

CONTEXTUALIZATION OF QIWAMAH MEANING: REFLECTION ON ABDULLAH SAEED, APPLICATION AND CONSISTENCY

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ABSTRACT

Textual interpretation potentially emerges conflict because it denies the social cultural context in which Al-Qur'an is used a way of life in the present context. Especially if the verse interpreted textually is related to the division of roles and rights that must be fulfilled in a family relationship. This article aims to examine the principles of interpretation, application and consistency of Saeed's contextual interpretation in the qiwamah verse. This research is a library research with a data collection model and is presented in an analytical descriptive. The results of this study found that: First, Saeed's contribution in contextual interpretation was a theoretical-methodological contribution by establishing nine principles in treating texts. Secondly, Saeed has applied three hermeneutical stages in interpreting verses related to male and female relationship, but it is not entirely consistent with the contextual interpretation model he initiated, especially in the third (meaning for the first recipient) and the fourth (meaning for the present). He explores the opinions of pre-modern to modern scholars more to describe the shift in context and the possibility of radically

changing interpretation but he tends not to convey his personal opinion regarding the meaning of *qiwamah*.

Keywords: Contextual Interpretation; *Qiwamah* (Leadership); Value Hierarchy.

ABSTRAK

Penafsiran tekstual-literer berpotensi menimbulkan konflik karena menafikan konteks sosial budaya dimana Al-Qur'an dijadikan pedoman hidup dalam konteks kekinian. Apalagi jika ayat yang ditafsirkan secara tekstual tersebut terkait dengan pembagian peran, hak dan kewajiban yang harus dipenuhi dalam suatu relasi keluarga. Artikel ini bertujuan untuk meneliti prinsip-prinsip penafsiran, aplikasi dan konsistensi penafsiran kontekstual Abdullah Saeed dalam ayat qiwamah (QS.4:34). Penelitian ini merupakan jenis penelitian pustaka (Library Research) dengan model pengambilan data secara kualitatif dan disajikan dalam bentuk deskriptif analitis. Menggunakan landasan teori Double Movement Fazlur Rahman dan pendekatan socio-historis. Hasil penelitian ini menemukan bahwa: Pertama, kontribusi Saeed dalam penafsiran kontekstual berupa kontribusi teoretis-metodologis dengan membangun sembilan prinsip dalam memperlakukan teks. Kedua, Abdullah Saeed telah mengaplikasikan 3 (tiga) tahapan hermeneutis dalam menginterpretasikan ayat-ayat terkait relasi laki-laki dan perempuan, namun tidak sepenuhnya konsisten dengan model penafsiran kontekstual yang digagasnya, khususnya pada tahap ketiga (meaning for the first recipient) dan keempat (meaning for the present). Ia lebih banyak mengeksplorasi pendapat ulama pra-modern hingga modern untuk mendeskripsikan pergeseran konteks serta kemungkinan merubah penafsiran secara radikal namun cenderung menutup pendapat pribadinya terkait makna qiwamah (QS.4:34), tidak seperti pendapatnya yang terang benderang ketika membicarakan tafsir ayat riba.

Kata Kunci: Interpretasi Kontekstual; *Qiwamah* (Kepemimpinan); Hierarki Nilai; Gerak Ganda.

A. INTRODUCTION

One type discussed discursively in Al-Qur'an is the ethico-legal verses. The texts include matters of worship and mu'amalah such as marriage, divorce, iddah, and so forth. This

text aims to give guidance to humans in navigating life based on ethics and grounded in a firm faith. Then, it is developed in the interpretation of ethics-law text in Al-Qur'an must be able to overcome social change that it requires interpretation contextualization in order to have contemporary relevance. The researcher, in this case, examines the contribution of Abdullah Saeed's thoughts in the contextual interpretation, application and consistency of the verse about *qiwamah* in the QS. 4:34. *This paper is a library research with a data collection model and is presented in an analytical descriptive.*

This theme is important to discuss for several reasons; First, Abdullah Saeed is a contemporary interpreter who is concerned with and has a method of interpretation with a contextual approach. He has compiled 4 important stages of interpretation of text contextually; 1). Encounter with the world of texts 2). Critical analysis 3). The meaning for the first recipient 4). The current meaning includes analysis of the current context, the current context versus the socio-historical context, the meaning of the first recipient to the present, the message including universal or contextual and its application to the present. (Saeed, Abdullah 2017, 296-304). Saeed stated the contextual interpretation of ethico-legal verses in Al-Qur'an was adopted in progressive *ijtihad*. (Saeed, Abdullah 2008, 222) Secondly, he implicitly paid attention to *maqashid al-syari'ah* approach in the interpretation of the ethics-law verses. Third, he has an idea about the classification of verses in Al-Qur'an and the concept of Value Hierarchy that exists in ethics-law verses. *Fourth, from the aspect of theme, even though the study of qiwamah in QS. 4: 34 have been conducted a lot from various perspectives ranging from traditional-classical approach up to modern-contemporary approach; however, it is still important to be discussed in order to be relevant to the contemporary era. It is because there are many unequal relations in the community both conceptually and practically. It is proven by the high rate of violence against women, especially domestic violence.*

