

Leadership (Qawâmah) in Islamic Family a Comparative Study Between Mahmud Syaltut and Muhammad Syahrur Though

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Abstract:

Understanding the concept of Qawâmah in the family is controversial among Islamic scholars, including *mutaqaddimîn* and contemporary scholars. The thoughts of contemporary scholars are influenced by the issue of gender justice. As contemporary scholars, Mahmud Syaltut and Muhammad Syahrur have different concepts. This research's objectives are: to explain the thought of Mahmud Syaltut and Muhammad Syahrur about qawâmah in the family; to identify the similarities and differences between Mahmud Syaltut and Muhammad Syahrur's thoughts about qawâmah in the family. The type of this research is library research and using a comparative approach. This study found that Mahmud Syaltut understands qawâmah as a men's nature as a leader for his wife because of their physical strengths and abilities. Syahrur understands qawâmah as the position of leader that can be owned by male or female as long as they have the characteristics of qawwâm which are not only from physical factors. Syaltut and Syahrur have thoughts that elevate the status of women so that they have an idea of equality between men and women. Mahmud Syaltut seemed not to leave the classical thinking pattern about qawâmah truly. Syaltut's qawâmah concept is different from Muhammad Syahrur's thought which is different from classical thinking.

Keywords: qawamah; gender justice; family studies.

Introduction

The concept of *qawâmah* between husband and wife is controversial among Islamic scholars, including *mutaqaddimîn* and contemporary scholars. In general, the thoughts of contemporary scholars are influenced by gender issues. Even so, it does not mean that modern Islamic legal scholars have the same concept. Mahmud Syaltut and Muhammad Syahrur have different concepts in interpreting *qawâmah* in the family. The concept of leadership in the family in general always refers to Surat Al-Nisa' verse 34 "*al-rijâlu qawwâmûna' alâ al-nisâ'*". When referring to the classical scholars' understanding of the verse, such as Ibn Kathir, he interprets this verse that men are the protector and maintainers of women. The man is responsible for the woman, and he is her maintainer, caretaker, and leader who disciplines her if she

deviates. It is because men excel over women and are better than them for certain tasks.¹ The thoughts of other classical scholars are not much different. According to Imam Al-Thabari, the leadership of men over women is due to the excel that Allah has given to men over women in giving dowries, fulfilling livelihoods, and the obligations provided by men (husbands) to women (wives). Al-Thabari explained that the excellence of men is in terms of strength of his mind and physical strength, so that prophecy is also a right for men.² Meanwhile, from the perspective of contemporary scholars, for example, in the view of Asghar Ali Engineer, the superiority of men over women is not the excellence based on sex, but rather a functional advantage, because men (husbands) earn a living and spend their wealth on women (wives). The social function carried out by men is the same as the social function carried out by women, namely carrying out domestic tasks in the household.³ Likewise, other contemporary thinkers, such as Amina Wadud, view that man is *qawwâm* only if he meets the requirements of *qawwâm*, that is, if he can prove his strengths and use his wealth to support women.⁴

The problem that often arises is the men's position as the leader in a family, usually defined as the superiority of men over women, and the husband is described as a person in power and even has a higher dignity than the wife. Such views ultimately lead to injustice towards women's rights, marginalized women, subordination, and violence against women.⁵ The understanding of men as leaders is often based on the verses of the Qur'an Surah Al-Nisâ' verse 34: "*Men are leaders for women because Allah has exaggerated some of them (men) over others (women) and because they (men) have spent part of their wealth.*"⁶ Regarding Surah Al-Nisâ' verse 34, Mahmud Syaltut and Muhammad Syahrur, in their thoughts, tried to explain how the concept of *qawâmah* in that verse, of course, with different thoughts and concept between Mahmud Syaltut and Muhammad Syahrur.

This article based on a library research, by tracing, searching, and examining materials in the form of books, including books of Mahmud Syaltut and Muhammad Syahrur as primary data, then other books, journals, and other sources as secondary and tertiary data. The research approach uses a comparative approach, namely by examining and comparing the thought about *qawâmah* in the family between Mahmud Syaltut and Muhammad Syahrur, and then identifying the similarities and differences. The data collection begins with determining the data, inventorying of data, and reviewing the data. Data analysis includes editing, classifying, verifying, analyzing, and concluding.

Mahmud Syaltut's Thought About *Qawâmah* in Family

¹ Abu Al-Fida Isma'il Ibnu Katsir Al-Dimasyqi, *Tafsîr Ibnu Katsîr* (Beirut: Dâr Al-Kutub Al-'Ilmiyyah, 1998), 256.

² Khoirul Anam, "Perempuan Perspektif Tafsir Klasik Dan Kontemporer," *Journal de Jure* 2, no. 2 (2010): 22, <https://doi.org/10.18860/j-fsh.v2i2.2974>.

³ Ishaq Zamroni, "Diskursus Kepemimpinan Suami Isteri Dalam Keluarga: Pandangan Mufasir Klasik Dan Kontemporer," *Ummul Qura* 4, no. 2 (2014): 28, <http://ejournal.kopertais4.or.id/index.php/qura/-issue/view/531>.

⁴ Cahya Edi Setyawan, "Pemikiran Kesetaraan Gender Dan Feminisme Amina Wadud Tentang Eksistensi Wanita Dalam Kajian Hukum Keluarga," *Zawiyah: Jurnal Pemikiran Islam* 3, no. 1 (2012): 84, <https://doi.org/10.31332/zjpi.v3i1.710>.

