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WOMEN'S TESTIMONY IN THE QUR'AN IN ASGHAR ALI ENGINEER'S PERSPECTIVE: PAUL RICOEUR'S HERMENEUTIC PHENOMENOLOGICAL READING

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Keywords:

Women's testimony, Asghar Ali Engineer, Paul Ricoeur, hermeneutic phenomenology

ABSTRACT

Discussions about gender issues in contemporary times are never-ending topics, including in the realm of Islamic studies. This study examines women's testimonies in Asghar Ali Engineer's thoughts, which are analyzed using Paul Ricoeur's hermeneutical phenomenological framework. Engineer's thoughts regarding women's testimony are important to discuss because of the dismantling of the discourse he carried out regarding verses with gender connotations in the Al-Qur'an, which often do not follow the mainstream interpretation. This research is library research with qualitative research methods. The primary source for this research is Asghar Ali Engineer's interpretation of verses from women's testimonies, while the secondary sources used are other literature sources that are relevant to the research, both in the form of books and journal articles. This research aims to track and explore Asghar Ali Engineer's thoughts regarding the verses in women's testimonies. The author uses Paul Ricoeur's hermeneutic phenomenology theory in analyzing Asghar Ali's thoughts. The results of this research were the engineer's re-reading of the verse about women's testimony, namely QS. Al-Baqarah/2: 282. In Paul Ricoer's concept of hermeneutical phenomenology, engineers go through a process of decontextualizationrecontextualization in order to obtain new meanings that are relevant to the current context. In the decontextualization process, Engineer explained the socio-cultural conditions at the time the verse was revealed, which implied that women lacked knowledge and experience regarding business, so that one additional female witness was needed as a reminder, and it did not fully mean that women's status was half that of men. The recontextualization process includes three stages, namely semantic, reflexive, and existential. In the modern context where women are more educated about financial matters, even more so than men, there is nothing to prevent a woman's position as a witness from being equal to that of a man.

Kata kunci:

Kesaksian perempuan, Asghar Ali Engineer, Paul Ricoeur, fenomenologi hermeneutis

ABSTRAK

Perbincangan mengenai isu-isu gender di masa kontemporer menjadi topik yang tidak pernah selesai, termasuk dalam ranah kajian Islam. Kajian ini meneliti tentang kesaksian perempuan dalam pemikiran Asghar Ali Engineer yang dianalisis menggunakan kerangka fenomenologi hermeneutis Paul Ricoeur. Pemikiran Engineer mengenai kesaksian perempuan penting dibahas karena adanya pembongkaran wacana yang ia lakukan terhadap ayat-ayat berkonotasi gender dalam Al-Qur'an, yang seringkali tidak mengikuti penafsiran yang mainstream diikuti. Penelitian ini merupakan penelitian pustaka (library research) dengan metode penelitian kualitatif. Sumber primer dari penelitian ini adalah penafsiran Asghar Ali Engineer terhadap ayat-ayat

kesaksian perempuan, sedangkan sumber sekunder yang digunakan adalah sumber literatur lain yang relevan dengan penelitian, baik dalam bentuk buku maupun artikel jurnal. Penelitian ini bertujuan untuk melacak dan menelusuri pemikiran Asghar Ali Engineer terkait ayatayat kesaksian perempuan. Penulis menggunakan teori fenomenologi hermeneutik Paul Ricoeur dalam menganalisis pemikiran Asghar Ali. Hasil dari penelitian ini pembacaan ulang yang dilakukan Engineer pada ayat tentang persaksian wanita, yaitu QS. Al-Baqarah/2: 282. Dalam konsep fenomenologi hermeneutis Paul Ricoer, Engineer melewati proses dekontekstualisasi-rekontekstualisasi mendapatkan makna baru yang relevan dengan konteks masa kini. Dalam proses dekontekstualisasi, Engineer memaparkan kondisi sosial budaya pada masa turunnya ayat yang menyiratkan perempuan kurang memiliki pengetahuan dan pengalaman mengenai bisnis, sehingga diperlukan tambahan satu orang saksi perempuan sebagai pengingat, dan tidak sepenuhnya bermakna status perempuan sebagai setengah dari laki-laki. Proses rekontekstualisasi dilakukan meliputi tiga tahapan, yakni semantik, refleksif, dan eksistential. Dalam konteks modern dimana perempuan sudah lebih teredukasi mengenai masalah finansial, bahkan bisa melebihi laki-laki, maka tidak ada yang menahan agar posisi seorang perempuan sebagai saksi setara dengan seorang laki-laki.

