

## A Study of the Concept of Qiwamah in Surah Al-Nisa' (4): 34 From the Perspectives of Kecia Ali and Khaled M. Abou El-Fadl

*Kajian Perbandingan Konsep Qiwamah dalam Surah Al-Nisā' (4): 34 Menurut Perspektif Kecia Ali dan Khaled M. Abou El-Fadl*

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### ABSTRACT

*This article discusses about; 1). Analysis of the meaning of qiwamah and its derivation in the al-Qur'an. 2). Analysis of qiwamah from the perspective of hadith and Salaf and contemporary scholars. 3). Interpretation of qiwamah according to Kecia and Khaled. This research uses a descriptive comparative analysis method by collecting and describing literature related to the discussion study, then analyzing the data. This article concludes that Kecia Ali believes that men cannot be said to be qawwām in the household as long as both parties have a role and contribution in household finances in a modern context, while Khaled argues in Surah Al- Nisā' 34 that men and women are positioned according to the actions and efforts undertaken so that it does not rule out the possibility that women can become qawwām for men.*

**Keywords:** *Qiwamah, Kecia Ali, Khaled, Al- Nisā' 34*

### ABSTRAK

*Tulisan ini membahas tentang; 1). Analisis makna Qiwamah dan derivasinya dalam al-Qur'an. 2). Analisis Qiwamah dalam perspektif hadis dan ulama salaf maupun kontemporer. 3). Penafsiran Qiwamah menurut Kecia dan Khaled. Penelitian ini menggunakan metode deskriptif analisis komparatif dengan mengumpulkan dan mendeskripsikan literatur yang berkaitan dengan kajian pembahasan, kemudian melakukan analisis terhadap data tersebut. Artikel ini berkesimpulan bahwa Kecia Ali berpendapat bahwa laki laki tidak dapat dikatakan sebagai qawwam dalam rumah tangga selama kedua belah pihak memiliki peran dan kontribusi dalam keuangan rumah tangga dalam konteks modern, sedangkan Khaled berpendapat dalam surat al- Nisā' 34 bahwa laki laki dan perempuan diposisikan sesuai dengan aksi dan usaha yang dilakukan sehingga tidak menutup kemungkinan bahwa perempuan dapat menjadi qawwām bagi laki laki.*

**Kata Kunci:** *Qiwamah, Kecia Ali, Khaled, Al- Nisā' 34*

### INTRODUCTION

Discussions regarding Surah Al- Nisā'' verse 34 always invite a lot of emotional differences of opinion. It is not uncommon for this verse to be used as a shield for men to carry out patriarchal culture under pretexts *qawwām* towards women, so that it is considered to benefit one party and harm the other party.

In practice, there are at least three factors why this verse is widely discussed by researchers, *mufassir*, and activists of the Qur'anic interpretation. First, this verse is considered as an example of the superiority of men over women. Textually the verse has shown its form of superiority (one of which is in lafadz *qawwāmūn*), then this is reinforced by several interpretations of the salaf scholars<sup>3</sup>.

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<sup>3</sup> Among the Salaf scholars who think so are Ibnu Katsīr and Imam Jārullah Zamakhsyari.

Second, if departing from the first factor, then the next factor is the existence of discrimination against women. This happens because of the understanding of Surah Al- Nisā' verse 34 which only follows opinions that favor men (namely opinions that according to researchers are local-temporal in nature). The bad thing is, this is then reinforced by several verses and hadiths that are considered to have misogyny values<sup>4</sup>.

Third, this verse is prone to be used by orientalist as a tool to attack the Muslims themselves. Therefore, Muslims must do a counter to various conflicting understandings and then straightened out, so that the meaning of “*Islām rahmatan lil ‘ālamīn*” not just words.

Along with the times, the interpretation of Surah al- Nisā' verse 34 has shifted in meaning. Not a few of the scholars and scholars and contemporary figures who do reinterpretation in accordance with the analysis they do. In fact, not a few of the verses of the al-Qur'an have experienced a lot of shifts in meaning.

However, so that the discussion remains focused on one object and does not go anywhere, the researcher will discuss the interpretation of meaning *qawwāmun* in Surah al-Nisā' verse 34 as the main object with several supporting verses and hadiths. This research will start from seeing and analyzing the understanding of the two scholars and contemporary figures (Khaled M. Abou El-Fadl and Kecia Ali) to then compare and draw conclusions.

This paper departs from the following three arguments: First, as far as the eye can see, researchers assume that the meaning of *qiwāmah* in Surah Al- Nisā' verse 34 is always understood as the superiority of men over women even though there have been many contemporary commentators on the al-Qur'an who have reinterpreted this meaning.

Second, meaning of lafadz *qawwāmun* more or less depends on the subjectivity and sociological conditions of the interpreter. As for several other interpretations (which do not depend on the sociological conditions of the *mufasssir*, they are interpretations in a language style, this is because most of their interpretive works refer to dictionaries, books on language conventions, and previous poetry<sup>5</sup>.

Third, discussion of the concept of thinking Kecia Ali and Khaled M. Abou El-Fadl related to *qiwāmah*. This point is based on the study of Surah Al- Nisā' verse 34 by previously analyzing how to interpret Kecia Ali and the hermeneutics of Khaled M. Abou El-Fadl.

This study will focus on the analysis of surah al- Nisā' verse 34, especially on pronunciation *qawwāmun*. This is what later researchers will compare from the figures that have been determined. In order to achieve good analysis results, it is necessary to review the language, derivation of the meaning and perspective of the salaf scholars according to the theme being studied.