⁵ Faqihuddin Abdul Kodir, *Qirâ'ah Mubâdalah: Tafsir Progresif Untuk Keadilan Gender Dalam Islam* (Yogyakarta: IRCiSoD, 2019), 29.

⁶ Translator Team, *Al-Qur'an Dan Terjemahnya* (Jakarta: Almahira, 2016), 84.

Mahmud Syaltut was an Islamic scholar and thinker who have an international reputation. He was born in Maniyah, Bani Mansur, Itai al-Beirud District, Bukhairah Residency, Egypt, on 23 April 1893 and died on 19 December 1963. When he was a teenager (13 years old), in 1906, he entered a religious education institution, al-Ma'had al-Dini, in Alexandria. He was known as an intelligent student and succeeded in obtaining al-Syahâdah al-Âlimiyyahal-Nizâmiyyah (at the level of Master of Arts) from al-Azhar University (1918), and he was noted as the best graduate. His scientific activities began as a teacher at al-Ma'had ad-Dini al-Iskandari in 1919, a year after he obtained al-syahâdah al-Âlimiyyah. Apart from teaching at al-Iskandari and elsewhere, he also carried out publishing, preaching, and writing activities. His writings are mainly about sharia, Arabic, Tafseer, Hadith, and other Islamic religious sciences. It was at that time that he expressed his various opinions and thoughts about improving al-Azhar University.⁷

Mahmud Syaltut was appointed as *al-Shaykh al-Azhar* in 1958, and Syaltut announced his vision for reform. Mahmud Syaltut tried to prove that sharia law is not an obstacle to modern society but rather a guide in the changes brought by modern society. Mahmud Syaltut made a serious effort to portray Islam to the world as a religion of unity, flexibility, and moderation. He strongly condemned sectarianism and promoted tolerance among the Muslim population. Moreover, Mahmud Syaltut is not worried about accepting socialism, and he was very proud of his Egyptian citizenship, and at the same time, he supported Arabism.⁸ So far, the Muslims in Egypt and the Muslim world believed that Ijtihad in Islamic law has ended with the existence of *madzâhib* that have become role models for Muslims in the lives. They must submit and follow one of the existing madhabs. According to Mahmud Syaltut, this is a big mistake that must be corrected immediately to correct misunderstanding and revive the broad and flexible thinking of Islamic law.⁹

The Syaltut period was the era of women's discourse in Egypt and the Islamic world in general. Issues of gender equality and women's emancipation have risen to the surface and become part of the social government transformation plan, in line with the domination of modern Western cultural currents in the Muslim world. Syaltut believed in the universality of Islamic teachings as a way of life, so he is very diligent in referring to the Qur'an and Hadith in addressing contemporary issues, including women's discourse.¹⁰ Mahmud Syaltut always conditionalized the ongoing developments in finding a law and took opinions considered relevant value to the existing problem.¹¹ In his book entitled *Al-Islâm Aqîdah wa Syarî'ah*, Mahmud Syaltut divided the sources of taking Islamic law into three sources, namely the Qur'an, Sunnah, and *Ra'y wa Nadzor*.¹²

⁷ Islamic Encyclopedia Editorial Council, "Mahmud Syaltut," in *Ensiklopedi Islam* (Jakarta: PT Ichtiar Baru Van Hoeven, 1977), 342-343.

⁸ Ahmad Dzulfikar, "Konsep Sabilillah Dalam Pandangan Syekh Mahmud Syaltut Dan Implementasinya Dalam Hukum Islam Kotemporer," *Journal of Islamic Civilization* 2, no. 1 (2020): 44, <https://doi.org/10.33086/jic.v2i1.1428>.

⁹ Ahmad Badwi, "Kontribusi Syaltut Dalam Reformasi Hukum Islam," *Jurnal Hukum Diktum* 11, no. 1 (2013): 67, <https://doi.org/10.35905/diktum.v11i1.94>.

¹⁰ Mahmud Arif, "Ambivilensi Pemikiran Mahmud Syaltut Tentang Fikih Perempuan," *Al-Manahij* 5, no. 2 (2011): 208, <https://doi.org/10.24090/mnh.v5i2.613>.

¹¹ Badwi, "Kontribusi Syaltut," 67.

¹² Mahmud Syaltut, *Al-Islâm 'Aqîdah wa Syarî'ah* (Cairo: Dâr al-Syurûq, 2001), 477.

Various thought on the concept of *qawâmah* in the family generally are always based on the interpretation of Surat Al-Nisa' verse 34:

“Men are in charge of women by (right of) what Allah has given one over the other and what they spend (for maintenance) from their wealth. So righteous women are devoutly obedient, guarding in (the husband’s) absence what Allah would have them guard. But those (wives) from whom you fear arrogance - (first) advise them; (then if they persist), forsake them in bed; and (finally), strike them. But if they obey you (once more), seek no means against them. Indeed, Allah is ever Exalted and Grand”.¹³

The definition of *qawâmah* based on this verse, according to Mahmud Syaltut, is meaning “leader”. So that in the context of this verse, “*qawwâmûna*” means man (husband) is the leader for his wife and family, so that he is responsible for leading, protecting, and fulfilling the needs of his wife and her children.¹⁴ This position is the degree of men to guide, nurture, guard and protect, as a natural strength (*thabi’iy*) that characterizes men and distinguishes men from women. With this ability, he is obliged to work on getting wealth or property, which becomes a source of income to fulfill his wife and family’s rights.¹⁵ This husband’s position is not a position that enslaves and humiliates women, because, between husband and wife, both of them must be good and fair to each other in fulfilling each other’s rights and obligations, as in Surah Al-Baqarah verse 228:

