old, then continued his intellectual journey to Moscow, Russia. There, he studied at the Moscow Engineering Institute by taking studies in Civil Engineering (*al-handasah al-madaniyyah*) at the Faculty of Engineering. At that time, Shahrur settled in Saratow near Moscow. Approximately six years later (1964), Shahrur then managed to obtain a diploma (S1) in civil engineering which he did at the faculty³⁹. Then Shahrur studied Master's and Doctoral programs in Dublin, Ireland, precisely at the National University of Ireland by taking the field he previously pursued, namely Civil Engineering with a specialization in soil mechanics and building engineering.⁴⁰

Shahrur completed his Master's studies from the university in 1969, and his Doctoral studies in 1972. After completing his studies in Ireland, in 1972 also, Shahrur returned home to Damascus, Syria and resumed his activities as a lecturer at the Civil Engineering faculty of Damascus University as well as a consultant in the field of engineering⁴¹.

In the midst of Shahrur's busy life as a professional in the field of soil mechanics and building engineering, he still takes his time to do contemplation and research in the discipline of Islamic studies. Therefore, in addition to writing works in the field he was engaged in, namely engineering, Shahrur also succeeded in producing four scientific works as part of a publishing series he called *Dirasah Islamiyyah Mu'ashirah*, (Contemporary Islamic Studies) in Islamic studies, all of which were published by the Syrian publisher al-Ahali. A publisher known for its left-wing movement and has been a regular publication of anti-establishment and liberal-leaning books⁴². The four scientific works of Shahrur are outlined in thick books published periodically by al-Ahali, from 1990 to 2000, under the title *Al-Kitab wa Al Qur'an* (1990), *Dirasah Islamiyyah Mu'ashirah* (1994), *Al Islam wa al-Iman* (1996), and *Nahwa Ushul Jadidah* (2000).

Shahrur also actively wrote scholarly articles in various magazines and journals, such as "*The Divine Text and Pluralism in Muslim Societies*" published in the Muslim Politics Report (August 14, 1997) and "Islam in the 1995 Beijing World Conference on Women", which aired in Kuwait Newspaper, which was later published in a book entitled *Liberal Islam*⁴³. At this point, it can be seen how diligent and intelligent Shahrur is in learning. From the description above, it can be seen that although Shahrur wrote Islamic study works, academically, none of his studies were found in the religious field. It should be

³⁹ Fanani, *Konstruksi Fiqh Madani Hukum Islam Di Dunia Modren*. 32

⁴⁰ Peter Clark, "The Syahrur Phenomenon: A Liberal Voice from Syria," *Islam and Christian-Muslim Relations* VII, no. III (1996). 337

⁴¹ Clark.

⁴² Clark.

⁴³ Charles Kurzman, *Liberal Islam* (New York: Oxford University Press, 1998). 139-142

added immediately that Shahrur also had no affiliation with any Islamic organizations and institutions, and he had never received any official training or obtained a certificate in Islamic sciences.⁴⁴

Muhammad Shahrur's legal *Istinbath* method

In Shahrur's conception of *ijihad*, legal determination is only directed at verses of *mubkamat* only⁴⁵. That is, in Shahrur's view Islamic law is found only in and extracted from within the verses of *mubkamat al-Kitab* only and not in any other verse. In launching this effort to excavate or *istinbath* Islamic law, Shahrur introduced a new theory which he named the theory of *hudud* or the theory of limitation⁴⁶. While in an effort to explore the meaning of verses that are not included in the category of *mubkamat* verses, Shahrur used the *takwil* method⁴⁷.

And in order to interpret the *mutasyabihat* verses, Shahrur approached them with a hermeneutic methodology guided by the principles of Arabic linguistics, which outlined, among other things, first, that in Arabic there is no synonymity, and even, secondly, a single word can contain many meanings. Third, the text serves only as a *kehadam*, a servant of meaning, while the substantial is meaning itself. In other words, text is a container, while meaning is the contents of a container. It is these meanings that govern words. This principle was adopted by Shahrur of al Jurjani⁴⁸. Fourth, what holds is meaning; if the meaning has been acquired, then Arabs tend to behave *tasabul* (at will) in expressing words or pouring the text into writing. This principle was adopted by Shahrur from Ibn Jinni. Fifth, the text of any language cannot be understood, except in a way that is in accordance with reason or the reality of nature and humanity. Sixth, pay attention to the origin of Arabic words⁴⁹.