This type of research is qualitative, namely scientific research based on data that has been collected. In the collection, researchers grouped into 4 parts. 1). Data that discusses the Surah al- Nisā' verse 34 as a whole 2). Data discussing character comparisons about al- Nisā' verse 34 3). Discussed data *qiwāmah* in general 4). Data discussing Kecia Ali and Khaled M. Abou El-Fadl.

In analyzing the researcher used a comparative analytical descriptive method. Namely describing the initial meaning of Surah al- Nisā' verse 34, then analyzing the differences in meaning between scholars by looking at social conditions and other factors and making comparisons between the scholars and the two figures who are the main discussion.

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<sup>4</sup> Verses that are often used to attack and corner Islam are Surah Al- Nisā' verse 34 at the beginning of the verse, Ann Nisa verse 11 at the beginning of the verse as well (related to inheritance), Surah Albaqarah verse 28, etc. while an example of a hadith that is considered misogyny is HR. Bukhari 4073 and HR. Muslims 2137.

<sup>5</sup> Among the examples is the book tafsir *al -kasysyaaf* by Imam Jārullah Zamakhsyari

## LITERATURE REVIEW

In scientific writing, the researcher should have conducted a literature review by examining pre-existing writings. This is because there are many scattered articles, but the discussion is a study that is continuously repeated without any updates. This action is an effort made by researchers so that the writing that is compiled is not an old study that is continuously repeated. In this review, researchers group them into four parts, then they will be described from the general to the more specific.

*First*, Research that examines the Surah An-nisa verse 34 comprehensively. There is a lot of literature that discusses the Surah An-nisa verse 34 in the last five years. Some of them such as Makmur Jaya, in the journal *At Tanzir*, Jaya wrote an interpretation of the Surah An-nisa verse 34 about leadership in the Qur'an in general and universal with a description of Ibn Asyur's interpretation.<sup>6</sup> Nasrin Ansari in the wrote an article about the Surah An-nisa 34.<sup>7</sup> With the title "*An Analysis and Explanation of Verse 34 of Surah Nisa According to the Qur'anic Expression 'Izribouhon'*", Reyhaneh Sadat Hashemi (shahidi) wrote *Husband's rights over wife in verse 34 of Surah An-nisa' based on the comparison of Shia and Sunni interpretations with the interpretation of Al-Mizan* in a *Journal of Cultural and Social Studies of the Quran*<sup>8</sup> which in it explains the husband's rights over his wife in Surah An-nisa verse 34 based on a comparison between Shia and Sunni with Al-Mizan's interpretation.

Syarial Dedi in the *Istinbath* journal reread *wadribuhunna* in the Surah An-nisa verse 34<sup>9</sup> where the author was given meaning by threatening, scaring and not hitting or scolding him. As for Rahmawati Hunawa, with a discussion regarding the position of husband and wife (study of Surah An-nisa verse 34),<sup>10</sup> emphasized the lafadz *rijāl* is not biological aspect but leadership character and social function.

*Second*, Research that examines Qiwamah specifically. Some of them are Ririn Hernawati who compiled a thesis "Makna qiwamah dalam al-quran perspektif Khaled M. Abou El-Fadl",<sup>11</sup> Fahrian Noor who also compiled a thesis entitled " Seksualitas dalam al-Qur'an menurut kecia ali (studi penafsiran qiwamah dalam buku *sexual ethics & islam*)"<sup>12</sup> and

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<sup>6</sup> Makmur Jaya, "Penafsiran Surat an-Nisa' Ayat 34 Tentang Kepimpinan Dalam Al-Quran," *At-Tanzir: Jurnal Ilmiah Prodi Komunikasi Penyiaran Islam*, 2021, 242–68 <<https://doi.org/10.47498/tanzir.v11i2.407>>.

<sup>7</sup> Nasrin Ansarian, "An Analysis and Explanation of Verse 34 of Surah Nisa According to the Qur'anic Expression 'Izribouhon,'" *Islamic sciences and culture academy journal*, 4 (2022), 79–100 <<https://doi.org/10.22081/IQSS.2022.63929.1188>>.

<sup>8</sup> Reyhaneh Sadat Hashemi, "Husband's rights over wife in verse 34 of Surah An-Nisa' based on the comparison of Shia and Sunni interpretations with the interpretation of Al-Mizan," *Journal of Cultural and Social Studies of the Quran*, 26.2 (2021), 173–80 <<http://www.ufrgs.br/actavet/31-1/artigo552.pdf>>.

<sup>9</sup> Syarial Dedi, "Pembacaan Ulang Terhadap Wadribuhunna Dalam Surat Al-Nisa' Ayat 34," *Istinbath: Jurnal Hukum dan Ekonomi Islam*, 17.2 (2018), 431–50.

<sup>10</sup> Rahmawati Hunawa, "Kedudukan Suami-Istri (Kajian Surah an-Nisa' [4]: 34)," *Potret Pemikiran*, 22.1 (2018) <<https://doi.org/10.30984/pp.v22i1.758>>.

<sup>11</sup> Ririn Hernawati, "Makna Qiwamah Dalam Al-Quran ( Perspektif Khaled M. Abou El-Fadl ) Skripsi" (UIN Raden Intan Lampung, 2019).