“Wives have (rights) similar to their (obligations), according to what is recognized to be fair, and husband have a degree (of right) over them”.¹⁶

Based on Surat Al-Nisa' verse 34 above, there are two things that men carry: (1) With the physical strength that has been bestowed on men, men are burdened to do all kinds of heavy and difficult work; (2) Men assume the obligation to ensure household needs, including food, clothing and anything that brings happiness to children and families.¹⁷ One of the things that must exist in domestic life is *ihsan* (good behavior), where good behavior arises from both husband and wife reciprocally. Islam has established a reciprocal relationship in the good behavior of husband and wife, and this is the influence of the universal principle that Islam has recognized regarding the freedom of every man and woman in all their responsibilities. Therefore, family responsibility is borne not only on the husband or just on the wife. Each husband and wife have rights and responsibilities as well as freedom. The relationship between responsibility and freedom between husband and wife is the equality of both before Allah in obtaining reward and good deeds and obedience, as well as receiving torture for evil deeds.¹⁸ As Allah says in Surah Al-Nisâ' verse 124:

¹³ Translator, *Al-Qur'an*, 84.

¹⁴ Syaltut, *Al-Islâm*, 157.

¹⁵ Mahmud Syaltut, *Tafsîr Al-Qur'ân Al-Karîm: Al-Ajzâ' Al-'Asyrah Al-Ûlâ* (Cairo: Dâr Al-Syurûq, 2004), 141.

¹⁶ Translator, *Al-Qur'an*, 36.

¹⁷ Syaltut, *Al-Islâm*, 157.

¹⁸ *Ibid*, 160-161.

“And whoever does righteous deeds, whether male or female, while being a believer, those will enter Paradise and will not be wronged, (even as much as) the speck on a date seed”.¹⁹

Husbands who lead the family and behave arbitrarily, rule freely without limits, force, and leave their wives without the slightest concern, are husbands who contradict the Islamic concept in the life of husband and wife.²⁰ Mahmud Syaltut based his thought on equality between husband and wife by quoting Surah Âli Imrân verse 195:

“And their Lord responded to them, “Never will I allow to be lost the work of (any) worker among you, whether male or female; you are of one another”.²¹

The Word *“ba’dlukum min ba’dlin”* is a statement that Allah has elevated the position of women and made them equal to men. The Qur’an has also limited the arbitrariness of men over women. The equality between husband and wife is more clearly expressed in Surah Al-Nisa’ verse 32, where both the husband or wife gets a share or the reward for their effort.²² Naturally, the character between men and women is almost the same. Allah has bestowed sufficient potential and ability for women to assume responsibility, as Allah also bestowed on men and made both men and women able to carry out general and specific activities. So that the sharia also places both of them in one framework.²³ One of the results of human equality between men and women is the opportunity for women to study and work. So, at this time, we can see many women who become doctors, literary experts, devout Sufism experts, and various other fields of work that men also do.²⁴

Women as wives and mothers of children have an urgent and fundamental right in their household life, namely the right to obtain a welfare guarantee, which in fiqh terminology is known as *nafaqah*. This is related to the role of women or wives as reproductive actors (pregnant, giving birth, breastfeeding/caring for children), which cannot be transferred to men as husbands. Also, there are still household duties (managing the household, serving the husband) that are the wife’s responsibility. The wife’s right to get a living and welfare guarantee from the husband, besides normatively stated in the text (Qur’an and Hadith), also because the wife has a prominent role and responsibility in reproduction and household management. Thus it is unfair if women as wives are also burdened with living financing problems (for the needs of food, house, clothing, health, and so on), so it is proper for husbands to be burdened with this responsibility.²⁵ According to the Quraish Shihab, equality, togetherness, and partnership between husband and wife are shown in Surah Ali Imran verse 195, in the sentence *“ba’dlukum min ba’dl”*, where this verse also shows that men or husbands, without a partner, are imperfect (because he is only partially), until they unite and cooperate with their partners

¹⁹ Translator, *Al-Qur’an*, 19.

²⁰ Syaltut, *Al-Islâm*, 159.

²¹ Ibid, 76.

²² Ibid, 224.

²³ Mahmud Syaltut, *Min Taujihât Al-Islâm* (Cairo: Dâr al-Syurûq, 2004), 167.

²⁴ Syaltut, *Al-Islâm*, 234.

²⁵ Rustam Dahar Kamadi Apollo Harahap, “Kesetaraan Laki-Laki Dan Perempuan Dalam Hukum Perkawinan Islam,” *Sawwa*, no. 2 (2013): 366-367. <https://doi.org/10.21580-/sa.v8i2.662>.