Shahrur also uses a *tartil* approach⁵⁰, which is by taking verses that are interrelated in one theme, then sorting them one and another so that an interpreter is expected to find the complete message of the verse.⁵¹

Muhammad Shahrur Reconceptualizes *Qiwamah*

Shahrur expressed his thoughts on the concept of *qiwamah* in two important works, namely *al-Kitab wa al-Qur'an* and *Nahw al ushul wa al Jadidah*. In his first book, Shahrur titled this *qiwamah* subchapter with a generally suggestive

⁴⁴ Fanani, *Konstruksi Fiqh Madani Hukum Islam Di Dunia Modren*. 34

⁴⁵ Muhammad Syahrur, *Al Kitab Wa Al Qur'an* (Suriah: Al Ahali, 1990). 215

⁴⁶ Syahrur. 453

⁴⁷ Syahrur. 196

⁴⁸ Syahrur.

⁴⁹ Syahrur.

⁵⁰ Abdul Mustaqim, *Epistemologi Tafsir Kontemporer* (Yogyakarta: LKiS Group, 2012). 218-129

⁵¹ Mustaqim. 196-198

title, namely *a-'alaqah al 'ailiyyah baina al rajul wa al mar'at*⁵² (kinship between men and women). While in the latter book, Shahrur titled it with a more specific title, namely bab *al qivamah* itself⁵³.

No different from the jumhur ulama, Shahrur also, while expounding the concept of *qivamah*, began his foundation from Q.S. al Nisa' [4]: 24, whose full sound can be read as follows:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَاصْلَحُوا مِنْ أَنْفُسِكُمْ فَانصَبْ وَاصْلِحْ لِنَفْسِكَ إِنَّكَ أَنْتَ الْمَعْرُوفُ
بِمَا حَفِظَ اللَّهُ وَاللَّهُ تَخَافُونَ يُشَوْرَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

The men are qawwam to the women because Allah has favored one part of them over another, and because they have spent part of their property. Therefore, a godly woman obeys God, and takes care of herself when her husband is not around, because God has taken care of (them). Those women whom you are worried about, then advise them and separate them in their beds, and beat them. Then if they obey you, then don't look for ways to trouble them. Indeed, God is the Highest and Greatest.

Shahrur does not give a clear definition of etymology and terminology regarding *qivamah*, although he mentions that the definition of *qivamah* can be recognized from the verse above. Shahrur only mentions that *qivamah*, is taken from the series of words *qama 'ala al-amr* which means to do things as well as possible⁵⁴. According to him, *qivamah* can also be interpreted with servants (*khadam*)⁵⁵.

Shahrur disagreed with the number of scholars who stated that men, through the redaction of *bima fadhbalallahu ba'dhabum 'ala ba'dh*, with the understanding that Allah gives superiority of reason, religion, and power to men and not to women in the above verse, has been given to be *qivamah* or head in his family. For Shahrur, this view was unacceptable to him. Because, according to him, if Allah made leadership in the family a nature-given only to men, then the redaction of the verse should read *al-dzakur qawwamuna 'ala al'inats*. In reality, however, God does not call it such.⁵⁶

As Shahrur adheres to the principle of anti-synonymity, Shahrur distinguishes the meaning between the words *rijal*, *nisa'*, *dzakar*, and *untsa*, which tend to be understood by many scholars as synonymous words: *Rijal* and *dzakar* mean the same, namely male. While *nisa'* and *untsa* also have the same meaning, namely woman. According to Shahrur, *al-rijal* is the plural form of the word *al-*

⁵² Syahrur, *Al Kitab Wa Al Qur'an*. 619

⁵³ Muhammad Syahrur, *Nahwa Ushul Jadidah Li Al-Fiqh Al-Islami, Fiqh Al-Mar'at*, (Suriah: Al Ahali, 2000). 315

⁵⁴ Muhammad Syahrur.

