



Reinterpreting *Qawāmah* in Islamic Family Law: Comparative Syaltut-Shahrur Analysis for Gender Justice

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Abstract

This study examines the concept of *Qawāmah* (family leadership) from the perspectives of Mahmud Syaltut and Muhammad Shahrur and explores its relevance to contemporary social realities and Islamic family law in Indonesia. The study is motivated by the ongoing debate regarding gender roles in Muslim families and the growing socio-economic participation of women, which challenge traditional understandings of family leadership. Using a qualitative library research method, this study collects and analyzes data from primary and secondary literary sources related to the thoughts of Syaltut and Shahrur. A comparative approach is employed to identify similarities, differences, and the implications of their interpretations. The findings reveal that Syaltut understands *Qawāmah* as male leadership based on men's responsibility for family maintenance and protection, while emphasizing justice, consultation, and cooperation between spouses. In contrast, Shahrur reinterprets *Qawāmah* as a functional and conditional role determined by competence, contribution, and responsibility rather than biological sex. The study concludes that although Syaltut's perspective remains influential within Indonesian legal and social frameworks, Shahrur's contextual approach offers a more gender-responsive interpretation that accommodates contemporary family dynamics. Family leadership should therefore be understood as a partnership oriented toward achieving *sakīnah, mawaddah, and rahmah*.

Keywords: Gender; *Qawāmah*; Syaltut; Shahrur; family leadership.

Introduction

The family institution constitutes the smallest unit of society and plays a fundamental role in maintaining social order and shaping civilization. Within Islamic family law, the concept of *Qawāmah* (family leadership) has long been understood as the principle governing family leadership and responsibility. Classical interpretations, particularly those

derived from Surah An-Nisā' [4]:34, generally position men as leaders and protectors of women based on assumptions of physical capability, economic responsibility, and social authority (Habibah, 2022). Consequently, *Qawāmah* has frequently been interpreted as granting husbands a dominant position within the household structure. Such interpretations have significantly influenced legal discourse and social practices in many Muslim societies, including Indonesia.

However, contemporary social realities increasingly call in to question the adequacy of traditional interpretations of *Qawāmah*. Women's participation in education, employment, and public life has expanded substantially, resulting in changes in family dynamics and the emergence of households in which women contribute equally to, or even exceed, men in economic and intellectual capacities (Soleman et al., 2022; Wahid & Athoillah, 2024). This transformation raises important questions regarding the relevance of interpretations that associate family leadership exclusively with biological sex. Furthermore, perceptions of male superiority embedded in some traditional readings have often been linked to gender inequality, marginalization, subordination, and even domestic violence against women (Hidayah, 2023; Kodir, 2019). As a result, a growing tension has emerged between textual interpretations of Islamic law and contemporary demands for justice, equality, and partnership within the family.

The urgency of this study lies in the need to develop a more contextual understanding of *Qawāmah* that remains faithful to Islamic sources while responding to changing social realities. Debates surrounding family leadership continue to influence legal reforms, judicial decisions, and public perceptions of gender relations in Muslim societies. In Indonesia, where Islamic family law operates within a dynamic socio-legal environment, reinterpretations of *Qawāmah* have important implications for family welfare, gender justice, and legal certainty. Therefore, examining alternative approaches to understanding family leadership is essential to ensure that Islamic legal principles continue to promote justice, harmony, and social benefit in contemporary family life.

Previous studies on *Qawāmah* have produced diverse perspectives. Classical scholarship generally emphasizes male authority based on textual interpretations of Surah An-Nisā' [4]:34 (Habibah, 2022; Hidayah, 2023). In contrast, contemporary gender-oriented studies have critically examined the implications of patriarchal interpretations for women's rights and social equality (Kodir, 2019). Among modern Muslim thinkers, Mahmud Syaltut proposed a moderate interpretation that emphasizes cooperation, mutual responsibility, and justice within the family while maintaining fidelity to the Qur'anic text (Syaltut, 2004b). Meanwhile, Muhammad Shahrur introduced a more progressive framework through his *hudūd* (theory of limits), arguing that leadership should be determined

by competence, responsibility, and functionality rather than solely biological sex (Shahrur, 2000; Shahrur, 2009). Although these studies have enriched the discourse on Islamic family law, they tend to examine each thinker separately and provide limited comparative analysis of their respective approaches.