<sup>12</sup> M. Fahrian Noor, "Seksualitas Dalam Al-Qur'an Menurut Kecia Ali (Studi Penafsiran Qiwamah Dalam Buku *Sexual Ethics & Islam*)," 2022 (UIN Sunan Kalijaga, 2022).

in the KACA- karunia cahaya Allah wrote about the reinterpretation of the word Qiwāmah in the Qur'an Surah An-nisa verse 34 perspective *contextual approach* Abdullah Saeed.<sup>13</sup>

*Third*, this research examines the comparative interpretation of Surah An-nisa verse 34. In this section, the researcher found four literatures regarding this discussion. However, some of the literature that is not too much is enough to help researchers in collecting data. The literature is an article by Moh. Fauzan Fathollah published by At-Tibyan Journal: Jurnal Ilmu Al-Qur'an dan Tafsir of IAIN Langsa with the title " Konsep *wadribūhunna* dalam surat An-nisa ayat 34. (studi komparasi wahbah zuhaili dan M. Quraish Shihab)".<sup>14</sup> Although this article discusses about pronunciation *wadribūhunna* (not the meaning of Qiwāmah), but the discussion of the following article focuses on the Surah An-nisa verse 34. Ananur Jannah in his thesis also composed a discussion on the *Qiwāmah* Concept in the Al-Qur'an.<sup>15</sup> Jannah compared the concept of Qiwāmah between *tafsir al-Kasysyāf* by Al-Zamakhsyari and *Quran and Women* by Amina Wadud.

The other two are Nurul Ilmah Nafi'ah's thesis.<sup>16</sup> the thesis entitled "Peranan Perempuan dalam rumah tangga menurut al-Qur'an surat An-nisa ayat 34" is a work of writing that applies a comparison between *Tafsir al-Sya'rawi* by Muhammad Mutawalli al-Sya'rawi and *Tafsir Ibn al-Katsīr* by Ibn al-Katsīr. Muhammad Amin in his dissertation "Kepemimpinan perempuan dalam perspektif mufassir aceh: Studi komparatif tafsir *tarjuman al mustafid* karya Abdurrauf As singkily dengan tafsir *an-nur* karya muhammad hasbi ash-shiddieqy"<sup>17</sup> also writes about the comparative interpretation of An-nisa verse 34, although this is not the only discussion.

*Fourth*, in this section the researcher will mention previous studies that have discussed the subject of the two figures to be discussed. There is a great deal written about Khaled M. Abou El-Fadl. some of them are Hanik Rosyida who wrote Khaled M. Abou El-Fadl's hermeneutics in the Shariati journal with the title "Kritik interpretasi otoritatif: studi hermeneutika Khaled M. Abou El-Fadl."<sup>18</sup> Another example is Poetri Leahria Pakpahan et al research in the Al Mada Journal: Jurnal Agama Sosiasl dan Budaya. In his article entitled "Women who work according to Khaled M. Abou El-Fadl", they wrote about the concept of working women according to Khaled M. Abou El-Fadl.<sup>19</sup> And the writings of Moh. Muhtador

<sup>13</sup> Mitha Mahdalena Efendi, "Reinterpretasi Kata Qiwamah Dalam Al-Qur'an Surah Al-Nisa': 34 Perspektif Contextual Approach Abdullah Saeed," *Jurnal KACA; Jurusan Ushuluddin STAI AL FITHRAH*, Volume 10, (2020), 196–207 <<https://www.ptonline.com/articles/how-to-get-better-mfi-results>>.

<sup>14</sup> Moh Fauzan Fathollah, "Wadribuhunna Concept in QS . An-Nisa [ 4 ] : 34 ; Comparative Study Wahbah Zuhaili and Muhammad Quraish Shihab," *Jurnal at-tibyan: Ilmu al-Qur'an dan tafsir*, 5.1 (2020), 120–37 <<https://doi.org/10.32505/tibyan.>>.

<sup>15</sup> Ananurjannah, "Konsep Qiwamah dalam Al-Quran (Studi Komparatif Tafsir al-Kasyaf Karya Al-Zamakhsyari dan Quran and Women Karya Amina Wadud)" (UIN Sunan Ampel Surabaya, 2022).

<sup>16</sup> Nurul Ilmah Nafi'ah, "Peranan Perempuan Dalam Rumah Tangga Menurut Al-Qur'an Surat Al-Nisa' Ayat 34 (Studi Komparasi Tafsir al-Sya'rawi karya Muhammad Mutawalli al-Sya'rawi dan Tafsir Ibn Kathir karya Ibn Kathir)," *Tesis* (UIN Sunan Ampel Surabaya, 2018).

<sup>17</sup> Muhammad Amin, "Kepemimpinan Perempuan Dalam Perspektif Mufassir Aceh: Studi Komparatif Tafsir Tarjuman Al-Mustafid Karya Abdurrauf As-Singkily Dengan Tafsir An-Nur Karya Muhammad Hasbi Ash-Shiddieqy" (Institut PTIQ Jakarta, 2021).

<sup>18</sup> Hanik Rosyida, "Kritik Interpretasi Otoritatif: Studi Hermeneutika Khaled M. Abou El-Fadl," *Syariati : Jurnal Studi Al-Qur'an dan Hukum*, 7.1 (2021), 15–32 <<https://doi.org/10.32699/syariati.v7i1.1729>>.

<sup>19</sup> Poetri Leahria Pakpahan, Muhammad Ikhsannudin, dan Muhammad Maulana Nur Kholis, "Women Who Work According to Khaled Aboue El-Fadl," *Al-Mada: Jurnal Agama, Sosial, dan Budaya*, 4.2 (2021), 252–70 <<https://doi.org/10.31538/almada.v4i2.1347>>.

who wrote in the journal Qof<sup>20</sup> about “Pergulatan otoritas dan otoritarianisme dalam penafsiran (pembacaan hermeneutis Khaled M. Abou El-Fadl.”<sup>21</sup>

## DISCUSSION

### **Qiwāmah in a review of language and derivation of its meaning in the Qur'an**

*Qiwāmah* which is *masdar* from word *qawwāmūn* has various meanings. *qawwāmūn* is also the plural form of the word *qoyyūm*. Which has the origin of the word *qā ma* (qa wa ma) which means standing.<sup>22</sup> The other meaning of lafadz *qawamah* is management<sup>23</sup> guardianship, who governs, who manages/manages property<sup>24</sup>.