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INTRODUCTION

Discussions about gender issues in contemporary times are never-ending topics, including in the realm of Islamic studies. The position of men and women is considered equal in Islamic teachings, as the postulates show justice for both genders. However, interpretations that suggest gender inequality in certain cases continue to surface, until they become mainstream interpretations and are considered a legitimate authority in interpreting the Qur'an (Latif, 2019, p. 124). Gender bias makes the position of women in Islam 'vague', as if legitimizing the superiority of men over women. This gender bias encourages academics who are often called Muslim feminists to criticize classical interpretations that put women in a disadvantaged position (Arifin, 2017, pp. 105–106). This is of course to prove the position of Islam which asserts itself as a religion that brings blessings to the world (rahmatan li al-'alamîn).

The rise in the study of gender issues among academics certainly means that this topic is not rare and has been widely studied by previous researchers. Gender studies, especially regarding the status of women in the public sphere in various aspects, continue to be a hot topic even in the midst of modernization. In the context of women's testimonies, the author explores previous studies covering studies from an interpretive (*tafsir*) perspective (Latif, 2019)(Shalahuddin, 2016)(Arifin, 2017)(Parwanto & Rosdiawan, 2018) and law (*fiqh*) perspective (Juwita, 2015)(Asriaty, 2016). In Islam, women's testimony has implications in the realm of law, so that some of the previous studies tend to be normative in elaborating on this topic. This study attempts to fill the gap and complement previous studies by focusing on one of the figures who fought for gender

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equality, namely Asghar Ali Engineer. In many of his writings concerning women, Engineer offers various kinds of dismantling of discourse. He presents many of his opinions regarding women's rights in Islam, including cases of inheritance, testimony, the position and status of women in the family, polygamy, and divorce, which are considered to contain values of inequality between men and women. (Farah, 2020, pp. 183-184) (Nuraini, 2021) This article only focuses on one gender topic, namely women's testimony.

This study starts from the assumption that Islam exists as a religion that is rahmatan lil 'alamîn. Therefore, Islamic teachings certainly try to minimize the moral depravity of Jahiliyyah society which tends to discredit women, even from the time they are just born. In this case, in the mainstream interpretation, the topic of women's testimony which is taken from QS. Al-Baqarah/2: 282 is textually interpreted as a 1:2 ratio between men and women, so that women—borrowing Amina Wadud's term—are considered "less human" than men (Wadud, 1999, p. 35). This shows that there are beliefs that have not changed regarding the status and position of women, even though the social context in contemporary times has changed considerably from the context in which the verse was revealed. This is different from the thinking of feminist figures, one of which is Asghar Ali Engineer. He believes that the teachings of the Qur'an aim to create a balanced life between men and women. Historically, male domination has led to inequality and injustice, which is then justified by interpretations that support male domination over women. Whereas the Qur'an provides a place of honor for all humans, regardless of gender (Farah, 2020, p. 187). Even though Engineer's thinking goes against the flow of mainstream interpretation, he aims to create balance and equality in the interpretation of verses with gender connotations, so that it can validate the status of Islam as a religion that is rahmatan lil 'alamîn. Thus, this article attempts to revisit the theme of women's testimony discussed by Asghar Ali Engineer, and outline the chronology of his thinking with the construction of Paul Ricoeur's theory of hermeneutic phenomenology.