The novelty of this study lies in its comparative examination of Mahmud Syaltut's moderate interpretation and Muhammad Shahrur's functional approach to *Qawāmah* within the contemporary Indonesian context. Unlike previous studies that either defend traditional interpretations or advocate feminist critiques, this research seeks to synthesize the complementary dimensions of both thinkers to formulate a more balanced understanding of family leadership. The existing literature has not sufficiently explored the convergences and divergences between Syaltut and Shahrur, nor has it comprehensively assessed their relevance to contemporary socio-legal realities in Indonesia. Nevertheless, this study is limited to a normative and comparative analysis of their intellectual contributions and does not incorporate empirical field data. Accordingly, the research aims to analyze the concept of *Qawāmah* in the thought of Mahmud Syaltut and Muhammad Shahrur, compare their theoretical frameworks, and evaluate their relevance for developing a more equitable and contextual model of Islamic family leadership in Indonesia, where *Qawāmah* is understood as a partnership based on responsibility, justice, and mutual welfare rather than domination.

Research Method

This study is a qualitative library research, involving the collection, examination, and analysis of textual sources. Primary data consist of the works of Mahmud Syaltut and Muhammad Shahrur, while secondary and tertiary sources include books, academic journals, and other relevant literature. This research adopts a comparative approach, examining the concept of *Qawāmah* (family leadership) within the family and analyzing the perspectives of Mahmud Syaltut and Muhammad Shahrur to explore how each scholar conceptualizes and interprets this notion. Data collection involves selecting, organizing, and reviewing relevant materials. The data are then processed through editing, classification, verification, analysis, and synthesis to draw meaningful conclusions.

This study employs a qualitative library research approach, focusing on the primary works of Mahmud Syaltut and Muhammad Shahrur concerning the concept of *Qawāmah*. To comprehensively address the research questions, the study employs an operationalized comparative analysis. The data are analyzed using the constant comparative method, through which the researcher systematically compares the thoughts of Syaltut and Shahrur in several stages: reduction and categorization, binary opposition, and contextualization (Kamaruddin & Hanapi, 2021). 1)

Identifying and classifying specific statements from both thinkers regarding the roles of men and women within the family. 2) Mapping the points of divergence and convergence between the two thinkers on the same issue. 3) Examining how the arguments of both figures function within the framework of Indonesian family law.

To ensure an objective and systematic comparison, the analysis is conducted based on four primary parameters: epistemological foundation, basis of leadership authority, gender relations, and juridical relevance (Faiz et al., 2026).

1. Analyzing the legal sources and interpretive methods employed, particularly whether they tend toward textual-normative or functional-contextual approaches.
2. Examining whether family leadership is grounded in biological distinctions (sex) or in capacity and achievement, including economic contribution.
3. Assessing the degree of equality and justice reflected in the distribution of rights and obligations between husband and wife.
4. Evaluating the extent to which the ideas of both thinkers can contribute to the reform of Islamic Family Law in Indonesia, particularly within the framework of *Kompilasi Hukum Islam* (Compilation of Islamic Law/ KHI).

Operationally, the data are processed through in-depth textual interpretation to capture implicit meanings beyond the literal text (Marliana & Fachruddin, 2020). This analytical approach seeks to synthesize existing research and generate new insights to address the sociological challenges faced by modern Muslim families in Indonesia. Accordingly, the findings of this study are intended not merely to describe differences between the two thinkers but also to offer a methodological framework for resolving contemporary family law issues.

Result and Discussion

Mahmud Syaltut's Interpretation of *Qawāmah*: Between Tradition and Gender Justice

Mahmud Syaltut was appointed as Shaykh al-Azhar in 1958, a position from which he actively promoted his reformist vision. He sought to demonstrate that Sharia is not a barrier to modernity but rather a guiding framework amid social transformation. Syaltut consistently emphasized presenting Islam as a religion grounded in unity, adaptability, and moderation (Dzulfikar, 2020). For centuries, many Muslims in Egypt and across the Islamic world held that *ijtihād* (reasoning) had ceased with the consolidation of the classical *madhāhib* (schools of thought), which were regarded as the ultimate authorities in religious guidance.

Consequently, adherents were expected to follow one of these legal schools unquestioningly. Syaltut challenged this notion, arguing that such a belief undermined the vitality and dynamism of Islamic law. He called for a revival of Islam's rich and flexible interpretive tradition as essential to responding to contemporary challenges (Badwi, 2013).

Syaltut's era coincided with the rise of gender discourse in Egypt and the broader Islamic world (Ahmed, 2021). Issues such as gender equality and women's emancipation emerged as part of broader socio-political reforms, influenced in part by the growing presence of modern Western cultural currents. Believing in the universality of Islamic teachings as a comprehensive way of life, Syaltut consistently referred to the Qur'an and Hadith to address contemporary issues, including matters related to women (Arif, 2011).

Syaltut consistently contextualized legal rulings in light of contemporary developments, favoring opinions that aligned with the values and relevance of the issues at hand (Badwi, 2013). In his seminal work "Al-Islām 'Aqīdah wa Sharī'ah", he categorized the sources of Islamic legal reasoning into three main foundations: the Qur'an, the Sunnah, and *ra'y wa nazar* (independent reasoning and critical reflection) (Syaltut, 2001). Various interpretations of the concept of *Qawāmah* (family leadership) within the family are generally rooted in the exegesis of Surah An-Nisā' [4]: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".