Based on the data of the National Women's Commission, in 2017 there were 348.446 cases of violence against women reported and handled during 2017, consisting of 335.062 cases sourced from case/case data handled by Religious Courts, and 13.384 cases handled by 237 service provider partner institutions spread in 34 provinces. The National Women's Commission sent 751 forms to partner service agencies throughout Indonesia with the response rate of 32%, 237 forms. In 2016, violence that occurred in the private/personal realm recorded the highest case. The data of Religion Court (PA) in a number of 335.062 is a violence against wives that results in divorce. Meanwhile from 13.384 cases in the institution of service provider partnership, violence happened in violence that occurred in the private/personal sphere was 71% or 9.609 cases. The public/community domain was 3.528 cases (26%), and the state domain was 247 cases (1.8%). (<https://www.komnasperempuan.go.id>, 2019) Besides, the QS. 4:34 is still used as the main reference in the relationship of husband and wife with all the complexities of their meanings.

The literature of Saeed's thought, up to now, is divided into three categories. *First*, general study of Saeed's thought conducted by Anik Fardah highlights Saeed's offer about the concept of Islam through the mastery of classical treasures through progressive *ijtihad* and the methodology of modern science. (Faridah, Anik 2013, 19-34) *Second*, the study focuses on the concept of contextual, hermeneutics, epistemology of interpretation and ideas about the hierarchy of values in ethico-legal verses as has been conducted by Lien Iffah. She wrote an offer of Saeed thought in the interpretation of Al-Qur'an, namely contextual interpretation. It functions as the act of interpreting al-Qur'an by considering the context of Al-Qur'an when it is also revealed in its present context. The focus of Saeed's interpretation on ethico-legal verses often becomes a source of problem when Islam is confronted with modernity. In supporting this

idea, Saeed defended several arguments about the benefits of reinterpretation of Al-Qur'an. (Naf'atu Fina, Lien Iffah 2011, 159-179), Suherman (2010), (Saeed, Abdullah 2017, xii-xiv). Lien's article is in line with Suherman's about Saeed's level of influence on Fazlur Rahman's thought (Naf'atu Fina, Lien Iffah 2015, 65); Ghufron Hamzah's (Kurdi, Dkk 2010, 65) is almost the same as Lien's about hermeneutics of Abdullah Saeed's. However, Ghufron Hamzah only mentioned 4 foundations of Saeed's contextual interpretation construction which later the writer will complete this into 9 principles. The second study model is the most found by the authors. Third, thematic studies of research on certain themes popularly discussed by Saeed, such as the thematic interpretation of usury conducted by Subekhi wrote thesis entitled, "Bunga Bank dalam Pandangan Abdullah Saeed" (2014) and Nashriyah (2012) about the revelation of Qur'an. (Saeed, Abdullah 2017, xii-xiv) These scholars' studies conducted tend to be appreciative-descriptive and even not all scholars studied the critics of Saeed's contextual interpretation. Besides, there was no articles studied Saeed's thoughts regarding the concept of *qiwamah* QS.4:34. Regarding the shift in interpretation QS 4: 34 which are always dynamic and contextual, the writer is interested in studying the QS. 4: 34 which was applied in Abdullah Saeed's contextual interpretation. This article will answer two problems: What are Saeed's principles in contextual interpretation?, and What are the interpretation procedures for QS. 4: 34 consistent with the model developed and how does it produce new contextual meanings currently?

B. DISCUSSION

This research is using *Double Movement* theory written by Fazlur Rahman and through socio-historical approach. There is a lot of literature stating that Saeed's thoughts were heavily influenced by the great thinker Fazlur Rahman. This was reviewed by Lien in his article. (Naf'atu Fina, Lien Iffah 2015, 65)

The historical approach offered by Rahman in interpreting the texts of Al-Qur'an rests on the characteristics of Al-Qur'an itself. *First*, Al-Qur'an prepares a strong base before introducing social change. This process can be called systematic gradual. *Secondly*, in the legislative process, Al-Qur'an usually has a historical context or background (*asbab an-nuzul*). (Fatimah, Heni 2015, 51-53),(Farida, Umma 2010, 13).