⁵⁵ Muhammad Syahrur. 320

⁵⁶ Muhammad Syahrur. 319

rajul, while the word *al-nisa'* is the plural form of the word *imra'at*. Furthermore, Shahrur explained that *dzakkar* means all those of the male sex, both children, adolescents, and adults while *rajul* only includes the meaning of mature men (*sinn rushd*) only. Then *untsa* are all those who are female, both children, adolescents and adults. While *nisa'* only covers the meaning of mature women.⁵⁷

Thus, in Shahrur's view, all *rajul* are male (*dzakkar*) and all *imra'at* are female (*untsa*), but not vice versa⁵⁸. That is, not all men (*dzakkar*) can be named as *rajul* and not all *untsa* can be called as *nisa'*. Although the verse mentions *al rijal qanwam 'ala al nisa'*, men (*rijal*) are leaders for women (*nisa'*), but for Shahrur men and women both have the opportunity to become *qiwamah* or leaders in their families. Shahrur based it on two arguments.

The first argument, the aftermath of the editorial: *bi ma fadhdhal Allahu ba'dubum 'ala ba'dhin*, according to Shahrur, invalidates this meaning and makes *qiwamah* for men and women at the same time. Therefore, Shahrur argued that if the word *ba'dhabum* only refers to men, then what is included in it is some men only not all men, and the phrase *'ala ba'dhin* should be *'ala ba'dhibinna*, which indicates to some women not all, so that the whole redaction can be interpreted that Allah has favored some men over some women.⁵⁹

While Shahrur's second argument is to depart from the next editorial which reads *wa bi ma anfaqu min amwalibim*. The editorial indicates that those who have the right to become *qiwamah* are the ones who produce the most and have the most material possessions without having to look at the skills and heights of consciousness and culture. Shahrur gives an example of this where a poorly educated factory owner, for example, could appoint a highly certified director to run his factory, where the director would be subject to all the factory owner's policies because he has the power to distribute property (*qiwamat al-infaq*)⁶⁰.

Thus, Shahrur seems to prioritize economic factors as the most important factor in appointing someone to be a leader in his family. This is clearly different from the concept of *qiwamah* outlined by *jumhur ulama* with the concept of *qiwamah* understood by Shahrur. Shahrur further said that when a wife manages to pursue a career so that she earns a lot and she is able to support her family, then she is the one who has the right to be the leader and hold the role of *qiwamah* in her family⁶¹.

Shahrur admits that men are indeed Allah physically superior to women, with an excess of muscular forces which, at the time of the verse, are the main axis in the search for sustenance by hunting, farming, and fighting, all of which

⁵⁷ Muhammad Syahrur. 320

⁵⁸ Muhammad Syahrur.

⁵⁹ Muhammad Syahrur.

⁶⁰ Muhammad Syahrur.

⁶¹ Syahrur, *Al Kitab Wa Al Qur'an*. 620

require muscular strength. It's just that, today, the development of techniques and infrastructure has defeated these physical advantages, or at least these developments have reduced them to their lowest limits. In addition, according to Shahrur, science has also established the advantages of women over men in several ways. Such as advantages in terms of age, where women on average have a longer life than men⁶².

Although men and women both have the potential to be the head of the family, the most worthy heads of the family are women because God clearly in that verse has listed the characteristics of a good leader in the family. And that characteristic God bestows on women, not men. Namely the characters *shalibat*, *qanitat*, and *hafizah li al ghaib*. So with this view, it is not an exaggeration, if Shahrur is said to have made efforts to reconceptualize or reconceptualize the concepts of *qiwamah* that had developed before⁶³.

Shahrur defined *al shalibat* as 'a woman worthy to lead'. He rejected the opinion of scholars who had interpreted the word *al hafizah* as 'women who fast and offer prayers'. This meaning according to Shahrur is not appropriate. Because, according to him, establishing prayers, performing zakat, observing fasting in Ramadan, and performing Hajj is not related to piety and benevolent deeds. Shahrur then refers to Q.S. al Anbiya' [21]: 89-90 as an argument to strengthen his view, where in that verse the word *ashlah* which is a derivation from the word *al shalibat*, in no way, shows the meaning of piety in worship, but means 'the gift or grace of Allah to the wife of Zacharias by bestowing her a son named Yahya'⁶⁴, here is the full text of the verse:

"And remember the story of Zachariah, when he called out to his Lord: O my Lord, thou shalt not let me live alone, and thou art the best heir. So We allowed his prayer, and We bestowed upon him Yahya, and We made his wife able to conceive."