According to Mahmud Syaltut, the term *Qawāmah* in Surah An-Nisā' [4]:34 refers to "leadership." In this context, *qawwāmūna* (maintainers) signifies that the husband is the leader of his wife and family, responsible for leading, protecting, and providing for them (Syaltut, 2001). This role entails guiding, nurturing, and safeguarding functions derived from what Syaltut describes as a *ṭabī'i* (natural disposition) that distinguishes men from women (Kusmardani et al, 2024). As a result of this capacity, men are obligated to work and earn a livelihood to fulfill the rights and needs of their families (Syaltut, 2004). Importantly, this leadership role does not imply domination or degradation of women. Rather, Syaltut emphasizes that the relationship between husband and wife must be grounded in mutual kindness and fairness in fulfilling each other's rights and obligations. This principle is reinforced in Surah Al-Baqarah [2]:228, which underscores the balanced and reciprocal nature of marital responsibilities:

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

Based on Surah An-Nisā’ [4]:34, Mahmud Syaltut identifies two primary responsibilities assigned to men: (1) by virtue of the physical strength endowed to them, men are tasked with undertaking heavy and demanding work; and (2) men are obligated to meet the needs of the household, including providing food, clothing, and all necessities essential for the welfare and happiness of their children and family (Syaltut, 2001). One essential element of domestic life is *ihsān* (good conduct), which must emerge reciprocally from both husband and wife (Marwati et al, 2025). Islam promotes a mutual relationship of goodness between spouses, grounded in the universal principle that acknowledges the freedom and responsibility of both men and women (Banoo et al, 2024). Consequently, the responsibility for managing family life does not rest solely on the husband or the wife; rather, both share equal rights, duties, and autonomy (Begum et al, 2024). This equilibrium between responsibility and freedom reflects their equal standing before Allah in earning reward for righteous deeds and obedience, as well as in being held accountable for wrongful actions (Syaltut, 2001). This principle is affirmed in Surah An-Nisā’ [4]:124:

“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”.

Husbands who arbitrarily exercise leadership, governing without restraint, resorting to force, and neglecting their wives without a sense of responsibility act in direct contradiction to the Islamic principles of marital life (Syaltut, 2001). Syaltut grounds his view on the equality between husband and wife by referring to Surah Āli ‘Imrān [3]: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.”

The phrase *“ba’dukum min ba’din”* (some of you are from others), affirms that Allah has elevated the status of women and placed them on equal footing with men. The Qur’an also establishes clear limitations on male arbitrariness over women (Ma’mun & Mailiki, 2023). The principle of equality between spouses is further emphasized in Surah An-Nisā’ [4]:32, which states that both men and women are entitled to rewards based on their individual efforts (Syaltut, 2001). In essence, the fundamental characteristics of men and women are largely similar. Allah has endowed women with the capacity and potential to bear responsibilities, just as He has done for men. Both are capable of performing general and specialized roles. Consequently, Sharia positions men and women within the same legal and moral framework (Syaltut, 2004).

One significant implication of gender equality is women’s right to pursue education and professional careers (Breda et al, 2020). As a result, women today can be found working as doctors, scholars, devout Sufis,

and professionals in various fields that were once predominantly male (Syaltut, 2001). Women, in their roles as wives and mothers, possess a fundamental and urgent right within family life, namely, the right to welfare, which in *fiqh* (jurisprudence) is referred to as *nafaqah* (financial maintenance). This right is intrinsically linked to women's reproductive roles: conceiving, giving birth, breastfeeding, and nurturing children, functions that men cannot assume (Gribble, 2023). Additionally, certain domestic responsibilities, such as managing the household and attending to husband's needs, have traditionally been associated with the wife's role.

The obligation of the husband to provide for his wife is not only normatively grounded in the Qur'an and Hadith but also justified by the vital role the wife plays in reproduction and household management (Ja'far & Hermanto, 2021). To impose financial responsibilities such as providing food, shelter, clothing, healthcare, and other necessities on women who are already fulfilling irreplaceable duties would be unjust. Therefore, assigning this burden to the husband is both appropriate and equitable (Harahap, 2013).

Mahmud Syaltut constructed the foundation of his thought on *Qawāmah* through a *tawassuṭ* (moderate) approach. He did not interpret male leadership as a form of absolute superiority or domination, but rather as a *mas'ūliyyah* (managerial responsibility). An analysis of Syaltut's thought demonstrates that he located male *faḍīlah* (excellence) not in men's intrinsic nature or gender identity, but in the functional responsibility of providing financial support. Critically, Syaltut's perspective may be understood as an effort to restore women's dignity amidst the prevalence of misogynistic interpretations during his time. He emphasized that the marital relationship should be understood as a *ṣuḥbah bi al-ma'rūf* (noble companionship), rather than a hierarchical relationship between master and servant. This analysis indicates that Syaltut sought to establish *Qawāmah* as an instrument for achieving justice rather than as a mechanism of oppression (Syaltut, 2001).