According to Rahman, the historical approach must be used to find the meaning of the text of Al-Qur'an because Al-Qur'an is studied in a chronological level which begins with the research on the earliest revelation which is distinguished from the later revelation. There are at least 8 objectives and urgency of the socio-historical approach according to Fazlur Rahman, namely; giving theological-spiritual satisfaction regarding the truth of Al-Qur'an, able to accommodate empirical matters in religious experience, deducing verses and dialoging with empirical reality that is being experienced by the community, understanding the actual conditions of Arab society when Al-Qur'an came down and in order to interpret its legal and socio-economic statements, the only way to interpret Al-Qur'an that can be accepted and is fair to intellectual demands or moral integrity, true appreciation of the goals of Al-Qur'an and Sunnah, saving mufassir from arbitrariness and artificiality in the interpretation of Al-Qur'an, giving a clear meaning to the entire message of the Al-Qur'an systematically and coherently, looking for the significance of verses in the present context. (Rahman, Fazlur 2000, 53-54), (Mustaqim, Abdul 2010, 184-186).

Implementation of that approach, then, sparked the double movement method. This method does not apply to verses that are theological and metaphysical, and become a big contribution of Rahman in developing the world of Al-Qur'an interpretation. Rahman's idea of the need to distinguish specific legal aspect of Al-Qur'an from the ideal moral aspect became the basic idea of the birth of this method. In Rahman's view,

the specific legal aspects of al-Qur'an are specifically stipulated becomes rules, norms, and laws due literal interpretation, and moral ideal aspects as the basic moral ideas of AL-Qur'an which are universal and handed down as a blessing for nature which emphasizes the value of monotheism and social justice, and it is considered valid in all time period. He stated that a spirit of Al-Qur'an is a moral spirit that focuses on monotheism, social justice and economics. (Rahman, Fazlur 1985, 31-32) *Al-Qur'an is primarily a book of religious and moral principles and extortions and it is not a legal document.* (Rahman, Fazlur 1985, 43).

1. Abdullah Saeed and Al-Qur'an

He was born in the Maldives, obtained a Bachelor of Arts, Arabic and Islamic Studies, Islamic University, Medina, Saudi Arabia in 1986. He obtained a Master of Arts, Applied Linguistics, University of Melbourne, Australia in 1994 and Master of Arts Preliminary, Middle Eastern Studies, University of Melbourne, Australia in 1997, and holds a Ph.D in Islamic Studies at Melbourne University Australia in 1992. He is known for his progressive views on religious freedom in Islam which have been translated into several languages.

He also focused on the research of text and context negotiation, *ijtihad*, and interpretation as well as consistently supporting the reform of Islamic thought. Its publication is wide-spread covering issues concerning reform of Islamic law, Islam and human rights, Islam and religious freedom and Al-Qur'an hermeneutics. (Saeed, Abdullah 2017) Based on his educational background, since he was in high school, he has been studying Arabic, linguistics and Islamic studies, linguistics and Islamic studies, so his understanding of the text and meaning of Al-Qur'an is largely obtained from the scientific field he is engaged in.

2. Background to Thinking & Concepts of Ethical-Legal Verses

One of Saeed's authentic thought is his attempt to classify Qur'anic texts, especially ethico-legal verses with a hierarchy of values and contextual approach. Saeed admitted Rahman's methodological contribution was to bridge the text between the context and the revelation as well as present context. (Saeed, Abdullah 2006, 25) Rahman's anxiety is due to the concern of Muslim facing modernity. In the meantime, in the context of interpretation, Rahman rejects conventional-traditional approach in both interpretive and ushul fiqh. This was written by Saeed in one of his work. (Saeed, Abdullah 2006, 37-65)

In Rahman's view, as quoted by Saeed, the main reason for the decline of Muslim societies is rooted in the intellectual heritage of Islam. Intellectual adherence and comments regarding the closure of *ijtihad*, as well as basing Islamic methods on blind *taklid* are the cause of degradation. This decline was far earlier than western expansion into Muslim society in the 18th century. Bearing this in mind, Rahman views the hope for the rise of Islam to be based on how to overcome this intellectual program and make it a top priority.

Meanwhile, Saeed's academic anxiety was motivated by the spread of literary-textual interpretation. He considered that literary-textual interpretation had ignored the context of revelation and interpretation rules. This prompted Saeed to build a construct of interpretation that was responsive to the context in his theoretical and epistemological building.