According to Shahrur, it is impossible for Allah to improve Zakariya's wife by making her a pious woman who fasts and prays. What is more likely and obvious is that Allah improved Zakariya's wife by making her a woman who could bear offspring, which is also the theme of the verse. Thus, Shahrur concluded, Q.S. al Nisa' [4]: 24 above is an explanation of the characteristics that must be possessed by a woman whom Allah has given the gift of leadership rights to her, in the form of wealth, education, or intellectual content. These characters are obedient and guard the disgrace of the husband. If a woman has such characteristics, then she deserves to be a leader. And if a woman does not have that leadership character then she has gone out of the line of eligibility as a leader⁶⁵.

⁶² Muhammad Syahrur, *Nabwa Ushul Jadidab Li Al-Fiqh Al-Islami, Fiqh Al-Mar'at*, 322

⁶³ Muhammad Syahrur.

⁶⁴ Muhammad Syahrur.

⁶⁵ Muhammad Syahrur.

And this is the case, in the meaning of Shahrur, what is meant by *nusyuz*, which is to get out of the line of leadership based on affection, namely authoritarian and arbitrary opinion. Which is the opposite of *qunut* which means 'humility', 'patience', and 'chesty'. The reason Shahrur interprets *nusyuz* this way is because, first, the central theme of this verse speaks of leadership or *qiwamah* in the household. Secondly, the word *nusyuz* in the Arabic dictionary has the meaning of going out and scattering in general⁶⁶. As mentioned in the following word of God:

"O men of faith, when it is said to you, Be spacious in the assembly, and be spacious, and Allah will give you spaciousness. And when it is said: Scatter you, scatter" (Q.S. al Mujadalah[58]: 11)

Based on the description above, Shahrur clearly differed from the number of scholars regarding the meaning of *nusyuz*, even he himself said, rejecting the view of conventional scholars who stated that what is meant by *nusyuz* is to come out of obedience to the husband and disobey him⁶⁷

As for the steps taken when women who act as heads of families deviate from their leadership qualities, according to Shahrur, it is not uncommon to find women who are authoritarian, arbitrary, impatient, lofty, and not airy including towards their children, so in this case, the solution is to, first, provide guidance, advice, and noble words. If the first method of completion has not been successful, then the second way is taken, namely by separating the bed. If the first and second methods are still useless, then a third method is taken, namely *idbribubunna*, which Shahrur interprets as an attempt to block the power of the wife by withdrawing leadership rights from her.⁶⁸ Here, Shahrur rejects the view of classical scholars who interpret *idbribubunna* with the meaning of slapping or hitting.⁶⁹

According to Shahrur, the meaning of *dharaba* does not only mean slapping or hitting. However, *dharaba* in Arabic has many meanings, among others, meaning 'setting an example', 'migrating' and 'harsh order', such as the expression "the state puts order (*dharabat*) by force of brokers". *Dharaba* can also be interpreted as 'mint' and lastly, it can also mean 'slapping', 'hitting', 'punching', and 'kicking'. Shahrur's rejection of the meaning of hitting in the word *d'araba* is also based on a hadith narrated by Abu Dawud in his Sunan, namely: Abu Dawud once said "Indeed, some of the Companions understood the word *idbribubunna* directly with the understanding of hitting, but the Prophet came out to them and said: "Do not hit the servants of Allah." From this hadith Shahrur understood, if indeed *idbrib* is interpreted as 'hitting', then it is

⁶⁶ Muhammad Syahrur. 323

⁶⁷ Wahbah Al-Zuhaili, *Fiqh Al-Islam Wa Adillatuhu* (Beirut: Dar al Fikr, n.d.). 338

⁶⁸ Muhammad Syahrur, *Nahwa Ushul Jadidah Li Al-Fiqh Al-Islami, Fiqh Al-Mar'at.*, 323