Within the sociological context of Indonesia, Syaltut's ideas remain highly relevant, although they require further contextual development. Syaltut continued to maintain the traditional structure in which men function as the primary breadwinners. In Indonesia, this position corresponds with Article 31 paragraph (3) of the Marriage Law and Article 79 paragraph (1) of the Compilation of Islamic Law (KHI), both of which designate the husband as the head of the family. Nevertheless, an important question arises: does Syaltut's conception remain relevant as economic responsibilities shift within the household? The analysis suggests that Syaltut provided a degree of flexibility through the principle of *musyawarah* (deliberation). The contemporary relevance of his thought lies primarily in its humanitarian orientation, particularly his emphasis that family leadership should be exercised with compassion and

gentleness. Although Syaltut formally upheld the principle of male leadership, the substance of his thought offers a foundation for a more flexible distribution of roles within modern Indonesian households, provided that the principle of justice is maintained (Syaltut, 2004).

The primary objective outlined in the introduction of this study is to identify solutions to the rigidity of family law in responding to contemporary gender dynamics. Syaltut's thought addresses this challenge by proposing a transformative leadership model. Unlike classical exegetes who tended to adopt rigid interpretations, Syaltut regarded male leadership as a responsibility that may lose its legitimacy when the principles of justice and deliberation are no longer fulfilled. This study finds that Syaltut functioned as a bridge between conservatism and progressivism. While he maintained the structural framework of men as *qawwām*, he transformed its substantive meaning from domination into service. This reinterpretation is particularly significant in Indonesia, where it may help reduce domestic conflicts that often stem from misconceived notions of leadership and authority, while also strengthening legal protections for wives in household decision-making.

Understanding the Concept of *Qawāmah* in the Thought of Muhammad Shahrur

In contrast to the evolutionary moderate approach of Mahmud Syaltut, Muhammad Shahrur offers a deconstruction of the concept of *Qawāmah* through a contemporary linguistic analysis grounded in modern social realities. The fundamental differences between the two thinkers may be examined through the following parameters: While Syaltut's thought is rooted in the Al-Azhar tradition, which integrates *bayānī* (textual interpretation) reasoning with *maṣlahah* (public welfare), Shahrur introduced a scientific mode of reasoning into Islamic studies. His educational background in Civil Engineering in Moscow and Dublin, combined with his engagement with the dialectics of Georg Wilhelm Friedrich Hegel and the philosophy of Alfred North Whitehead, shaped a systematic and functional intellectual framework (Lucas, 1986). Consequently, Shahrur no longer viewed *Qawāmah* as a static dogma, but rather as a dynamic variable.

Syaltut understood *Qawāmah* as a managerial responsibility that remained connected to the traditional structure of male financial responsibility. In contrast, Shahrur proposed a functional redefinition of the concept. For him, leadership within the family is determined by economic and intellectual capacity rather than gender identity alone. Shahrur argued that whoever, husband or wife, possesses greater capability in managing material and intellectual affairs should hold the authority of *Qawāmah*.

Comparative analysis demonstrates that Syaltut operated within the framework of family law reform while maintaining harmony with classical textual traditions. Shahrur, on the other hand, employed a linguistic approach to reinterpret the term *qawwāmūn*. According to his interpretation, the term does not refer to the innate superiority of men, but rather to a functional responsibility to provide protection and guidance based on competence.

Synthesis of the Analysis

From a scientific perspective, the differences between these two thinkers reflect a shift from legal biologism (Syaltut) toward legal functionalism (Shahrur). Mahmud Syaltut offered a solution for societies that continue to uphold traditional values while striving to maintain justice. In contrast, Muhammad Shahrur provided a conceptual framework for urban Muslim societies that demand full gender equality in roles based on tangible contributions within the household. Shahrur's professional focus on engineering did not hinder his engagement with other fields of knowledge. His involvement in Islamic studies was entirely self-taught, as he had no formal academic training or certification in Islamic sciences. Nevertheless, he wrote extensively to disseminate his ideas and contribute to contemporary Islamic discourse (Fanani, 2009).

Shahrur offers a distinct interpretation of *Qawāmah* (family leadership). He explains that the expression *qāma 'alā al-amr* (taking full charge) implies performing something in *ahsanahu* (the best possible manner). In Surah An-Nisā' [4]:34, *Qawāmah* refers to the role of men as leaders for women. According to Shahrur, Allah appears to associate *Qawāmah* with specific qualities that become fully developed with maturity when a *dhakar* (male) becomes a *rajul* (mature man), and an *unthā* (female) becomes an *imra'ah* (mature woman). Thus, the term *al-rijāl* in this verse does not simply refer to males by biological sex, but to men who possess resilience and leadership qualities (Shahrur, 2000).