(women) to become perfect. Also, women are imperfect until they unite and cooperate with their partners to become perfect.²⁶

Muhammad Syahrur's Thought About *Qawâmah* in Family

Muhammad Syahrur was born in 1938 in Sahiliyah, Damascus, and Muhammad Syahrur was the fifth child of a Sunni dye. her parents sent her to primary and secondary schools in al-Midan, on the outskirts of the southern city of Damascus, which is outside the walls of the old city.²⁷ Shahrur's childhood was spent in a liberal atmosphere, where his father taught him that practical and moral implications are the measurement of goodness in a religion, not spiritual efficacy. Syahrur obtained his *Tsanâwiyyah* diploma from the Abdurrahman al-Kawâkib school in 1957. These times coincided with the politically unstable situation in the Syrian Arab Republic after gaining independence in 1947. Directly and indirectly, Syahrur was affected by the political turmoil between 1946 and 1956.²⁸

On a scholarship from the Damascus government, he went to the USSR to study Civil Engineering (*Handasah Madâniyyah*) in Moscow. In this country, Syahrur became acquainted with and admired the thought of Marxism, even though he did not admit to being a follower of this ideology. He also admitted a great debt of gratitude to the figure of Hegel-especially his dialectic-and Alfred North Whitehead. He achieved a diploma in these studies in 1964.²⁹ Syahrur returned to Syria in 1964, and he worked as a lecturer of the Faculty of Engineering at the University of Damascus. Then, Syahrur decided to go to Dublin, Ireland, as a delegate from the University of Damascus to attend the Masters and Doctoral program at Ireland National University in the study of Foundation Engineering and Soil Mechanics. He received his doctorate in 1972 after his Master of Science degree in 1969. Syahrur actively teaches at the Faculty of Civil Engineering, Damascus University, in Soil Mechanics and Geology, and he has become an Engineering consultant. In 1982-1983, Syahrur was turned back by the university to become an expert at as-Sa'ud Consult in Saudi Arabia. Besides, he opened an Engineering Consultancy (*Dâr al-Istisyârât al-Handasah*) in Damascus with some of his friends in the faculty. In 1995, Syahrur was also an honorary participant in public debates about Islam in Lebanon and Morocco.³⁰

It seems that Syahrur's attention to the engineering sector did not prevent him from exploring other disciplines such as philosophy, especially after he met with Dr. Ja'far Dakk Al-Bâb, a study partner in Syria at the University of Damascus. This meeting was very meaningful for his thought which was later embodied in a monumental and "controversial" work, namely *Al-Kitâb wa al-Qur'ân: Qirâ'ah Mu'âshirah*, 1990.³¹

²⁶ M. Quraish Shihab, *Perempuan* (Tangerang: Lentera Hati, 2018), 165.

²⁷ Andreas Christmann, "The Form Is Permanent, but The Content Moves: The Qur'anic Text and Its Interpretation(s) in Mohamad Shahrour's '*Al-Kitâb wa Al-Qur'ân*,'" *Welt Des Islams* 43, no. 2 (2003): 145, <https://doi.org/10.1163/157006003766956694>.

²⁸ Muhammad Shahrur, *The Qur'an, Morality & Critical Reason: The Essential Muhammad Syahrur*, ed. Andreas Christmann (Boston: Brill, 2009), xix.

²⁹ Moh. Khasan, *Rekonstruksi Fiqh Perempuan: Telaah Terhadap Pemikiran Muhammad Syahrur* (Semarang: AFKI Media, 2009), 23.

³⁰ Peter Clark, "The Syahrur Phenomenon: A Liberal Islamic Voice from Syria," *Islam and Christian-Muslim Relations* 7, no. 3 (1996): 341, <https://doi.org/10.1080/09596419608721095>.

³¹ Khasan, *Rekonstruksi Fiqh Perempuan*, 24.

In Islamic studies, Syahrur studied self-taught. He has no formal study experience or obtained a certificate in Islamic science, so other scholars often attacked him as a person who had no authority in the area of Islamic studies. Because Syahrur was considered a foreigner in Islamic sciences, his opportunity to appear in religious pulpits, recitation in mosques, Islamic journals, or television programs, was very limited. He wrote a book to spread his thought. Some of his books are *Al-Kitâb wa Al-Qur'ân: Qirâ'ah Mu'âshirah*, *Dirâsah Islâmiyyah Mu'âshirah fi al-Dawlah wa al-Mujtamâ'*, *Al-Islâm wa al-Imân: Mandhûmah al-Qiyâm*, *Nahw Ushûl Jadîdah li al-Fiqh al-Islâmiy*, and he also used compact discs as a new medium to spread his thought.³²

Muhammad Syahrur have different explanation about *qawâmah*. If it is said “*qama 'alâ al-amri*”, it means do the best (*ahsanahu*). *Qawâmah* in surah Al-Nisa' verse 34 means that men are the leaders for women. In this verse, it is as if Allah linked “*al-qiwâmah*” with different qualities, which become perfect with maturity, namely when a *dzakar* becomes a *rajul* (adult male), and an *untsâ* becomes *imra'ah* (adult female). The meaning of *al-rijâl* is men who have toughness and leader's character so that it is not merely mean male by sex.³³

There are two aspects in the criteria of *qawâmah*. The first aspect is found in Allah's word “*bi mâ fadldalallâhu ba'dlahum 'alâ ba'dlin*” which includes both men and women at the same time. Besides, there are women who have advantages over men in various fields and ages. Most scholars understand this verse that Allah give superiority to men over women with men's knowledge, mind, and power. Syahrur rejected this kind of understanding, by arguing that if Allah willed what they say, Allah should have said “*Al-dzukûru qawwâmûna 'alâ al-inâts*”, but in reality, Allah did not say that.³⁴ From here, Syahrur understands that the phrase *ba'dlahum 'alâ ba'dlin* includes both men and women, so that the verse above means: because Allah gives superiority to some men and women over some other men and women.³⁵ This is very clear in Allah's word in Surah Al-Isra' verse 21: “*Look how We have favored (in provision) some of them over others. But the Hereafter is greater in degrees (of difference) and greater in distinction*”.³⁶ This verse abolishes the characteristic of the natural advantages (the factor of creation) and firmly establishes the edges based on good management, wisdom, and different levels of culture and consciousness among humans. So, some men have advantages over some women. Likewise, some women have advantages over some men.³⁷