⁶⁹ Al-Zuhaili, *Fiqh Al-Islam Wa Adillatuhu*. 339-340

impossible for the Prophet to violate Allah's command, namely by forbidding hitting to the companions.⁷⁰

According to Shahrur, by interpreting *idbrib* as an attempt to block the power of the wife by depriving her of the right of family leadership, the explanation of Q.S. al Nisa' [4]: 24 would be logical and normal, because of the explanation of leadership in the hands of women in the expression of the previous verse⁷¹, but all of them would be meaningless in the slightest, if the leadership, whether physical, intellectual, religious, And power is interpreted to be in the hands of men. So Shahrur came to the conclusion that this verse of An Nisa '34 is a verse that justifies and legitimizes women's leadership in the household.⁷²

Muhammad Syahrur's Qiwamah Concept and its Relationship to Feminism

The differentiation of meaning between *rijal*, *dzakkar*, *nisa'* and *untsa* in Shahrur's previous description, shows its consistency in holding the principle of the absence of synonyms in Arabic. And this principle of anti-synonymity is one of the starting points introduced by Shahrur as a way of exploring the meaning of *mutasyabihat* verses. Another method that Shahrur uses here is to bring the words *dzakkar* and *untsa* that are not listed in the verse. These words were brought by Shahrur in order to understand the word's *rijal* and *nisa'* mentioned in the verse because these words have associated with words that are not mentioned in the verse, namely the word's *dzakkar* and *nisa'*. The way of reading it by Sayhrur named it *taqat}a al ma'lumat*⁷³. Another way that Shahrur applied in understanding the verses of *mutasyabihat* was by the method of *tartil* and *mawaqi' al nujum*⁷⁴. And this latter method was also used by Shahrur in reading Q.S. al Nisa' [4]: 24 above, as evidenced in the following description.

Mawaqi' al nujum method, which means exploring the meaning of the verse by understanding the relationship contained at the beginning and end of the verse. Shahrur came to the conclusion that *qiwamah* in the household can be carried by both men and women, and the one who is most entitled to play the head of this family is who is the most established in the economic field, departing from the meaning of the word *qanwam* written at the beginning of Q.S. al Nisa' [4]: 24, then relating it to the meaning of *bi ma fad}d}alal allahu ba'dbabum 'alaa ba'din, wa bima anfaqu min amwalihim* are in the middle of the verse. It did not stop there, Shahrur also held the view that among men and women, in the context of the verse, it is the woman who most deserves to be

⁷⁰ Muhammad Syahrur, *Nabwa Ushul Jadidab Li Al-Fiqh Al-Islami, Fiqh Al-Mar'at*,. 323

⁷¹ Muhammad Syahrur. 327

⁷² Muhammad Syahrur.

⁷³ Syahrur, *Al Kitab Wa Al Qur'an*. 203

⁷⁴ Syahrur. 197-198

appointed as the head of the household⁷⁵. This is understood by Shahrur through the association of the term *qawwam* with the redaction of *fa al shshalibatu qanitatun hafizatur li alghaibi bi ma hafiza Allahu*, which is in the middle of the verse which is linked again with the redaction *wa allati takhafu nusyuzabunna fa'izibunna wahjurubunna fi al madhaji' wa ad}ribubunna*, which is at the end of the verse.⁷⁶

Thus the language analysis that Shahrur uses in Q.S. al Nisa' [4]: 24, when referring to the branding of linguistic studies, can be said to be a syntagmatic-paradigmatic analysis. And the recitation of Shahrur also, spares the author, showing that this *qiwamah* verse belongs to the category of verses that are *mutasyabihat*.

From the description above, it is clear how Shahrur relied on linguistic analysis in his reading. Shahrur, in the writer's opinion, uses a linguistic approach that is almost the same as the structuralist linguistic approach of Abdul Qahir al Jujani, which is indeed recognized by Shahrur and Ja'far Dikk al Bab as his colleagues and language teachers. Al Jurjani's *nazam* theory, for example, states that the elements contained in a sentence structure are related to one another. Al Jurjani relied on the relation between the character of simple word structures and their transmission functions⁷⁷. In short, the principle in this structuralist approach is to examine a language based on the elements that make it up.