Shahrur identifies two key aspects in the criteria of *Qawāmah*. The first is found in the phrase "*bi mā faḍḍala Allāhu ba'dahum 'alā ba'din*" (because Allah has made one of them to exceed the other), in Surah An-Nisā' [4]:34, which, according to him, includes both men and women. He emphasizes that women surpass men in various fields and at different stages of life. While most classical scholars interpret this verse as signifying Allah's preference for men over women due to men's greater knowledge, intellect, or physical strength, Shahrur rejects this interpretation. He argues that if Allah had intended to declare the superiority of males over females, the verse would have stated, "*al-dhukūru qawwāmūna 'alā al-ināth*" (males are *qawwām* over females). However, the Qur'an does not use such wording. From this linguistic observation, Shahrur concludes that the phrase *ba'dahum 'alā ba'din* refers

to both men and women, meaning that Allah has given superiority to some men and some women over others, regardless of gender (Shahrur, 2000). This understanding is supported by Surah Al-Isrā' [17]: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”.

This verse dismisses the notion of inherent or natural superiority based solely on creation. Instead, it emphasizes distinctions based on qualities such as effective management, wisdom, and varying degrees of cultural and intellectual awareness among individuals. Thus, some men may have advantages over certain women, just as some women may surpass certain men in specific areas (Shahrur, 2000). The second criterion of *Qawāmah*, according to Shahrur, is economic capability, as stated in the phrase *“wa bi mā anfaqū min amwālihim”* (because they spend out of their wealth). He argues that leadership within the family is not determined by biological sex, but by the capacity to provide materially (Jahwa & Wanto, 2026). In his view, financial responsibility naturally entails a degree of authority, applicable to both men and women. Historically, men were associated with *Qawāmah* due to their physical advantage in performing labor-intensive tasks. However, modern technological developments have significantly reduced the role of physical strength in earning a livelihood. As a result, *Qawāmah* should no longer be seen as an inherent male privilege but as a role that can be assumed by anyone, male or female (Mohases, 2024. who fulfills the responsibility for economic provision (Shahrur, 2000).

According to Shahrur, the family requires clear norms to regulate its dynamics, guide its members, and navigate life's challenges. Leadership is essential in this context, and both men and women can possess the qualities necessary for it, whether in wealth, education, character, or leadership ability (Bracen et al, 2023; Duerst & Kelly, 2023). There is little doubt that the well-being of a family and society is best ensured when leadership is held by those with the appropriate qualifications, regardless of gender (Smith & Sinkford, 2022). This is the deeper meaning of Surah An-Nisā' [4]:34. While the verse begins with the statement *“al-rijālu qawwāmūna ‘alā al-nisā’”* (men are the protectors and maintainers of women), it continues by highlighting the varying degrees of excellence that Allah grants to individuals, both men and women. The verse concludes with a reference to *“al-ṣāliḥātu qānitātun ḥāfiẓātun lil-ghayb bimā ḥafiza Allāh,”* (righteous women who are devoted and protective in the absence of their husbands). Shahrur interprets the term *ḥāfiẓāt* (safeguarding) as denoting women capable of leadership, reinforcing his view that leadership is the central theme of this verse rather than a gender-based hierarchy (Shahrur, 2000).

The Qur'an acknowledges the superiority of some men over women, along with the reasons for such advantages. However, it also affirms that some women are superior to men. According to Shahrur, the Qur'an identifies *ṣāliḥāt* (righteous women) as those who possess such superiority (Shahrur, 2000). The criteria for women who are qualified to lead can be found in Allah's words in Surah An-Nisā' [4]:34 "*Fashshâlihâtu qânitâtun ḥâfidzâtun li al-ghaybi bi mâ ḥafidzallâh*" (So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard).

Based on this verse, the characteristics of *ṣāliḥāt* (righteous women) who may assume the role of *Qawāmah* are: (1) *Qânitât* (from *al-qunût*), which signifies calmness, devotion, and steadfast consistency in fulfilling responsibilities; and (2) *Ḥâfiẓât*, meaning those who safeguard matters that Allah has commanded to be protected. Righteous women are thus expected to preserve the dignity, privacy, and confidential matters of their husbands and households, in accordance with divine instruction (Shahrur, 2009). Thus, Surah An-Nisā' [4]:34 outlines the qualities required of women who are granted leadership roles, owing to Allah's favor in the form of wealth, education, or intellectual capacity. These qualities include *qânitât* (obedience) and the *ḥâfiẓât* (safeguarding) of their husband's dignity and private matters. A woman who embodies these traits, according to Shahrur, is considered eligible to assume *Qawāmah*. Conversely, if a woman lacks these attributes, she falls outside the bounds of leadership eligibility. The verse refers to this condition as *nushûz* (disharmony), a departure from humility and the failure to protect her husband's dignity (Shahrur, 2000).