The second aspect of *qawâmah* is the aspect of property or wealth, in Allah's word “*wa bi mâ anfaqû min amwâlihîm*”. An owner of the property or wealth certainly has leadership (*al-qiwâmah*) regardless of the skills and level of consciousness and culture. Power or leadership in the economic field is evident in individuals, families, and developed countries and has not related to culture and

³² Muhyar Fanani, *Fiqh Madani: Konstruksi Hukum Islam Di Dunia Modern* (Yogyakarta: LKiS, 2009), 34-35.

³³ Muhammad Syahrur, *Nahw Ushûl Jadîdah Li Al-Fiqh Al-Islâmy: Fiqh Al-Mar'ah* (Damascus: Al-Ahâly, 2000), 319.

³⁴ Ibid, 320.

³⁵ Ibid, 320.

³⁶ Translator, *Al-Qur'an*, 284.

³⁷ Syahrur, *Nahw Ushûl Jadîdah*, 320.

skills.³⁸ It is true that Allah gives advantages to men over women with muscular strengths, and this advantage is the main axis in seeking living by hunting, farming, or trading, all of which require muscle strength. However, the development of engineering and infrastructure has outperformed these physical edges or reduced it to the lowest limit.³⁹

The family needs norms that can regulate all things, guide its members and guide the household ship in the waves of life. Men have power in wealth, education, character, and leadership abilities, so do women. There is no doubt that the goodness of the family and society will be achieved if leadership is in the hands of people who have advantages or edges, whether they are male or female. This is the meaning of Surah Al-Nisa' verse 34 above, when Allah's word begun with the leadership of men over women: *ar-rijâlu qawwâmûna' alâ an-nisâ'i*, then the verse is continued with a sign of equality between men and women, and about the edges that Allah bestows on some men and women over others, then Allah ends His word with a description of the leadership of women over men: *fa al-shâlihâtu qânitâtun hâfidhâtun li al-ghaybi bi mâ hafizallâhu*. The word *al-hâfizat* means women who are proper to lead because leadership is the main theme in this verse.⁴⁰ The superiority of men over women has been mentioned, along with the reasons for their superiority. In addition, some women are superior to men. In the Quran, superior women are righteous women (*shâlihah*).⁴¹ The criteria for women who are suitable to lead are in Allah's word in Surah Al-Nisa' verse 34 "*Fashshâlihâtu qânitâtun hâfidzâtun li al-ghaybi bi mâ hafizallâh (So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard)*".⁴²

Based on this verse, the characteristics of righteous women (*shâlihah*) who play the role of *qawâmah* are: (1) *Qânitât (al-qunût)*, which means calm and consistency that is continuously maintained; (2) *Hâfidzât*, which means keeping secret things that are ordered by Allah to be kept. *Shâlihah* women must keep the secrets of their husbands and households that are ordered by Allah to be kept.⁴³ Thus, Surah Al-Nisâ' verse 34 contains an explanation of the characteristics that must be possessed by women who are gifted with leadership rights due to Allah's grace given to them in the form of wealth, education, or intellectual level. These characteristics are obeying and guarding the husband's disgrace. If she has these qualities, she is proper to lead. However, if the woman does not have these characteristics, she has gone out of the line of eligibility as a leader, where in verse above, it is called by *nusyûz*, namely getting out of humility and protecting her husband's disgrace.⁴⁴

Amina Wadud, a contemporary Islamic feminist figure, has a similar opinion to Muhammad Syahrur. According to Amina Wadud, men's *qawâmah* is determined by the conditions described after the word "*bi*" (*bi mâ fadldlalallâhu*), where the first condition is men have edges or they can prove their edges, and the

³⁸ Ibid, 320.

³⁹ Ibid, 322.

⁴⁰ Syahrur, 322.

⁴¹ Ibid, 271.

⁴² Translator, *Al-Qur'an*, 84.

⁴³ Syahrur, *Nahw Ushûl Jadîdah*, 271.

⁴⁴ Ibid, 322.

second conditions is men support women using men's wealth. If a man does not meet both requirements, he is not a leader for women.⁴⁵

There is an emotional connection between men and women. This relationship is a relationship of affection, love, loyalty, and commitment between husband and wife. In this case, the position of a husband is as "*libâs*" for a wife. Likewise, wives are "*libâs*" for husbands. The term "*al-libâs*" comes from the word "*labisa*" which in Arabic means participation and intervention (taking care of each other). This understanding is implied in the word of Allah in Surah Al-Baqarah verse 187: "*It has been made permissible for you the night preceding fasting to go to your wives (for sexual relations). They are clothing for you and you are clothing for them (hunna libâsun lakum wa antum libâsun lahunna)*". The relationship of love and affection is a complementary relationship between men and women. Both of them share the same potential feelings and tendencies, one not being more special than the other.⁴⁶

Similarities and Differences Between Mahmud Syaltut and Muhammad Syahrur's Thought About *Qawâmah* in The Family

There are some differences thought about *qawâmah* in family between Mahmud Syaltut and Muhammad Syahrur. Mahmud Syaltut and Muhammad Syahrur both have the principle of equal position between husband and wife; whether leadership is in the hands of husband or wife, it does not elevate and demean each other's positions. Both husband or wife has equal rights, obligations, and responsibilities. They are obliged to fulfill each other's rights to create a *sakînah*, *mawaddah*, and *rahmah*. Also, the right to working outside the home, the wife has this right. The difference in their task in the family is just a form of division of functions in a family which must certainly be divided equally.