METHOD

This research is library research with qualitative research methods. The primary source for this research is Asghar Ali Engineer's interpretation of a verse regarding women's testimony, namely QS. Al-Baqarah/2: 282. The secondary sources used are other literature sources that are relevant to the research, both in the form of books and journal articles. This research aims to track and explore Asghar Ali Engineer's thoughts regarding the verse of women's testimonies. Paul Ricoeur's hermeneutic phenomenology theory is used in analyzing Asghar Ali Engineer's thoughts. Paul Ricoeur's theory is used to trace Asghar Ali Engineer's line of thinking, and see how Engineer dismantles discourse on established interpretations by decontextualizing and recontextualizing.

RESULTS AND DISCUSSION

Asghar Ali Engineer: Biography and Intellectual Journey

Asghar Ali Engineer was born on March 10, 1939 in Rajhasthan, a city in India near Udaipur. He was born into a family affiliated with the Shia Ismailiyah. His father, Sheikh Qurban Husain, was a Muslim scholar who served as the leader of the Bohras, a religion affiliated with the

¹ For instance, the Qur'an states that human beings are equal in creation, but the only difference is the level of piety (Q.S. al-Hujurat/49: 13). The Qur'an also states that the good deeds of humans, both men and women, will be accepted by Allah (Q.S. Ali 'Imran/3: 195, Q.S. al-Nahl/16: 97).

Shia Ismaili sect (Munir & Munafiah, 2018, pp. 3–4). In 1973, Engineer joined the progressive Dawoodi Bohra movement which challenged the absolute economic, social, religious political power and authority concentrated in the family of *da'i al-mutlak*, Bohra leaders who called for internal reforms. He suffered several almost fatal physical attacks as a result of opposing the Dawoodi Bohra religious leadership (Yusuf, 2018, p. 78) (Rusmana, et al., 2023., p. 12) He is known to have a liberal, open and patient nature. His open-minded attitude encourages him to frequently engage in discussions with followers of other religions such as Brahman Hinduism, the majority religion where he lives (Munir & Munafiah, 2018, p. 4).

As a child, Engineer studied Urdu, Arabic, Hindi, and Arabic, and also the exegesis of the Qur'an, Islamic theology, and history. He earned an engineering degree from the University of Indore, then worked as a civil servant engineer for the Bombai Municipal Corporation for 20 years. He then founded the Institute of Islamic Studies in 1980 and the Center for Study of Society and Secularism in 1993. Throughout his life, he has written more than 50 book titles and articles in various national and international magazines and newspapers. Engineer has received several awards, such as the Dalmia Award for communal harmony in 1990, the National Communal Harmony Award in 1997, and the Right Livelihood Award in 2004. He is also the organizer of the Asian Muslim Action Network (AMAN) (Yusuf, 2018, p. 78).

Engineer was disturbed by rampant corruption in his workplace. He also witnessed social injustice, communal massacres in independent India, and the need for internal reforms within the Dawoodi Bohra community, therefore in 1983, Engineer voluntarily resigned from his job. He then embarked on a long journey in the academic world and socio-religious activities aimed at eradicating corruption, communalism, and exploitation. He devoted himself to Bohra reformation and promoted the values of freedom, equality, human rights, justice, Muslim women's rights, communal harmony, nonviolence, and secularism. In his efforts to make this happen, Engineer was inspired by the Prophet Muhammad and Karl Marx, so he combined Islamic theology with critical theory (Yusuf, 2018, p. 78).