From the several definitions above, the researcher concludes that *qiwāmah* is the attitude of carrying the burden of managing, governing, coordinating and being responsible for an agency (in Surah al- Nisā' verse 34 it is a family agency). The perpetrator or subject is called *qoyyūm* with plural *qawwām*.

*Qiwāmah* according to the term means maintenance and repair. The Quran uses term *qiwāmah* and its derivation in 220 verses, all of which have been summarized in 38 Makkiah surah's and 25 Madaniyah surah's. There are some conclusions from the results, namely:

- On surah Madaniah, although surah that use lafadz *qiwāmah* the amount more a little, but of in it there is lafadz *qiwāmah* and derivation which is more from surah Mecca. Example This Can us take in Surah al-Baqarah, in which there is lafadz *qiwāmah* as many as 17 say and has the meaning of improvement constancy, maintenance/care and proportionality.
- Pronunciation say *qiwāmah* Which in accordance with the meaning of the term and its application of public more lots used of chapter Green from of Mecca. This show that the law social put basically of Medina.

### **Qiwāmah in the hadith perspective**

Before concluding the condition of leadership in the Salaf era, the researcher will present 3 related hadith's to be analyzed and then conclusions drawn.

#### **Hadith 1**

حَدَّثَنَا عُثْمَانُ بْنُ أَهْتَمٍ حَدَّثَنَا عَوْفٌ عَنِ الْحُسَيْنِ عَنِ أَبِي بَكْرَةَ قَالَ: لَقَدْ نَفَعَنِي اللَّهُ بِكَلِمَةٍ سَمِعْتُهَا مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَيَّامَ الْجَمَلِ بَعْدَ مَا كِدْتُ أَنْ أَلْحَقَ بِأَصْحَابِ الْجَمَلِ فَأُقَاتِلَ مَعَهُمْ قَالَ لَمَّا بَلَغَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّ أَهْلَ فَارِسَ قَدْ مَلَكَوا عَلَيْهِمْ بَنَاتِ كِسْرَى قَالَ لَنْ يُفْلِحَ قَوْمٌ وَلَوْ أَمَرَهُمْ امْرَأَةٌ (البخاري ٤٠٧٣)

**Meaning:** Has told us Uthman bin Haitsam Has told us Auf from Al Hasan from Abu Bakrah he said: Indeed, Allah has benefited me with a sentence that I once heard from Rasulullah, namely during the Jamal war when I

<sup>20</sup> Moh. Muhtador, “Pergulatan Otoritas Dan Otoritarianisme Dalam Penafsiran (Pembacaan Hermeneutis Khaled Abou El Fadl),” *Qof*, 2.1 (2018), 65–75 <<https://doi.org/10.30762/qof.v2i1.500>>.

<sup>21</sup> At least (parts 1 and 2 and 4) the researcher examines more than twenty literature with various discussions with the main object of the letter Annisa verse 34. However, the researcher will not discuss it thoroughly in order to streamline the discussion. As for some other literature, the researcher will include it in the bibliography.

<sup>22</sup> Munjid

<sup>23</sup> Ahmad Zuhdi Muhdlor, Atabik Ali, Kamus Kontemporer Arab-Indonesia (Yogyakarta: Yayasan Ali Maksum Pondok Pesantren Krapyak, 1996) h. 1476

<sup>24</sup> Al ma'ani online Dictionary

almost joined the camel drivers and then I wanted to fight with them. He said: When it came to the shallallahu 'alaihi wa sallam, that the people of Persia had been led by a daughter of the king's daughter Kisra, he said: "A people will not be lucky, if led by a woman." (HR. Bukhori 4073)<sup>25</sup>

## Hadith 2

حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ حَمِيصًا عَنْ حَاتِمٍ قَالَ أَبُو بَكْرٍ حَدَّثَنَا حَاتِمٌ  
بْنُ إِسْمَاعِيلَ الْمَدِينِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ قَالَ وَلَكُمْ عَلَيْهِنَّ أَنْ لَا يُوطِئَنَّ فُرْشَكُمْ أَحَدًا  
تَكَرُّهُنَّ فَإِنْ فَعَلَنَّ ذَلِكَ فَاضْرِبُوهُنَّ ضَرْبًا غَيْرَ مُبْرِحٍ... (مسلم ٢١٣٧)

**Meaning:** "The wife's duty to you is not to let anyone occupy your carpet you don't like. If they do that, hit them with a blow that doesn't leave a mark." (HR Muslim no 2137).<sup>26</sup>

## Hadith 3

حَدَّثَنَا أَبُو الْيَمَانِ أَخْبَرَنَا شُعَيْبٌ حَدَّثَنَا أَبُو الزِّنَادِ عَنِ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ  
رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَا يَجِلُّ لِلْمَرْأَةِ أَنْ تَصُومَ وَرَوْحُهَا شَاهِدٌ إِلَّا بِإِذْنِهِ وَلَا  
تَأْدُنَ فِي بَيْتِهِ إِلَّا بِإِذْنِهِ وَمَا أَنْفَقَتْ مِنْ نَفَقَةٍ عَنْ غَيْرِ أَمْرِهِ فَإِنَّهُ يُؤَدِّي إِلَيْهِ شَطْرَهُ وَرَوَاهُ أَبُو  
الزِّنَادِ أَيْضًا عَنْ مُوسَى عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ فِي الصَّوْمِ (البخاري ٤٧٩٦)

**Meaning:** It was narrated to us by Abul Yaman. It was narrated to us by Shu'aib. It was narrated to us by Abu Zinad on the authority of Al A'raj on the authority of Abu Hurairah radiyallahu 'anhu, that the Rasulullah shallallahu 'alaihi wa sallam said: "It is not permissible for a woman to fast while her husband is at home, except with his permission. And she cannot allow anyone to enter her house except with his permission. And something that she spends without his permission, then half of it must be returned to her husband." (HR. Bukhari 4796)<sup>27</sup> This hadith was also narrated by Az Zinad from Musa from his father from Abu Hurairah in the *ṣaum* chapter.