Saeed classified the verses of Al-Qur'an based on the estimated degree of meaning into 4 groups; *First*, texts about supernatural or theological verses; *Second*, texts about historical stories or dimensions; *Third*, texts about parables

(*amtsal*); *Fourth*, texts oriented to action or praxis. The fourth part will be focused on this paper, especially discussion about ethico-legal verses. (Saeed, Abdullah 2017, 177-178)

3. Saeed's Principles in Contextual Interpretation

One way to bridge between ethico-legal texts and modernity is to build a model of contextual interpretation. Some principles that Saeed proposed in building a contextual interpretation model are described as follows: First, interpretation based on reason. Second, Flexibility of text reading. Third, Naskh as the basis for the reinterpretation of legal ethics. Fourth, The Meaning of Text as an Estimate. Fifth, Literal meaning as interpretation starting point. Sixth, Recognition of complexity of meaning. Seventh, Verse of Ethical Law as a Discourse. Eighth, Recognition of the socio-historical context. Ninth, it is the hierarchy of values in the legal ethics paragraph. The legal verses in Al-Qur'an have unequal values and are related whether a verse is universal or temporal local. (Saeed, Abdullah 2017, 256-273) Saeed divides it into five values, which are described in the table below:

Table 1 : Abdullah Saeed's Value Hierarchy

Value Hierarchy	Verses Coverage	Nature	Example
Obligatory Values	These verses contain the value of obligations that must be conducted by every Muslim wherever and whenever.	Universal	Like the pillars of Islam, system of belief, halal and haram which is explicitly mentioned in Al-Qur'an. QS.16:116, QS.10:59. ¹

<p>Fundamental values</p>	<p>Verses that contain human values, such as justice, humanity, protect the rights of others. These verses are often repeated and emphasized in Al-Qur'an even though there is no <i>nash sharih</i> that validates them as fundamental values.</p>	<p>Universal</p>	<p>Example of verse about order being fair in QS. Al-Maidah: 2</p>
<p>Protection values</p>	<p>Verses that contain legal provisions in maintaining fundamental values that function to maintain sustainability of fundamental values.</p>	<p>Universal</p>	<p>Protection of property rights. For example: prohibition of abuse, ban on stealing, prohibition on reducing scales.</p>
<p>Implementation values</p>	<p>Verses that contains the application of punishment for people who violate protective values such as the punishment of <i>qishash</i> due to murder, the law of cutting of hands due to theft, where these verses are closely related to the aspect of socio-cultural law in revelation time.</p>	<p>Temporal locale</p>	<p>The punishment for adulterers in Al-Qur'an is one hundred lashes and those accusing adultery is (<i>qadzaf</i>) 80 times of caning.</p>
<p>Instructional values</p>	<p>The verses contain commands and prohibitions to overcome certain problems in prophet Muhammad SAW era.</p>	<p>Not necessarily universally applicable</p>	<p>Example: orders to marry more than one woman under certain condition (QS:4:2-3), men are leaders for women (QS:4:34), orders to make infidels friends (QS:4: 89-90), commands to say hello (QS:4:86) and so forth.</p>

Substantially, the principles and ideas about Saeed's hierarchical values are clearly understood only at the level

of application this cannot be applied and institutionalized broadly because it has not reached the level of ijma' scholars and experts field yet.

4. Saeed's Contextual Interpretation in QS.4:34: Application and Consistency

It describes the application and the consistency of contextual approach in interpreting *qiwamah* verse. As Saeed reviewed about the contextual interpretation model in *Interpreting Al-Qur'an Towards a Contemporary Approach*, (Saeed, Abdullah 2006, 149), (Naf'atu Fina, Lien Iffah 2015, 85-86) Saeed conducted four stages in this application: *First*, he conducted the mind mapping of interpreter (*mufassir*) in pre-modern era. He referred to the opinions of Imam ath-Thabari, Fahrudin Ar-Razi, Al-Qurtubi, Ibnu Katsir, Jalaluddin al-Suyuti and Ali Qummi Ibn Babawaih. He outlined each opinion in detail from the linguistic aspect.

Second, conducting mind mapping of modern *mufassir* by elaborating and analyzing Muslim bachelor's opinions which emphasized on men' superiority like Taba'taba'i, Abu A'la al-Maududi, Ulama' council from South Africa. Saeed assessed Taba'tabai's opinion in line with *ar-Razi* and *Qurtubi*. *Qiwamah* is not a specific rule over a husband's control over his wife, but a general statement that applies in the society. He defines *al-Qayyim* as 'one who looks after the affairs of others and notes that *qawwam* intensively from *qayyim*. He interprets this phrases 'with what God gave to the most of the other's' by referring to the natural characteristics owned by men, thus men are superior to women.