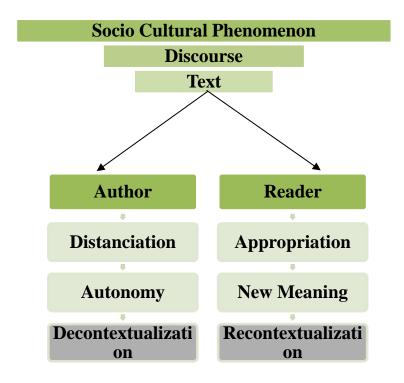
Paul Ricoeur's Hermeneutic Theory

Paul Ricoeur is an influential figure in the field of hermeneutics. Joseph Bleicher places Ricoeur as a link between two major traditions in philosophy, namely German phenomenology and French structuralism. Bleicher positions Ricoeur outside the three traditions of mainstream hermeneutic thought, namely methodological hermeneutics, philosophical hermeneutics, and critical hermeneutics (Rame, 2014, p. 2). Ricoeur facilitated previously existing hermeneutic thinking, namely Schleiemacher and Dilthey's romantic hermeneutics with Heidegger's philosophical hermeneutics. He agrees with Dilthey who places hermeneutics as a study of linguistically fixed expressions of life. He takes Schleiemacher's thoughts in terms of reconstructing the writer's experience, Dilthey's thoughts in an effort to find oneself from others, and uncovering the potential of existence as Dilthey thought. (Atabik, 2019, p. 300).

Ricoeur stated the definition of text as "any discourse fixed by writing." Ricoeur refers to language as an event, meaning language that talks about something. Language also acts as meaning, which is a living and dynamic dimension. According to Ricoeur, language always says something, and is also about something. In simple terms, text as discourse is the language used in communication, which consists of spoken and written language (Ricoeur, 1971, pp. 135–136). For Ricoeur, texts are completely autonomous and have four characteristics, namely (a) the meaning of the text lies in what is said, regardless of the way it is expressed; (b) the meaning of the text is not tied to the speaker, as in spoken language; (c) the text is not tied to the initial context; (d) the text

is no longer tied to the initial audience, as spoken language is tied to the listener (Rame, 2014, pp. 11–12). Text autonomy aims to make the text independent, so that it can be given a new meaning and the text being interpreted is not ahistorical. Written language tends to be more difficult to understand and reflects the autonomy of the text more than spoken language, because the meaning presented in spoken language can relatively be captured according to the context.

Ricoeur proposed a hermeneutic theory which generally includes two things, namely decontextualization and recontextualization. Decontextualization is the process of releasing a text from its old context, while recontextualization is giving a new meaning to the text. Decontextualization is carried out by carrying out distanciation, namely taking distance with the aim of making the text autonomous and independent. The distanciation process is then continued with appropriation, namely giving meaning that is relevant to the reader's context. Ricoeur's version of distanciation is divided into four, namely (1) distanciation between texts as language events with meaning; (2) distanciation between the text as work and the author's intention; (3) distanciation between the author's intent (the act of writing) and the reader's interpretation (the act of reading); and (4) distanciation between text and referent (the reality referred to by the text) (MJS Channel, 2020).



Grafik 1. Hermeneutic Phenomenology of Paul Ricoeur



Grafik 2. The Stages of Appropriation

Women's Testimony in the Discourse of Mufassir

It is generally known that the testimony of women is half that of men. In other words, it is necessary to present two women in a testimony so that they have the same status as a man. The proposition that is often put forward to strengthen this argument is QS. al-Baqarah [2]: 282. This verse is a verse that contains matters regarding debts and receivables (mudâyanah). The person who owes the debt should present someone who can write it down fairly and present two witnesses. In its editorial, the Qur'an states that the witnesses presented were two men. If none are found, the alternative given is one man and two women. The testimony of a man who was equated with two women was then questioned by some parties. Even though in the continuation of the same verse, the Qur'an explains that the presence of two women is intended to be a reminder if one of them forgets (Departemen Agama RI, 2011, pp. 433–435). However, the interpretation raises a new series of questions, namely questioning the possibility of forgetting being embedded in the context of women's testimony, but not with men's testimony.

Responding to this, several scholars and *mufassir* have different views. Al-Thabari (Al-Ṭabarī, 1994, p. 86) and Muqatil bin Sulaiman (Sulaiman, 2002, p. 229) They did not explain in more detail the reasons behind the comparison of two female witnesses with one male witness. Both of their explanations only emphasized that this was an anticipatory step if both of the witnesses forgot. According to some opinions, this potential for forgetting is due to women's lack of intellectual capacity or uncontrolled emotions. According to Ali Ahmad al-Jurjani, women use feelings more than thoughts when making decisions. Women's minds are rarely used for complicated matters, so their *iradah* is weaker. This is inversely proportional to men who are more patient and steadfast in enduring hardship so that their minds are more mature in thinking and considering things. (Departemen Agama RI, 2011, pp. 435–436).