The above three hadiths are examples of hadiths that are related to the concept of *qiwamah*. The first hadith explains the impact when the reins of kingdom or leadership are carried by women, that is, their kingdom will be unlucky or fail. Salafi scholars agree that the meaning of *imro'ah* in the first hadith applies to women in general, not just *bintu kisra*. The *qoum* in question is also all people led by women, not just their people *bintu kisra*.

Unlike the salaf scholars, contemporary scholars interpret the following hadiths locally and temporally. The hadith is aimed at the Persian empire which at that time was led by the daughter of Syiruyah who inherited the throne and did not look at the ability of the princess.<sup>28</sup> This seems to be closer to the truth according to researchers. because if the truth is the first, then it contains a contradiction with the story of Bilqis queen in the *al-Qur'an*.<sup>29</sup>

<sup>25</sup> Hadis soft

<sup>26</sup> Ibid.

<sup>27</sup> Ibid

<sup>28</sup> Ananurjannah, "Konsep Qiwamah dalam Al-Quran (Studi Komparatif Tafsir al-Kasyaf Karya Al-Zamakhsyari dan Quran and Women Karya Amina Wadud)" (UIN Sunan Ampel Surabaya, 2022).

<sup>29</sup> See surah al- naml ayah 29-33

As for the second hadith, in its meaning it is not much different from the first hadith, which is interpreted textually, so that the meaning of hitting by salaf scholars is interpreted really hitting. In contrast to contemporary scholars who interpret contextually, so many reinterpret and shift meaning<sup>30</sup>

Meanwhile, in the third hadith, the majority of scholars, both salaf and contemporary (not to mention all of them) interpret it directly, namely the need for the husband's permission if he wants to do many things. This is because the position of the husband (man) is the leader and the wife (woman) is his responsibility.

### ***Qiwāmah* according to salaf and contemporary scholars**

The meaning of *qiwāmah* according to salaf scholars and contemporary scholars certainly has differences. From the description of the three hadiths above, the researcher draws the conclusion that the majority of the salaf scholars give a dominant position to men in husband-wife relations. This is of course not solely just the interests of the group or one-sided meaning.

The following are two indicators that the researcher concludes as a form of confirmation that salaf scholars tend to be more dominant over men. First, the previous condition was very thick with patriarchal culture, especially before the advent of Islam. this causes the meaning of *qiwāmah* to become more dominant towards men. In the initial phase (the arrival of Islam) the position of women was shifting from a very low stage to a more noble position. Second, the position and condition of the salaf scholars when giving a work of interpretation, fatwa or opinion which shows that the existing culture is men in the public sphere and women in the domestic sphere.

Ana Nurjannah in her thesis mentions three examples of salaf scholars (Ibnu Katsir, At-thabari and Fakhruddin ar razi) who state that lafadz *qiwāmah* does show the privileges and primacy of men over women in several aspects. Ibnu Katsir, for example, mentions the advantages of men in the form of maintenance and dowry, apart from that men also have advantages in terms of their souls so that prophethood is reserved for men, as well as positions as kings or presidents, judiciary and so on.<sup>31</sup>

This opinion is of course different from contemporary scholars of different times and social conditions. Anna also wrote of three contemporary scholars, First, Mustafa al Maraghi. In this case al Maraghi agreed with Ibnu Katsir's opinion, but with an exception, that is as long as men do business, responsibilities and protect women. Second, Mutawalli al-Sha'rawi. Sha'rawi who thinks that the meaning of *qiwāmah* does not mean that the position of men is higher than that of women, but that both have a different division of tasks. As for what causes men to say *qawwāmūn* towards women because of their leadership not because of their gender. Third, Quraish shihab in tafsir al-misbah, Shihab explains that what is included in the scope of *qiwāmah* is fulfilling needs, fostering, defending, and giving attention. And apart from that, the duty of men is to provide for women.<sup>32</sup>

From the several opinions of the scholars presented, at least two conclusions can be drawn, namely; First, All the scholars described by the researchers agree that *qiwāmah* in Surah al- Nisā' verse 34 is the leadership of men over women. Second, Salaf scholars provide opinions that tend to be in accordance with socio-cultural conditions where the position of women is under the power of men or at least the role of men is still far more dominant than women, this is different from contemporary scholars who carry out interpretations in socio-

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<sup>30</sup> Makmur Jaya, "Penafsiran Surat Al- Nisā'" Ayat 34 Tentang Kepimpinan Dalam Al-Quran," *At-Tanzir: Jurnal Ilmiah Prodi Komunikasi Penyiaran Islam*, 2021, 242–68 <<https://doi.org/10.47498/tanzir.v11i2.407>>.

<sup>31</sup> Ananurjannah.

<sup>32</sup> *Ibid.*

cultural conditions which provide more public space for women so the interpretation seems egalitarian and does not exalt men more than women.

### **Short biographies of Kecia Ali and Khaled M. Abou El-Fadl**

#### **a. Kecia Ali**

Kecia Ali, one of the Islamic scholars from the West who was born in 1972 in America and is a female professor at Boston University, America. Kecia Ali completed her bachelor's degree at Stanford by studying feminism. Temporary That, Kecia Ali solving title Magister at Duke University until it obtain title Master and PhDs. Then in 2006, Kecia Ali became a teacher at Boston University. Kecia Ali obtained the title of professor at the same campus.