The weakness of this structuralist approach is the exclusion of studies that are outside the text, such as background studies of the formation of a text⁷⁸. Because this study approach only focuses on the study in the text alone. And this is also what happened in Shahrur's studies, especially regarding the *qiwamah* texts in this household. Shahrur ignores the socio-historical context of the appearance of the text, which can be traced through *asbab al nuzul*. Shahrur in exploring the meaning of the verse Q.S. al Nisa' [4]: 24 does not involve the study of *asbab al nuzul* there. Shahrur devoted his full attention only to the study of the text. The result is an inconsistency in Shahrur's reading of the concept of *qiwamah* contained in Q.S. al Nisa' [4]: 24, which according to the author is an implication of the autonomization of the text and the neglect of context in his study, along with the full description.

Shahrur came to the conclusion that among men and women, the most worthy to be the head of the family or *qiwamah* were women⁷⁹. He expressed Shahrur's views in his book *Nahwa Ushul Jajidah* which turned out to be

⁷⁵ Syahrur. 322

⁷⁶ Syahrur. 322-323

⁷⁷ Sukron Kamil, *Teori Kritik Sastra Arab, Klasik Dan Modern*, II (Jakarta: PT RajaGrafindo Persada, 2012). 186

⁷⁸ Kamil.

⁷⁹ Muhammad Syahrur, *Nahwa Ushul Jajidah Li Al-Fiqh Al-Islami, Fiqh Al-Mar'at*. 327

inconsistent with what he wrote in his first book, *al Kitab wa al Qur'an*. If in his above view contained in his *Nabwa Ushul Jajidah*, Shahrur seems to make women the dominant head of the family, then his view in the book *al Kitab wa al Qur'an*, suggests that in Shahrur's view, men and women can equally be heads of families on the principle of interconnection⁸⁰. The consequence of this difference in his views gave rise to Shahrur's inconsistency in interpreting important terms in the verse Q.S. al Nisa' [4]: 24, namely the terms *qanitat*, *nusyuz* and *idrib*⁸¹

In the book *al Kitab wa al Qur'an* Shahrur interprets *qanitat* with *al hudu' wa al isiqamah ma'a al imrar*, which means 'calm and consistency that is maintained continuously'⁸². While in *Nabwa Usul Jajidah*, Shahrur mentions its meaning with *al anatu wa al shabru wa sa'at al shadri* which means 'humility, patience and tranquility'⁸³. Perhaps the meaning of *qanitat* with 'calmness and patience' is, substantially, still acceptable as the same meaning albeit with different editors. A significant difference is found in the following terms *nusyuz* and *idrib*.

Nusyuz in *al Kitab wa al Qur'an* is interpreted by Shahrur as social deviant behavior, such as arbitrariness and arrogance carried out by men as husbands and women as wives. And this way of solving *nusyuz* can be done by, first, advice and second, separate beds. If these two methods do not produce results, then a third step is taken, namely *idrib*, which here, Shahrur means by 'the position of keeping a distance blatantly', that is, one party takes a distance from each other, so that each other cannot hurt socially, because the defiance of one party will hurt the feelings of the other⁸⁴.

While in his *Nabwa Ushul Jajidah* book, as previously described, Shahrur suggests that what is meant by *nusyuz* is to get out of the line of leadership based on affection, namely the wife being authoritarian and arbitrary in determining opinions. While the meaning of *idribubunna* in the verse, by Shahrur calls its meaning as 'an attempt to block his power by depriving women of leadership rights'⁸⁵.

Based on the above explanation, Shahrur's views on *nusyuz* and *idrib* that he expressed in his kitab *al Kitab wa al Qur'an*, appear to be in contrast to the similar views he expressed in his *Nabwa Ushul Jajidah*. To support his view that men and women both act as heads of families on the basis of

⁸⁰ Syahrur, *Al Kitab Wa Al Qur'an*. 620

⁸¹ Syahrur. 261 and Muhammad Syahrur, *Nabwa Ushul Jadidah Li Al-Fiqh Al-Islami, Fiqh Al-Mar'at*, 322-323

⁸² Syahrur, *Al Kitab Wa Al Qur'an*.