Beside those similarities, there are some differences thought about *qawâmah* between Mahmud Syaltut and Muhammad Syahrur. According to Mahmud Syaltut, *qawâmah* is owned by men because of their natural advantages which is not owned by women. Meanwhile, according to Syahrur, *qawâmah* can be owned by both men and women. This difference is due to the different interpretations of Surat Al-Nisâ' verse 34: "*Ba'dlahum 'ala ba'dl'*". Syaltut understood this verse that Allah gives bounties to men over women. In contrast, Syahrur understood this verse that Allah gives bounties to some men over some women, so that Allah also gives bounties to some women over some men.

According to Mahmud Syaltut, the *qawâmah* of men is due to the men's physical advantages over women. Men are endowed with a strong physique and the ability to work hard to earn a living for their families. Meanwhile, according to Syahrur, *qawâmah* is not determined by physical factors but determined by wisdom, good management, and leadership abilities. Superior women are righteous women, namely women who have two characters: *Qânitât* (calm and consistency that is continuously maintained), and *Hâfidzât* (keeping secret things that are ordered by Allah to be kept).

Mahmud Syaltut did not completely abandon the thought of classical scholars in general about *qawâmah*, namely acknowledging that men naturally are leaders for women. Besides that, Mahmud Syaltut has the same thoughts as modern thinkers

⁴⁵ Setyawan, "Pemikiran Kesetaraan Gender," 84.

⁴⁶ Muhammad Syahrur, *Al-Kitâb wa Al-Qur'ân: Qirâ'ah Mu'âshirah* (Damascus: Al-Ahâly, n.d.), 46-47.

about the concept of equality between men and women. The dualism of Mahmud Syaltut's thoughts between classical and contemporary thought could be caused by the background of his life. Since his childhood, he lived in religious families, his educational background in *madrrasah* that emphasize the thought of classical ulama, and his career in Al-Azhar as a scholar and *syaiikh al-azhâr*. Muhammad Syahrur's thoughts could be caused by his life and educational background. Muhammad Syahrur has a different social and educational experience. He studied Islamic studies self-taught, and his thought influenced by his critical thinking, which is very strong with the influence of modern thinking.

The Concept of *Qawâmah* in Family in Indonesian Society

Basically, the concept of the head of the family in Indonesia is plural, especially in indigenous or traditional society, where there are differences in the concept of the head of the family in various tribes and cultures. But besides that, the concept of patriarchy still dominates Indonesian families.⁴⁷ Because the majority of Indonesian people are Muslims, then the interpretation of the verse on leadership is certainly not without consequences, but provides an unwritten rule but is deeply rooted in every Indonesian community about the family concept that husbands earn a living and wives are not breadwinners. This family concept gave birth to a new perspective that men are in the public sphere while women are in the private sphere (serving their husbands, nurturing, educating, and caring for children).⁴⁸

Regarding the concept of leadership in the family in Indonesian society, it seems that Mahmud Syaltut's thought about *qawâmah* or male leadership in the family is the same as the concept of leadership in the family in the Islamic Law Compilation in Indonesia. The position of husband and wife in Article 79 Compilation of Islamic law stated that: (1) "The husband is the head of the family, and the wife is a housewife"; (2) "The rights and degree of the wife are balanced with the rights and the degree of the husband in household life and social life together in the community"; (3) each side has the right to take legal action". In this article, it is explained that in household life, where the rights and degree are equal, both men and women have the right to take legal actions as long as it is not detrimental to each other. This is under the principle of marriage, which explains that the rights and obligations of each side, namely husband and wife, are balanced. Islamic Law Compilation divides household duties, namely the husband as the head of the family while the wife is the housewife.⁴⁹

The role affirmation in verse (1) above is considered by certain groups, especially feminists or women's empowerment activists, as the standardization of the patriarchal structure by strengthening the role of motherhood as a legitimate value regulating the role of women in the family. However, according to Daud Ali,

⁴⁷ Wahyuni Retnowulandari, "Kepala Keluarga Dalam Hukum Keluarga Di Indonesia: Tinjauan Perspektif Gender Dalam Hukum Agama, Adat, Dan Hukum Nasional," *Jurnal Hukum Prioris* 5, no. 3 (2016): 244, <https://media.neliti.com/media/publications/82097-ID-kepala-keluarga-dalam-hukum-keluarga-di.pdf>.

⁴⁸ Masthuriyah Sa'dan, "Posisi Perempuan Kepala Keluarga Dalam Kontestasi Tafsir & Negosiasi Realita Masyarakat Nelayan Madura: Kajian Muhammad Syahrur," *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 18, no. 2 (2017): 88, <https://doi.org/10.14421/qh.2017.1802-04>.