There exists an emotional bond between men and women, characterized by affection, love, loyalty, and mutual commitment within the marital relationship (Maulana RF., Dahrial F., Suryani I., 2025). In this context, the Qur'an describes the husband as a *libās* (garment) for his wife, and the wife as a *libās* for her husband (Firmansyah, 2026). The term *al-libās* is derived from the Arabic root *labisa*, which conveys the meaning of closeness, mutual care, and intimate involvement. This concept is articulated in Surah Al-Baqarah [2]:187: "*hunna libāsun lakum wa antum libāsun lahunna*" (They are a garment for you, and you are a garment for them). The use of this metaphor illustrates the complementary nature of the relationship between husband and wife, in which both partners share equal emotional capacity and human dignity. Neither is inherently superior to the other; rather, they are equal in their ability to experience love, compassion, and commitment (Shahrur, 2000).

The comparison between these two thinkers demonstrates a paradigmatic shift from an evolutionary-textual approach, represented by Mahmud Syaltut, toward a deconstructive-functional approach, represented by Muhammad Shahrur. Syaltut adopted a *tawassuṭ*

(moderate) approach. He remained grounded in the tradition of classical Islamic jurisprudence while simultaneously offering reinterpretations that aligned with contemporary principles of justice. Syaltut regarded the Qur'anic text as a fixed source of authority; however, its implementation, in his view, should prioritize *maṣlahah* (public welfare). Accordingly, he conceptualized *Qawāmah* as a managerial responsibility, administratively entrusted to men because of their obligation to provide financial support. Nevertheless, he emphasized that *Qawāmah* should not be understood as a form of power or domination, but rather as an expression of service and protection.

By contrast, Shahrur employed a contemporary linguistic analysis alongside his *ḥudūd* (theory of limits). Influenced by his educational background in engineering education, he viewed family law as a dynamic variable that must respond to social realities and the development of knowledge, rather than merely reproducing the interpretations of earlier scholars (Shahrur, 2009). Consequently, Shahrur deconstructed traditional gender roles in leadership. For him, *Qawāmah* is conditional and functional rather than inherently attached to biological identity. Authority within the family is determined by intellectual capacity and economic contribution. Therefore, if the wife possesses superior capabilities in these areas, leadership authority may legitimately shift to her (Shahrur, 2000).

Diverging Perspectives on *Qawāmah*: Syaltut's Classical Orientation and Shahrur's Progressive Reinterpretation

While the concept of *Qawāmah* has traditionally been associated with male authority, different scholars have offered varying interpretations of its meaning and application. Mahmud Syaltut and Muhammad Shahrur both affirm the principle of equality between husband and wife. For each, leadership within the family, whether held by the husband or the wife, does not imply superiority or inferiority, nor does it diminish the dignity of either party. While they share a commitment to gender equality, their interpretations of the Qur'anic foundation for leadership differ significantly.

Both Syaltut and Shahrur affirm the equal dignity, rights, and responsibilities of husbands and wives. They maintain that leadership within the household should not be construed as a form of superiority or inferiority, but rather as a functional distribution of roles. In their view, the division of labor in the family does not diminish the status of either spouse; instead, both husband and wife share equal responsibility in fostering a family life grounded in *sakīnah* (tranquillity), *maḥabbah* (love), and *rahmah* (mercy). They also recognize the wife's right to work outside the home, so long as both partners continue to fulfill their mutual obligations.

However, their perspectives begin to diverge in their interpretation of the Qur'anic foundation of *Qawāmah*, particularly concerning Surah al-Nisā' [4:34]. Syaltut interprets the phrase *ba'dahum 'alā ba'd* (some over others) as an indication that God has granted men certain natural advantages over women, such as greater physical strength and the capacity to assume financial responsibility for the household. On this basis, he upholds the classical position that men are the natural leaders within the family structure. Nevertheless, he moderates this view by acknowledging contemporary ideals of gender equity and emphasizing the importance of mutual respect and cooperation between spouses.

In contrast, Shahrur challenges the traditional interpretation of this verse by asserting that *tafdīl* (God's preference) is neither absolute nor gender-based, but relative and contextual. He argues that the verse indicates that God has granted certain advantages to some men over some women, and likewise to some women over some men. Shahrur redefines *Qawāmah* not as a fixed male entitlement but as a conditional role determined by individual qualities such as wisdom, leadership, and sound judgment. Within this framework, leadership in the family may be assumed by either the husband or the wife, depending on who is more capable. For Shahrur, the ideal woman is not defined by submissiveness or domestic confinement, but by her ethical integrity, spiritual maturity, and capacity to contribute meaningfully to the family and society (Shahrur, 2000).