After that Saeed elaborated on the opinion of experts who emphasized the non-patriarchal approach, such as Haifa Jawad, Ikhwanul Muslimin, Riffat Hasan. They said *Qawwam* was related to economics and breadwinners.

(Hasan, Riffat 1999, 337-373,354) Amina Wadud, Asma Barlas and Azizah al-Hibri are in line with Jawad, they stated that *Qiwamah* is functional, socially related and not naturally inherent. The role of men as guidance in this verse is related to the husbands as breadwinners and gender dynamics at Madinah in 7th century. Therefore, if the husband does not have great wealth, then the *qiwamah* is lost. (Barlas, Asma 2002, 186)

In the second stage, Saeed was still examining *mufassir's* statement which is classified as modern *mufassir* modern with patriarchal and non-patriarchal approach. It shows that the verse position as a context discourse emerges flexibility in interpreting, recognition of the meaning complexity accommodated by Saeed, as well as the development of linguistic meanings and supporting arguments presented by *mufassir*.

Third, critical analysis on *mufassir's* opinion is conducted. Saeed said that *mufassirs* in pre-modern showed a high-degree of convergence interpretation. Most of them understand that women are not equal to men, whereas women must submit to men's authority. The main reason for the diversity among *mufassir* is because they are in social, culture, politics, and economic context which reinforces their view that women are subordinate to men. (Saeed, Abdullah 2016, 183-212)

In the fourth stage (*meaning for the present*), Saeed has explained the shift in the context of relations between men and women in the 7th Century and the 21st Century which is markedly different but has not explored yet which aspect is universal or particular from the message of verses. So far, Saeed also has not explained yet the result of interpretation contextually of QS. 4: 34. It tends to be decisive but still implicitly opens the 'gap' for a 'space' of radical change for the interpretation of verse. So far, there are no sources that

explain the reasons why his attitude toward QS.4: 34 are different when interpreting usury verses.

Related to this, the writer is more inclined to Sahiron Syamsuddin's interpretation model said that QS. 3: 34 is categorized historical-cultural-normative verses. This means that the verse is related to social history and Arabic culture at the time of revelation and it is as attempt to include moral values in the culture. (Syamsuddin, Sahiron 2017, 155) The *core message* can be summarized into 3 points: *First*, Male leadership is not absolute and is the most appropriate in Islam. Leadership can be patriarchal, matriarchal, or collective that based on the applicable system. *Second*, The capacity and the competencies that determine whether a person is worthy or not becomes a leader in family. *Third*, Obey to leader whoever he/she is. In this verse context, it refers to the wives because of patriarchal system used, and vice versa. *Fourth*, when someone makes a mistake, the punishment given must be educative and gradually starting from light (giving advice), medium (separate bed) up to heavy (hit) and has principle of *non violence*. It occurred in the contrary if it is in the matriarchal system or collectively. (Syamsuddin, Sahiron 2017, 155)

The different argument was also stated by Talbi. He said that the verse does not pretend God sanction by hitting women, but it is as an effort to reduce tensions in Madinah and surrounding areas related to the treatment to women. That verse is reviewed from socio-historically aspect is only intended to reduce social turmoil at the center of patriarchal culture which is deeply rooted. Besides, the teaching of Al-Qur'an generally shows friendly to women based on equality and justice and prophet teachings give space to women roles in the society. (Nettler, Ronald L. 2004, 228) Even Talbi called Muhammad a feminist.

C. Conclusion

After reviewing Saeed's thought in this study, the conclusion can be described as follows; **First**, Saeed's contribution in the contextual interpretation is theoretic contribution by establishing several principles toward texts. **Second**, Saeed applies 3 stages of hermeneutics in interpreting verses related to men and women relationship QS:4:34; 1). Conducting the mind mapping of pre-modern *mufassir* in pre-modern era in detail especially the aspect of linguistics and socio-historical. 2). Conducting the mind-mapping of *mufassir* in modern era by analyzing the scholars opinion who are in *centric husband* and emphasized to non-patriarchal approach. 3). Conducting *critical analysis* to *mufassir's* opinion. **Third**, Saeed's interpretations of QS:4:34 are not fully consistent with contextual interpretation model initiated, particularly in the third and the fourth stages. He much more explores the opinion of ulama in pre-modern until modern to describe context which shifted and the changing possibility radically tends to block his own opinion.

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