⁴⁹ Islamiyati, "Tinjauan Yuridis Tentang Relasi Suami Istri Menurut KHI Inpres No. 1/1991," *Masalah-Masalah Hukum*, no. 3 (2013): 371, <https://doi.org/10.14710/mmh.42.3.2013.369-375>.

the article's statement above should not be considered a reduction in the position of the wives because it is only a statement of the division of work and responsibility. This formulation should not also mean that the wife is not allowed to do activities outside the home, as long as she does not forget her function as a housewife. It is because remembering according to nature, the most suitable person to take care of household matters is the mother.⁵⁰

Based on these things, it is clear and common in Indonesian society, it can even be said that it has become the view of Indonesian society in general, even in families where both husband and wife work together. However, when viewed from the perspective of Muhammad Syahrur, the wife as a woman holds the leadership in the family in some cases in the family in Indonesia, such as husbands who are unable to meet their needs and work because of illness, widowhood, or so on. Women and men are social beings who always interact from a social relationship. If we change social relations, we change the categories of women and men. Furthermore, it will affect the workload. In a patrilineal society, the burden of men is more dominant than that of women. And every community will be influenced by geographical objective conditions, which will determine the local socio-cultural system.⁵¹

Besides having a certain role in the household, women also have a role in society and the government, where they have the same rights and opportunities as men. In the current era in Indonesian society, jobs in the public sector are no longer dominated by men. Even in the government, business, banking, and economic sectors, many women as wives dominate in it, and finally, the woman helps in meeting the economic needs of her family. However, Indonesian society is dominated by the view that men are naturally the leaders of their families. This is in accordance with what has been explained in the compilation of Islamic law as a reflection of the family pattern in Indonesian society.

In the past, women in Indonesia tended to have limited access to public work, so that the public sector was dominated by men. In the millennial era, along with the development of science and technology, women and their wives have entered and worked in the public sphere, so that the main tasks that should be at home, caring for and educating their children, and guarding their husband's property in the household have instead shifted to a housemaid, or even the role of the wife is transferred to her husband. So that the wife no longer takes control of household life but takes over the husband's role as breadwinner and fulfills household needs.⁵²

Equality between husband and wife in the household is equality in the aspect of maintaining the integrity of the household and complementing each other between the two, as well as meeting the needs from different roles. Sometimes the wife works to support the family's economic needs, or the wife works because of career demands because the wife has special expertise in certain fields, so that there is a cooperation between husband and wife in meeting household needs. So, the

⁵⁰ Asni, "Kedudukan Perempuan Dalam Hukum Keluarga Islam Di Indonesia: Telaah Kompilasi Hukum Islam Perspektif Kesetaraan Gender," *Al-'Adl* 1, no. 2 (2008): 14, <https://doi.org/10.31332/aladl.v1i2.836>.

⁵¹ Nurliana, "Pergantian Peran Pemimpin Dalam Rumah Tangga Di Era Milineal Perspektif Hukum Islam," *Al-Mutharahah* 16, no. 1 (2019): 132, <https://ojs.diniyah.ac.id/index.php/Al-Mutharahah/article/view/17>.

⁵² *Ibid*, 127.

role of the wife is still considered as a companion to the husband, not as a leader in the household.⁵³ This is what happens in Indonesian society, that women remain a companion to their husbands in fulfilling and helping each other to meet family needs.

Conclusion

As a contemporary scholar, Mahmud Saltut's thought about *qawâmah* in the family contains gender equality, namely equality of rights and obligations as well as equality of position between men and women. Even so, Mahmud Saltut's thought still contains the characteristics of classical thought, where there is a view that by nature, men with their physical strengths and strengths are leaders for women. There is gender equality in Muhammad Syahrur's thought and he rejects the concept of leadership based on physical strength and stipulates that *qawâmah* can be possessed by both men and women who have the characteristics of *qawâmah* so that they are proper to lead. In Indonesian society, the type of family leadership based on Mahmud Saltut's thinking is more dominant, where the husband holds the leadership of the family, even though both have the same rights and the husband and wife both have careers, work and earn a living for the family's needs. The concept of leadership in the family is certainly different in each family, where each family can determine its own leadership concept, based on the typical characteristics and needs of each family. But the most important thing is that husband and wife must complement each other and fulfill the rights that must be given to each other, there is no domination of each other so that in domestic life there is justice and peace to realize the marriage goals, namely *sakinah*, *mawaddah*, and *rahmah*.

Bibliography

- Anam, Khoirul. "Perempuan Perspektif Tafsir Klasik Dan Kontemporer." *Journal de Jure* 2, no. 2 (2010): 22. <https://doi.org/10.18860/j-fsh.v2i2.2974>.
- Arif, Mahmud. "Ambivilensi Pemikiran Mahmud Syaltut Tentang Fikih Perempuan." *Al-Manahij* 5, no. 2 (2011): 208. <https://doi.org/10.24090/mnh.v5i2.613>.
- Asni. "Kedudukan Perempuan Dalam Hukum Keluarga Islam Di Indonesia: Telaah Kompilasi Hukum Islam Perspektif Kesetaraan Gender." *Al-Adl* 1, no. 2 (2008): 14. <https://doi.org/10.31332/aladl.v1i2.836>.
- Badwi, Ahmad. "Kontribusi Syaltut Dalam Reformasi Hukum Islam." *Jurnal Hukum Diktum* 11, no. 1 (2013): 67. <https://doi.org/10.35905/diktum.v11i1.94>.
- Christmann, Andreas. "The Form Is Permanent, but The Content Moves: The Qur'anic Text and Its Interpretation(s) in Mohamad Shahrour's 'Al-Kitâb Wa Al-Qur'ân.'" *Welt Des Islams* 43, no. 2 (2003): 145. <https://doi.org/10.1163/157006003766956694>.
- Clark, Peter. "The Syahrur Phenomenon: A Liberal Islamic Voice from Syria." *Islam and Christian-Muslim Relations* 7, no. 3 (1996): 341. <https://doi.org/10.1080/09596419608721095>.
- Al-Dimasyqi, Abu Al-Fida Isma'il Ibnu Katsîr. *Tafsîr Ibnu Katsîr*. Beirut: Dâr Al-

⁵³ Nurliana, 139.