In Boston, Kecia Ali teaches religious studies, especially Islam. Among the subjects he taught were; al-Qur'an, Women and Gender in Islamic Law, Islamophobia, and Anti-Semitism. In 2014, Kecia was join with *The American Academy of Religion* and become President of *The Society of Muslim Ethics*. Four year then, it form *Believers Bail Out*. Believers Bail Out this is movement Which help people Islam who was detained before the trial.

Kecia Ali a lot write about tradition Islam, like law Islam, biography prophetic, and intersection modern discourse Muslim and West about gender and sexuality. Through site personal, Kecia confess currently do book *Women in Muslim Traditions*, to which the book is intended for student and reader general, book *Women in Muslim Traditions* This load research about politics gender in Education Islam.

Kecia Ali's thoughts on the issue of gender and sexuality in Islam, is an issue that is always interesting to study. In the Islamic world, recently, say "scholars" or "figure religion" become identical with man. If juxtaposed with Woman, impressed to be that thing tabu. Because here it is Which become Wrong One factor appearance culture patriarchy and interpretation religion Which patriarchy. At a minimum role Woman in follow as well as interpret teachings religion, make religion be a little No friendly with women.<sup>33</sup>

#### **b. Khaled M. Abou El-Fadhl**

Khaled Fadhl has a name complete Khaled Medhat Abou El-Fadel. Khaled born of Kuwait, on 1 January 1963, ff a country ff East Middle. his father, named Medhat Abou El-Fadel, is a person lawyer Egypt Which involved in work social. From Kuwait, is help establish House pain soul Which sponsored by President Gamal Abdel Naseer as part from his arabism. of course, the action in fight for democracy and freedom of his country raises conflict with ruler Egypt Which Still mastered Nasserism. It Then deported the Kuwait. From very much it meet with a person women named Languages Al-Nimr, which then Marry and own three people child. Wrong only one is Khaled.

Like public Arab on generally, Khaled since little has been trained in sciences islam, al-Qur'an, hadith, Language Arab, Tafsir and Sufism, which where has it been wrestle since school base. Khaled small also known as child Which intelligent, his age Which Still belong young (12 years old), Khaled already memorized the al-Qur'an. Apart from actively participating in Al-Qur'an and

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<sup>33</sup> Yusuf R Yanuri, "Kecia Ali, Pengkaji isu gender islam dari amerika," 2022 <<https://ibtimes.id/tag/kecia-ali/>>.

Sharia classes, during his childhood Khaled also spent his time reading his parents' book collections.<sup>34</sup>

For his own education, Khaled Abou El-Fadel Study religion of young age time of down guidance a person religious teacher. Khaled grew up of atmosphere world Arab on year 1960s, when Nasserism start fail and countries Arab lost war against Israel on year 1967. his father Then decide for delegate Khaled to the board education Islam traditional Which Not yet touched Islamism. Khaled study the Sciences Islamic like; *Naḥwu*, *ṣorof*, *Usul Fiqh*, *Fiqh*, Knowledge interpretation to science Hadith. Khalid Also hope it can continue his studies Of University Islam Al-Azhar Kairo, Egypt. But the problem is family Abu El-Fadel is the exiled family No can accepted Of Egypt. However, according to suggestion his relative, Khaled Finally continue his studies the Yale University, Of America Union studying law.

After spend as long four year while studying, Khaled specified pass Bachelor studies with get the title *Cumlaude*. After finished college at Yale University on year 1986, Khaled decide for return the Egypt and Study Of Al Azhar. After That Khaled continued his Masters in law studies at University of Pennsylvania completed in 1989. Then Khaled accepted to serve in High court (Supreme Court Justice) in the Arizone region, where he is a lawyer in commercial law and immigration law. Then he continued his doctoral studies at the University of Princeton with a focus on Islamic studies.<sup>35</sup>

On year 1999, Khaled reach title The Ph.D Then it entrusted for served as teacher big (Professor) law Islam School of Law University of California Of The Angeles (UCLA). There Khaled appointed to be teacher law Islam and teach a number of women studying. Besides in in UCLA, Abou El Fadl Also teach law Islam Of University Yale.

### ***Qiwāmah* Interpretation according Kecia Ali**

Before discussing the interpretation of *qiwāmah* according to Kecia Ali, the researcher would like to briefly describe Kecial Ali's paradigm of thought. Kecia considers the relationship between men and women to have a big role in family harmony. So that the understanding of the study of al-Qur'an must be understood in three ways, First, textual understanding. Second, contextualized understanding and, third, understanding that is done textually and contextually.

Fahrian Noor in his thesis concludes the three paradigms used by Kecia Ali in understanding matters related to sexuality in the al-Qur'an. The three are: 1) Sexuality is a basic need for both men and women to achieve happiness in life. 2) Sexuality is social engineering based on sex organs. 3) Consent and mutuality must be the foundation in the relationship between husband and wife.<sup>36</sup>

It is common knowledge that in religious studies (particularly the Qur'an and interpretation) the scholars do this through a language approach. This is because language is stable and there are no changes and shifts in literal meaning except a little. In this case, Kecia applies hermeneutics in studying the meaning of *qiwāmah*. Some of the concepts carried out are historical contextualization, intratextual reading and syntagmatic analysis.

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<sup>34</sup> Moh. Muhtador, "Pergulatan Otoritas Dan Otoritarianisme Dalam Penafsiran (Pembacaan Hermeneutis Khaled Abou El Fadl)," *Qof*, 2.1 (2018), 65–75 <<https://doi.org/10.30762/qof.v2i1.500>>.