Amina Wadud, a prominent contemporary Islamic feminist, shares a perspective similar to Muhammad Shahrur's. She argues that male *Qawāmah* is conditional and must be understood in light of the clause following the particle "bi" in Surah An-Nisā' [4]:34 "*bi-mā faḍḍala Allāhu*". The first condition is that a man must possess or demonstrate some form of advantage or merit; the second is that he must provide material support to the woman through his wealth. If a man fails to meet both conditions, he cannot be regarded as a leader over women (Setyawan, 2017). The methodological divergence between the two scholars can be traced to their distinct intellectual and educational backgrounds. Syaltut was raised in a religious family and received a traditional Islamic education rooted in the thought of classical scholars. His long-standing academic and professional affiliation with al-Azhar University, culminating in his role as Shaykh al-Azhar, further reinforced this orientation. As a result, Syaltut did not entirely depart from classical interpretations of *Qawāmah*, maintaining the view that men are naturally predisposed to leadership over women.

In addition, Syaltut shared common ground with modern thinkers regarding the principle of equality between men and women, even though his interpretations remained within the boundaries of classical scholarship. In contrast, Shahrur, trained as a civil engineer and deeply influenced by modern science and Western philosophy, developed his

Islamic thought outside traditional religious institutions. His approach is characterized by a rationalist and contextual hermeneutic framework, which emphasizes the socio-historical context of the Qur'an and affirms human agency in interpreting religious texts. In sum, while Syaltut seeks to harmonize classical tradition with modern values, Shahrur presents a more radical reinterpretation of *Qawāmah* (family leadership) that aligns fully with contemporary ideals of gender justice. Their differing perspectives reflect the broader tension within Islamic thought between maintaining fidelity to traditional interpretations and responding to the evolving demands of modernity.

The Relevance of *Qawāmah* Interpretation in the Context of Indonesian Muslim Society

In Indonesia, the concept of the head of the family is pluralistic, particularly within indigenous and traditional communities, where definitions vary exist across ethnic groups and cultures. Nevertheless, patriarchal norms continue to dominate family structures across much of Indonesian society (Retnowulandari, 2016). Given that the majority of Indonesians are Muslim, interpretations of Qur'anic verses on leadership carry significant weight and shape deeply embedded, though often unwritten, social norms. One such norm assumes that the husband is the primary breadwinner, while the wife is not economically responsible. This perspective reinforces a gendered division of roles, placing men in the public sphere working and earning income and relegating women to the private sphere, where they are expected to serve their husbands, nurture, educate, and care for children (Sa'dan, 2017).

In the context of family leadership in Indonesian society, Mahmud Syaltut's view on *Qawāmah*, or male leadership within the family, aligns closely with the concept articulated in Indonesia's Compilation of Islamic Law (Kompilasi Hukum Islam/KHI). Article 79 of the Compilation states: (1) "The husband is the head of the family, and the wife is a housewife"; (2) "The rights and status of the wife are equal to those of the husband in family and social life within the community"; and (3) "Each party has the right to take legal action." These provisions reflect the idea that while the husband is formally positioned as the family head and the wife as a housekeeper, both spouses possess equal rights and status, particularly regarding legal capacity and public engagement, so long as neither harms the other. This structure reflects the underlying principle of balance in marital rights and responsibilities. The Compilation thereby affirms a gendered division of household roles while simultaneously upholding the legal and social equality of husband and wife (Islamiyati, 2013).

The role affirmation in Article 79 (1) of the compilation has been criticized by certain groups, particularly feminists and women's empowerment advocates, as reinforcing patriarchal structures by

legitimizing motherhood as the central and defining role of women within the family. They argue that such a formulation standardizes gendered divisions of labor and limits women's roles to the domestic sphere. However, according to Daud Ali, this provision should not be viewed as diminishing the status of wives. Rather, it reflects a practical division of labor and responsibility within the household. He further asserts that the article does not prohibit wives from engaging in activities outside the home, provided they continue to fulfill their responsibilities as homemakers. This interpretation rests on the view that women, particularly mothers, are naturally best suited to manage domestic affairs (Alamsyah & Zuhdi, 2024).

Based on these factors, it is evident that the prevailing view in Indonesian society strongly reflects a traditional understanding of family roles, to the point that it has become a widely accepted social norm, even in households where both spouses are employed. However, from Muhammad Shahrur's perspective, leadership within the family is not inherently tied to gender. In certain Indonesian family contexts, such as when the husband is unable to fulfill his responsibilities due to illness, unemployment, or death, the wife may rightfully assume the role of leader (Hamdani, 2023). In such cases, Shahrur's framework allows for a flexible and functional understanding of *Qawāmah*, where leadership is based on capacity and responsibility rather than biological sex.