- Kutub Al-'Ilmiyyah, 1998.
- Dzulfikar, Ahmad. "Konsep Sabilillah Dalam Pandangan Syekh Mahmud Syaltut Dan Implementasinya Dalam Hukum Islam Kotemporer." *Journal of Islamic Civilization* 2, no. 1 (2020): 44. <https://doi.org/10.33086/jic.v2i1.1428>.
- Fanani, Muhyar. *Fiqh Madani: Konstruksi Hukum Islam Di Dunia Modern*. Yogyakarta: LKiS, 2009.
- Harahap, Rustam Dahar Kamadi Apollo. "Kesetaraan Laki-Laki Dan Perempuan Dalam Hukum Perkawinan Islam." *Sawwa*, no. 2 (2013): 366-367. <https://doi.org/10.21580-/sa.v8i2.662>.
- Islamic Encyclopedia Editorial Board. "Mahmud Syaltut." In *Ensiklopedi Islam*, 342-43. Jakarta: PT Ichtiar Baru Van Hoeven, 1977.
- Islamiyati. "Tinjauan Yuridis Tentang Relasi Suami Istri Menurut KHI Inpres No. 1/1991." *Masalah-Masalah Hukum*, no. 3 (2013): 371. <https://doi.org/10.14710/mmh.42.3.2013.369-375>.
- Khasan, Moh. *Rekonstruksi Fiqh Perempuan: Telaah Terhadap Pemikiran Muhammad Syahrur*. Semarang: AFKI Media, 2009.
- Kodir, Faqihuddin Abdul. *Qirâ'ah Mubâdalah: Tafsir Progresif Untuk Keadilan Gender Dalam Islam*. Yogyakarta: IRCiSoD, 2019.
- Nurliana. "Pergantian Peran Pemimpin Dalam Rumah Tangga Di Era Milineal Perspektif Hukum Islam." *Al-Mutharahah* 16, no. 1 (2019): 132. <https://ojs.diniyah.ac.id/index.php/Al-Mutharahah/article/view/17>.
- Presidential Instruction Number 1 of 1999 concerning Compilation of Islamic Law.
- Retnowulandari, Wahyuni. "Kepala Keluarga Dalam Hukum Keluarga Di Indonesia: Tinjauan Perspektif Gender Dalam Hukum Agama, Adat, Dan Hukum Nasional." *Jurnal Hukum Prioris* 5, no. 3 (2016): 244. <https://media.neliti.com/media/publications/82097-ID-kepala-keluarga-dalam-hukum-keluarga-di.pdf>.
- Sa'dan, Masthuriyah. "Posisi Perempuan Kepala Keluarga Dalam Kontestasi Tafsir & Negosiasi Realita Masyarakat Nelayan Madura: Kajian Muhammad Syahrur." *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 18, no. 2 (2017): 88. <https://doi.org/10.14421/qh.2017.1802-04>.
- Setyawan, Cahya Edi. "Pemikiran Kesetaraan Gender Dan Feminisme Amina Wadud Tentang Eksistensi Wanita Dalam Kajian Hukum Keluarga." *Zawiyah: Jurnal Pemikiran Islam* 3, no. 1 (2012): 84. <https://doi.org/10.31332/zjpi.v3i1.710>.
- Shahrur, Muhammad. *The Qur'an, Morality & Critical Reason: The Essential Muhammad Syahrur*. Edited by Andreas Christmann. Boston: Brill, 2009.
- Shihab, M. Quraish. *Perempuan*. Tangerang: Lentera Hati, 2018.
- Syahrur, Muhammad. *Al-Kitâb Wa Al-Qur'ân: Qirâ'ah Mu'âshirah*. Damascus: Al-Ahâly, n.d.
- . *Nahw Ushûl Jadîdah Li Al-Fiqh Al-Islâmî: Fiqh Al-Mar'ah*. Damascus: Al-Ahâly, 2000.
- Syaltut, Mahmud. *Al-Islâm 'Aqîdah Wa Syarî'Ah*. Cairo: Dâr al-Syurûq, 2001.
- . *Min Taujihât Al-Islâm*. Cairo: Dâr al-Syurûq, 2004.
- . *Tafsîr Al-Qur'ân Al-Karîm: Al-Ajzâ' Al-'Asyrah Al-Ûlâ*. Cairo: Dâr Al-Syurûq, 2004.
- Translator Team. *Al-Qur'an Dan Terjemahnya*. Jakarta: Almahira, 2016.

Zamroni, Ishaq. "Diskursus Kepemimpinan Suami Isteri Dalam Keluarga: Pandangan Mufasir Klasik Dan Kontemporer." *Ummul Qura* 4, no. 2 (2014): 10–32. <http://ejournal.kopertais4.or.id/index.php/qura/issue/view/531>.