<sup>35</sup> Hanik Rosyida, "Kritik Interpretasi Otoritatif: Studi Hermeneutika Khaled M. Abou El-Fadl," *Syariat: Jurnal Studi Al-Qur'an dan Hukum*, 7.1 (2021), 15–32 <<https://doi.org/10.32699/syariat.v7i1.1729>>.

<sup>36</sup> M. Fahrian Noor, "Seksualitas Dalam Al-Qur'an Menurut Kecia Ali (Studi Penafsiran Qiwamah Dalam Buku Sexual Ethics & Islam)," 2022 (Uin Sunan Kalijaga, 2022).

First, historical contextualization is the process of interpreting a verse or hadith by emphasizing the socio-cultural condition of the interpreter. Reading like this is done so that the “*islām ṣāliḥ likuli makān wa zamān*” really real. So that al-Qur’an which was revealed at the time of the Prophet can still be used as a guide for Muslims now and in the future. Usually, the products of study that originate from the process of contextualization of history experience rapid development dynamics because they continue to move with the development of the era of exegetes.

Second, intratextual reading which is done to interpret lafadz *qawwāmun*, Fahrian also did a meaning on lafad *rijāl* and *nisā’*. This is done to get the meaning of *qowwām* comprehensively. Lafadz *rijāl* in al-Qur’an are usually juxtaposed with its properties, including the surah al-Ahzab verse 23 which juxtaposes the word *rijāl* with lafadz *ṣodaqū mā ‘āhadullah* (honest and committed to promises), surah an nur verse 37 which juxtaposes it with lafadz *lā tulhīhim* (not tempted by something negligent), surah gāfir verse 28 which explains *rijāl* as a person who firmly defends principles, surah al qaṣaṣ verse 20 which gives meaning *rijāl* as a person who has sharp reasoning and good words. Surah al-taubah verse 108 which juxtaposes lafadz *rijāl* with lafadz *yuhībbūn an yataṭohharūn* (clean physically and spiritually). And the last is lafadz *rijāl* in the surah al-ahzab verse 4 which has an implicit meaning as a firm personality.

While lafadz *nisā’* is having the meaning of a woman which in the Qur'an is defined as a male partner, some examples are as found in Surah Al Baqarah verses 222-223. From the explanation above it can be concluded that the *qiwāmah* in question is leadership in husband and wife (family) relations.

Third, syntagmatic analysis is a method that interprets text through surface structure and the relationship between its parts. Kecia Ali interprets Surah al- Nisā’ verse 34 not as an argument for the position of men being higher than women. According to Kecia, there is no reason to exaggerate men (in general), this is due to the use of the pronoun “*hum*” in the verse which shows the verse refers to some men who are privileged over other men. According to Kecia, men cannot be said to be *qawwām* in the household as long as both parties have roles and contributions in household finances in a modern context.<sup>37</sup>

### **Position, contribution and implications of Kecia Ali's interpretation**

In this study, Kecia ali can be positioned as a character who helped enliven the interpretation of Surah al- Nisā’ verse 34. This verse has indeed been discussed frequently, especially in relation to gender studies. Like other figures, Kecia tries to present methods of approach in re-reading the meaning of *qiwāmah*. This can then be interpreted as one of Kecia's contributions in the insights of Islamic studies.

In addition, Kecia also has other positive impacts, Kecia is considered to open up wider space for interpreting the surah al- Nisā’ verse 34 or other studies related to gender. This is because Kecia presents new methods that are still very likely to be developed. Kecia also provides the concept of agreement and mutuality in husband-wife relationships. Although this concept is assessed *western*, but does not eliminate the socio-religious values prevailing in society.<sup>38</sup>

### **Hermeneutic Khaled M. Abou El-Fadl**

Before discussing *qiwāmah* according to the perspective of Khaled M. Abou El-Fadl. The researcher will briefly explain the concepts and methods offered by Khaled. This is because Khaled has a theoretical approach that is widely studied by academics. The theory in question is an authoritative hermenetic approach.

<sup>37</sup> M. Fahrian Noor.

<sup>38</sup> Kecia Ali, *Sexual Ethics & Islam: Feminist Reflection on Qur’an, Hadith and Jurisprudence* (Oxford: One Wolrd Oxford, 2006).

Initially, the approach offered by Khaled was actually used to criticize Islamic fatwas in the Middle East because they were considered authoritarian. It is from here that Khaled's hermeneutics is used as a tool to analyze meaning in a more authoritative, productive, comprehensive and non-subjective way (or at least reduces the degree of subjectivity of the researcher).<sup>39</sup> The way that Khaled does in realizing "authoritative" hermeneutics is by way of a negotiation process, namely by maintaining a balance of roles between the author, the text and the interpreter in determining the meaning of a text.<sup>40</sup>

The three elements above (author, text and *mufassir*)<sup>41</sup> are known as triadic elements, which means that all three are connected to each other. as for what is meant by the author is Allah, the text is the Qur'an or hadith, and the interpreters are the *mufassir*. In order to get good results from an authoritative hermeneutic approach, the interpreter must try to understand what the author means in a text. The *mufassir* must also have a sharp and deep analysis to find the meaning of the text and the symbols used so that there is no confusion in understanding the text.

In the approach offered, Khaled also provides five moral principles<sup>42</sup> so that an authoritarian attitude towards text does not occur. These principles are; First, Honesty. The attitude that the interpreter needs to have by not saying what he doesn't know. Also the attitude of not pretending to know and being honest about the extent of the interpreter's ability and knowledge. Second, Seriousness. That is the attitude of trying hard to find a truth of meaning without putting aside caution so that the product of interpretation that is issued does not mislead and harm others. Third, Comprehensive. That is thorough. The interpreter must investigate the text and other sources thoroughly to find out the will of God written in a text. Fourth, Rationality. Namely interpreting the text rationally and responsibly. Fifth, Self-control. Namely interpreting with humility in explaining the intention of the author of the text (God).