In contrast to al-Jurjani, who sees the cause of the difference in the number of witnesses in the natural realm, Abduh and Rasyid Ridha see it as something formed by social construction. According to the two figures, this issue cannot be separated from the habits of society, especially Arab society at that time. The requirement for the number of men and women in testimony is based on a differentiated division of labor. Women carry out activities in the domestic space, while men are more active in public areas. The portion of time and attention given certainly influences the strength of both of them. Women who are used to devoting their time to the domestic space will certainly experience some difficulties when carrying out activities in the public space, especially in cases of testimony that rely on the power of memory. Therefore, the purpose of this verse is not to lower the status of women, but rather to adapt it to the context of society in general (Ridha, 1947, pp. 124-125). Quraish Shihab emphasized that this verse does not speak in the context of women's intellectual capacity in general, or even degrades women's ability to memorize (Shihab, 2021, pp. 735-736). Modern commentators open up the possibility of women's testimony with conditions that are different from the explanation of the verse. Meanwhile, classical commentators only allow women's testimony without being accompanied by men in certain cases where other people are not allowed to know, especially men. (Qurthubi, 2006, p. 442).

Asghar Ali Engineer's Interpretation in Women's Testimony

Asghar Ali Engineer, in expressing his thoughts regarding women's testimony, first elaborated on the interpretation of *mufassir* and *fuqaha*. Generally, there is an assumption that women's position in testimony is only half, so that two female witnesses are the same as one male witness. It is based on verses of the Qur'an and interpreted by *mufassir* and *fuqaha*. Although the interpretation of this verse, that a woman is equal to half a man, was accepted willingly several

centuries ago, when awareness of women's rights was almost non-existent, today this conception is rejected by feminists. This change is certainly influenced by the times, where awareness of the position and rights of women as individuals and in society has increased, making it difficult to accept the concept of testimony which seems to place men in a superior position, while women are inferior. (Engineer, 2005, pp. 69–70).

Classical mufassir and fugaha confirmed categorically that God treats one man equally with two women in the testimony scheme. In fact, it was emphasized that testimony given by two women would only be valid if accompanied by a male witness, but not vice versa. Thus, the testimony of four women as substitutes for two men became invalid due to the absence of men as witnesses. A debate between classical and modern mufassir emerged regarding the QS. Al-Baqarah/2: 282. Classical thinkers maintained their interpretation regarding the rejection of the value of women as witnesses, and expanded the concept of witness not only in financial matters, as is explicit in the verse, but also to all other issues, including hudud, namely matters related to theft, rape, false accusations, murder, and others. On the other hand, modernists argue that the verses of the Qur'an specifically only refer to financial issues, so their application cannot be extended to non-financial issues. Modernists also support women's testimony to be equal to men's (Engineer, 2005, pp. 70–71).

There are many arguments put forward by male legal experts to reject women's testimony. One of their arguments was that if the testimony of four women alone—without the presence of men—was accepted, then they would often appear in public, and this was undesirable for reasons of women's privacy. This argument is never mentioned in the Qur'an, but was put forward by legal experts. Modernists strongly oppose this opinion, because they believe that the Qur'an does not reduce women's testimony to half that of men, but only strengthens their testimony with the presence of other women. This was because at that time, women generally lacked financial knowledge and experience. Engineer quoted the views of Maulana Muhammad Ali and Muhammad Asad in stating the lack of knowledge of women at that time so that the concept of women's testimony did not lower the status of women from a moral or intellectual perspective (Engineer, 2005, p. 72).

Engineers tend to agree with the opinion of modernist thinkers who state that the problem is caused by women's lack of experience in business transactions, so that the Qur'an states two women as witnesses replacing a male witness. Apart from that, the requirement for two female witnesses only relates to financial transaction matters, and does not apply to other matters. Reflecting on the Qur'anic verse regarding testimony, it is very clear that testimony is only made by one woman, not by two women. The other woman was just to remind her if she was wrong (Engineer, 2005, pp. 72–73).