Women and men are social beings who engage in constant interaction within a network of social relationships. When social relations change, the social categories of "woman" and "man" also evolve, thereby altering their respective roles and responsibilities. In patrilineal societies, the burden of responsibility tends to fall more heavily on men than on women. However, these dynamics are not uniform; they are shaped by the specific geographical and environmental conditions of each community, which in turn influence the development of local socio-cultural systems (Nurliana, 2019).

In addition to their roles within the household, women also participate actively in society and government, enjoying equal rights and opportunities alongside men. In contemporary Indonesian society, public sector employment is no longer the exclusive domain of men. In fact, many women, many of whom are wives, now hold significant roles in government, business, banking, and the broader economy. As a result, women frequently help meet their families' financial needs. Nonetheless, the dominant view in Indonesian society continues to regard men as the natural leaders of their families (Browsers, 2004). This perspective is reflected in the Compilation of Islamic Law, which institutionalizes a family model rooted in traditional gender roles.

In the past, women in Indonesia had limited access to employment in the public sphere, which was men largely dominated. However, in the

millennial era, with the rapid advancement of science and technology, many women, including wives, have entered the public workforce. As a result, traditional domestic responsibilities such as caring for and educating children and managing the household are increasingly delegated to domestic helpers, or in some cases, assumed by the husband. Consequently, the wife's role in managing household life has diminished, while she has taken on the role of breadwinner and becomes the primary provider for the family (Nurliana, 2019).

Equality between husband and wife in the household refers to shared responsibility in maintaining family harmony, mutual support, and fulfilling needs through different yet complementary roles. In some cases, the wife contributes to the family's financial needs either out of necessity or to pursue a professional career aligned with her specific expertise. This results in a form of partnership in which both spouses cooperate to sustain the household. However, despite significant socio-economic changes, the dominant perception in Indonesian Muslim society still positions the wife as a complement rather than a leader in family life (Nurliana, 2019). This reflects the prevailing cultural norm, in which women are seen as companions who assist their husbands in meeting the family's need.

Mahmud Syaltut argues that gender practices in Islam must be grounded in the principles of justice and compassion. Although he continues to position men as *qawwām* (leaders), he emphasizes that this position is not intended for domination. This view is highly relevant to the Indonesian context, where the figure of the husband as head of the family is still strongly upheld, while increasingly incorporating the values of *musyawarah* (consultative leadership). In this framework, men lead because they serve and protect, not because they are inherently superior in essence.

In contrast, Muhammad Shahrur offers a more radical perspective by separating *Qawāmah* from biological identity. He argues that sociological changes where women are now highly educated and economically active should lead to a restructuring of family law. This perspective is particularly relevant for urban families in Indonesia, where wives may have higher incomes or educational attainment than their husbands. Shahrur thus provides religious legitimacy for wives to assume leadership roles in such contexts. Family authority becomes dynamic; whoever contributes more economically and intellectually assumes leadership (Purkon, 2022). Within the Indonesian context, the comparison between these two thinkers reflects an ongoing negotiation between textual norms and social reality. Syaltut provides a foundation for those who wish to remain within the framework of traditional legal structures (such as Article 31 of the Marriage Law), while promoting more just and gender-responsive practices. Shahrur offers a methodological solution to

legal gaps when empirical realities no longer align with classical textual formulations, such as the emergence of female-headed households.

Conclusion

This study demonstrates that the differing perspectives of Mahmud Syaltut and Muhammad Shahrur on *Qawāmah* (family leadership) stem primarily from their distinct interpretive methodologies, leading to contrasting conceptions of authority and gender roles within the family. While Syaltut maintains the traditional framework of male leadership based on financial responsibility and protection, his emphasis on justice, consultation, and mutual cooperation provides an important foundation for a more equitable application of Islamic family law. In contrast, Shahrur's functional interpretation, grounded in his theory of *ḥudūd* (limits), redefines *Qawāmah* as a role determined by competence, responsibility, and contribution rather than biological sex. By comparatively examining these two approaches, this study contributes to the ongoing discourse on Islamic legal reform by highlighting the possibility of reconciling classical Islamic principles with contemporary demands for gender justice. The findings suggest that family leadership should be understood as a dynamic and functional partnership rather than a fixed hierarchical structure. Practically, this perspective supports the reconsideration of several provisions of the Compilation of Islamic Law (KHI) that continue to reflect rigid gender assumptions. Therefore, policymakers, legal practitioners, and academics should adopt a functional-contextual approach in developing family law reforms that respond to changing socio-economic realities while preserving the ethical objectives of Islamic law. Future research may further explore the implementation of such reinterpretations in judicial practice and contemporary Muslim family life.

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