### ***Qiwāmah* Interpretation according Khaled M. Abou El-Fadl**

In carrying out the meaning of *qiwāmah*, the *mufassir* should look at the appropriate meaning through cross verses. If *qiwāmah* is interpreted by looking at cross-verses (Surah al- Nisā' verse 135 and al Māidah verse 8) then the meaning of *qiwāmah* will be closer to justice and not oppression, namely the relationship between husband and wife must be complementary and interdependent.<sup>43</sup>

Khaled gives the interpretation *qiwāmah* with different interpretations. Previously, as mentioned above. Etymologically, lafadz *qawwām* has many meanings such as stewardship, guardianship, governing, protector, caretaker, watchman or even servant. For Khaled, the existence of many meanings has an impact on the lack of clarity in the meaning of lafadz *qawwām*. According to him, the concept of guardianship that governs, protects, maintains,

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<sup>39</sup> Khaled M. Abou El Fadl, *Atas nama Tuhan : dari fikih otoriter ke fikih otoritatif terj. Speaking in God's name : Islamic law, authority and women*, ed. oleh Cecep Lukman Yasir, 1 ed. (Jakarta: Serambi, 2004); Ansori Ansori, "the Hermeneutics of Khaled M. Abou El-Fadl and Its Relevance With Religious Moderation in Indonesia," *Khazanah: Jurnal Studi Islam dan Humaniora*, 20.2 (2023), 263 <<https://doi.org/10.18592/khazanah.v20i2.7462>>.

<sup>40</sup> Arif Sugitanata, "Jurnal Keislaman," *Pembaharuan Konsep Kafa'Ah Dalam Perkawinan*, 4.2 (2017), 9–15.

<sup>41</sup> Sugitanata.

<sup>42</sup> Muslim Zainuddin, "Membaca Tafsir Hermeneutika Otoritas Khaled Abou El Fadl," *Dusturiyah: Jurnal Hukum Islam, Perundang-undangan dan Pranata Sosial*, 9.1 (2019), 20–37 <<https://doi.org/10.22373/dusturiyah.v9i1.4754>>.

<sup>43</sup> Ihab Habuddin, "Konstruksi Gagasan Feminisme Islam Khaled M. Abou El-Fadl: Relevansinya dengan Posisi Perempuan dalam Keluarga," *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 5.2 (2016), 1–30 <<http://ejournal.uin-suka.ac.id/syariah/Ahwal/article/view/05201>>.

guards or even servants is uneven and can be seen based on a person's individual abilities. So, meaning *qawwām* will be interpreted according to different individuals<sup>44</sup>

In order not to seem authoritative, Khaled negotiated the value of justice between men and women. This is done because Khaled's reading is contextual, not textual. The verse is not interpreted as an absolute and interdependent relationship between men and women, but is interpreted explicitly, namely that men and women are positioned according to the actions and efforts made so that it does not rule out the possibility that women can become *qawwām* for men.

Not much different from Kecia Ali's opinion, according to Khaled, men are made leaders in the household because they have an obligation to earn a living. For a husband, earning a living is an obligation which, if abandoned, is a sin. This is different from women (wives) who are not required to earn a living, but helping their husbands in earning a living is a legal thing as long as they are able to share their time with their obligations. So that husband-wife relations that should be harmonious are not distracted by the condition of women who go to work.

On the other hand, Khaled also believes that male leadership in family institutions is based on deliberation, not arbitrary or husband's authority. Determination of leadership is also the last alternative when there is a dispute regarding the alternative choices to be decided. So, the role of men in the household is to give consideration, support and protect. Not mastering or dominating which seems to force.

## CONCLUSION

From what was explained by the researcher, it can be concluded that the interpretation of the verses of al-Qur'an will always experience developments with the times. This is based on the development of social conditions that can affect the concept and style of thinking of the interpreter. With the development of productive tafsir in line with social development, there will be more tafsir treasury so that the use of interpretation which is claimed to be irrelevant to the times can be avoided.

In studying the verses of the al-Qur'an, Kecia Ali offers a concept in three ways, First, textual understanding. Second, contextualized understanding and, third, understanding that is done textually and contextually. In interpreting Surah Al-Nisā' verse 34, Kecia Ali is of the opinion that men cannot be said to be *qawwām* in the household as long as both parties have roles and contributions in household finances in a modern context.

Meanwhile, Khaled M. Abou El-Fadl, through his approach to authoritative hermeneutics, argues that it is not much different from Kecia Ali. According to Khaled, the verse is not interpreted as an absolute and interdependent relationship between men and women, but is interpreted explicitly, namely that men and women are positioned according to the actions and efforts that are made so that it does not rule out the possibility that women can become *qawwām* for men.

Based on the researchers' observations, it can be concluded that the comparative results between the two figures above are that Kecia Ali believes that the positions of men and women have the same role, so that men can lead women and vice versa, while Khaled M. Abou El-Fadl argues that *qawwām* or leadership is essentially found in men, although it does not rule out the possibility that women can also lead in certain circumstances. As for the similarities, the two figures above agree that leadership for men is not something absolute. This is what distinguishes the interpretation of these two scholars and contemporary figures from the salaf figures that the researcher has previously mentioned.

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<sup>44</sup> Ririn Hernawati, "Makna Qiwamah Dalam Al-Quran ( Perspektif Khaled M. Abou El-Fadl ) Skripsi" (Uin Raden Intan Lampung, 2019).

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