Engineer quoted Parvez as holding the view that because women are brought up in different patterns and situations, they do not have clarity on the issues in dispute, and therefore need someone else to complete them. He interprets the word tudillu in the verse not to mean forgetting, but rather confusion. HoweveClick or tap here to enter text.r, he does not agree with the argument that two female witnesses occupying the position of one male witness shows the superiority of men over women. The Qur'an states that the testimony of one man is not sufficient, so the testimony of another man or two women is needed for the accuracy of the written document. This does not mean that the Qur'an considers a man's testimony to be imperfect, but a second person is needed to perfect the first person. If there are deficiencies in his testimony, it can be perfected by another witness, so that the testimony is truly convincing. This does not indicate male incompetence, nor

does the presence of two female witnesses indicate women's inferiority over men. (Engineer, 2005, pp. 76–77).

Hermeneutical Phenomenology: Reinterpretation of Ethico-legal Verses

Women's testimony as a socio-cultural phenomenon is considered gender biased in Islamic tradition, especially based on the conclusions of mainstream mufassir and fugaha. This becomes a discourse based on text, especially QS. Al-Baqarah/2: 282, which is always used as an argument in discussing women's testimony. In the first process, Allah is the author of the Al-Qur'an, namely the text that is interpreted. The distance between Allah as the author and the text of the Qur'an means that the text is disconnected from its author, so that Allah does not have the authority to control the meaning of the Qur'an. This distantiation between the author and the text makes the text completely autonomous, so that it is free to be interpreted by the reader and gives birth to new meanings. This process is known as decontextualization. Engineer, in his interpretation regarding women's testimony, decontextualizes it by releasing the attributes that are in and around the verse, including the author's intention, the socio-historical context in which the verse was revealed, and the object of the verse's purpose, namely Arab society at that time. In the process of decontextualizing QS. Al-Baqarah/2: 282, Engineer first explained the context of the revelation of the verse, the socio-cultural conditions at that time which implied that women lacked knowledge and experience regarding business. This has implications for the need for one additional female witness as a reminder, and does not fully mean the status of women as half of men.

Engineer as a reader then carries out recontextualization, namely personal reading that goes through an appropriation process, which includes three stages, namely semantic, reflexive, and existential. In the semantic stage, Engineer quotes Parves who interprets the word *tudillu* in the verse as confusion, not forgetting. He also agrees with modernist thinkers regarding the specificity of the verse, namely the law on women's testimony in QS. Al-Baqarah/2: 282 only applies in financial cases, and does not apply in non-financial matters such as hudud. Apart from that, reflecting on the verses of the Qur'an regarding testimony, it is very clear that testimony is only made by one woman, not by two women. The other woman was just to remind her if she was wrong.

In the next stage, namely reflexive, the Engineer looks at the context in which the verse was revealed. In this case, he stated that the context of the revelation of the verse which has implications for rule 1: 2 regarding women's testimony is related to women's lack of experience in business transactions at that time, so that the Qur'an states that two female witnesses are equivalent to one male witnesses. Lastly, the existential stage takes the interpretation in a new direction that is more contextual and relevant to the present. In the modern context where women are more educated about financial matters, even more so than men, there is nothing to prevent a woman's position as a witness being equal to that of a man.

CONCLUSION

The text is an autonomous corpus that is free to be interpreted by the reader. In this case, Asghar Ali Engineer reread the verse which explains the testimony of women, namely QS. Al-Baqarah/2: 282. Engineer in Paul Ricoer's concept of hermeneutical phenomenology goes through a process of decontextualization-recontextualization in order to obtain new meaning. Ultimately, each text in Ricoeur's construction must be understood objectively and subjectively at the same time. On the one hand, the text must remain objective by considering its past context so that

readers do not interpret the text arbitrarily. On the other hand, the text is also understood subjectively in order to find new meanings that are relevant to the current context and not trapped in the past.

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