⁸³ Muhammad Syahrur, *Nabwa Ushul Jadidah Li Al-Fiqh Al-Islami, Fiqh Al-Mar'at*, 323

⁸⁴ Syahrur, *Al Kitab Wa Al Qur'an*. 621-622

⁸⁵ Muhammad Syahrur, *Nabwa Ushul Jadidah Li Al-Fiqh Al-Islami, Fiqh Al-Mar'at*, 323

interconnectedness in the first book, Shahrur interprets *nusyuz* as social deviation behavior that can occur in husbands and wives and interprets *idhrib* as the final solution by maintaining distance from each other⁸⁶.

Meanwhile, to support his view that the wife as a woman is more dominant as the head of the family than the husband as a man, Shahrur interprets *nusyuz* as the behavior of deviating the wife from her leadership characters or the exit of the wife from the line of leadership traits she carries and therefore, Shahrur interprets *idhrib* as the solution to the final settlement of *nusyuz* by revoking the wife's leadership rights⁸⁷.

Therefore, according to the author, there has been inconsistency, eclecticism and arbitrariness of Shahrur in reading the verse. Shahrur seemed to force the keywords in the verse Q.S. al Nisa' [4]: 24 to conform to the initial assumptions and propositions he had previously built by relying only on ultra-textual studies and ignoring context studies. Even though consistency itself, in the Philosophy of Science, is one of the benchmarks of truth in studying the validity of science, including interpretation. This theory is known as the coherence theory, where the standard of truth is not formed by the relationship between opinions and something else (fact or reality) but is formed by the internal relationship between opinions themselves. And the results of Shahrur's understanding of *qiwamah*, save the author, based on the above information, turned out to be inconsistent.

It seems that Sharur's thinking is influenced by the development of world feminist thought, that in the ideology of feminism, it strongly opposes the negative stigma of women which has been ingrained in society's social life. An understanding that looks down on women is a shallow understanding of religion. This shallowness that occurs among Muslims is in sharp contrast to the message of the Koran which equalizes men and women except in matters of piety. However, apart from that, it does not rule out the fact that the Qur'an shows functional differences between men and women. Women are given the gift of being able to conceive, give birth, and breastfeed. However, many men misinterpret it to take advantage of women.⁸⁸ The understanding of leadership in the household is that the enactment of the pronunciation 'qawwaamuuna 'alaa al-nisaa' can occur, if two conditions can be fulfilled by men: first, giving more to their women what has been given previously, such as living. Second, used his wealth to ensure women's lives. If these two prerequisites can be met then men can become Qawwaamuun over women.⁸⁹ However, in reality it turns

⁸⁶ Syahrur, *Al Kitab Wa Al Qur'an*. 621-622

⁸⁷ Muhammad Syahrur, *Nabwa Ushul Jadidab Li Al-Fiqh Al-Islami, Fiqh Al-Mar'at*,. 323

⁸⁸ Setyawan, "Pemikiran Kesetaraan Gender Dan Feminisme Amina Wadud Tentang Eksistensi Wanita Dalam Kajian Hukum Keluarga."

⁸⁹ Nuri Herachwati Fahmi Assulthoni, Farida Yuniati, "Hak Dan Kedudukan Perempuan Dalam Hukum Keluarga (Studi Atas Pemikiran Feminisme Amina Wadud) Fahmi," *Ulumuna*:

out that Muhammad Sharur is braver than Muslim feminists like Aminah Wadud. Finally, Muhammad Shahrur's thoughts were influenced and influenced the development of feminist thought in the world.

Conclusion

Qiwamah in Muhammad Shahrur's view is someone who is able to carry out the role of head of the family in his household, both husband and wife, as long as he has economic stability and the *qiwamah* character outlined by Q.S. al Nisa' [4]: 24 namely *salih, qanitat and hafizah*. So in Shahrur's view, those most worthy of being appointed as *qiwamah* are women. This understanding is not used by today's ulama, even feminists like Aminah Wadud only say that the requirement to be a leader in the household is to provide protection and provide a livelihood. Thus, Shahrur's thoughts mutually influenced feminist thought in the Islamic world, even though Shahrur experienced a big leap in understanding the meaning of *qiwamah*.

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