

THE REINTERPRETATION OF 2:1 HERITAGE USING THE INTERPRETATION AND CULTURAL FUNCTIONS

MUHAMMAD YUSUF YAHYA

Institut Agama Islam Al-Muslim, Bireun, Indonesia

Email: yusuf.yahya8686@gmail.com

Abstract: The article aimed to interpret the heritage verses (*mawarith*) related to sharing inheritance parts for sons and daughters using Interpretation and Cultural Functions, conveyed by Gorge J.E. Gracia. This article also applies renewed construe of heritage law particularly related to the 2:1 by reviewing Surah An-Nisa: 11 and 176 and *al-Munasabah* (correlation) between the intended meanings on An-Nisa: 11 and An-Nisa: 34. This research applied the library research using a descriptive analysis approach. The technique of data collection was the triangulation by inquiry of Islamic exegesis references taken from classic and contemporary ones. Besides, this study also collected secondary data, such as classic Islamic Law books, classic Islamic interpretation books, the law of inheritance, written in the Code of Civil Law and the Laws of Inheritance regulated in Compilation of Islamic Laws, the Islamic jurisprudence, consensus, as well as a fatwa (rules issued by the National Islamic Scholars). The result of research in this article stresses the urgency of inheritance interpretation (*mawarith*) by the inquiry of cultural approach based on valid positive law, the history of verse reveal (*asbab an-nuzul*), the approach to modern science, such as anthropology, and existence of universal justice among all the heirs in a family. The results of such interpretation have been reduced by the Interpretation Function, namely the original meaning (historical function). They then get enhanced to interpret meaning (meaning function), and then emphasize the implicative function. It implies that a basic requirement is ignored when a *mujtahid* (jurist) understands the intended meaning on An-Nisa: 34. This case would finally prove that there is a correlation between the content of An-Nisa: 11 and a given capacity to the man as a caretaker implied on An-Nisa: 34, which is a natural gift reasoning bestowed by Allah and professional reasoning or one who is responsible for maintaining the household and finance.

Keywords: The Functions of Interpretation, The Cultural Function, Heritage, An-Nisa:11.

Abstrak: Artikel ini bertujuan untuk melakukan pengkajian terhadap penafsiran ayat-ayat mawarith terkait pembagian warisan anak laki-laki dan anak perempuan dengan menggunakan Teori Fungsi Interpretasi dan Teori Fungsi Kultural. Penelitian di artikel ini juga bertujuan merekonstruksi penafsiran hukum kewarisan terutama bagian dua banding satu dengan menela'ah Surah An-Nisa': 11 dan 176, serta munasabah/korelasi antara kandungan Surah An-Nisa': 11 dengan Surah An-Nisa': 34. Adapun metode penelitian dalam penelitian ini adalah penelitian pustaka dengan menggunakan pendekatan analisis deskriptif yang menerapkan fungsi interpretasi dan fungsi kultural Jorge J.E. Gracia untuk penafsiran kewarisan. Teknik pengumpulan data dilakukan secara gabungan, dengan menelisik kitab tafsir baik klasik maupun modern. Penelitian ini menitikberatkan sumber data primer, yaitu A Theory of Textuality: The Logic and Epistemology karya Jorge J.E. Gracia, yang menawarkan fungsi kultural dan fungsi interpretasi. Di samping itu, data sekunder berupa beberapa kitab Fikih dan kitab Tafsir klasik, produk hukum seperti Hukum Kewarisan yang masih tertuang dalam Kitab Undang-Undang Hukum Perdata dan Hukum Kewarisan Islam yang diatur dalam Kompilasi Hukum Islam, hasil ijtihad, dan fatwa. Hasil penelitian menekankan urgensi penafsiran kewarisan (*mawarith*) dengan telisik pendekatan kultural berbasis hukum positif yang berlaku, sejarah turunnya ayat (*Asbab an-Nuzul*), pendekatan ilmu modern seperti antropologi, dan adanya nilai keadilan universal antar ahli waris dalam satu keluarga. Hasil

penafsiran tersebut direduksi dengan fungsi interpretasi, yaitu makna asli/historisitas (historical function) yang kemudian berkembang kepada penafsiran makna (meaning function) dan terakhir menekankan implikasi baru (implicative function), yaitu jika syarat yang diimplikasikan pada An-Nisa': 34 tidak tercapai. Hal demikian ini juga membuktikan adanya korelasi antara kandungan Surah An-Nisa': 11 dengan kapasitas yang dibebankan pada An-Nisa': 34 yaitu ta'lil wahbi atau kapasitas fitrah yang diberikan Allah dan ta'lil kasbi atau kapasitas sebagai pemberi nafkah.

Kata Kunci : Fungsi Interpretasi, Fungsi Kultural, Kewarisan, An-Nisa:11

Introduction

Thoughts on law events in society always experience dynamic solutions. Social changes in society strengthen this opinion. Thus, social changes are often in line with law changes. In other words, the law could be changed according to social changes in society and social changes based on the era. This opinion is also confirmed in the *qai'dah fiqhiyyah "La yunkaru tagayyuru al-ahkam bi tagayyuri az-zaman"*, meaning that "the law could not be denied by the change of times". In addition, this is also reinforced by the famous theory of Roscoe Pound, "The Law as A Tool of Social Engineering", interpreted as law is created as a tool of social engineering. It implies that law could shape and change a society social.¹ These changes could be cultural and civilization changes and other forms leading to law changes. Further, he said: "the record of a continually wider recognising and satisfying of human wants or claims or desires through social control; a more embracing and more effective security of social interest; a continually more complete and effective elimination of waste and precluding of friction in human enjoyment of the goods of existence- in short, a continually more efficacious social engineering."²

In exploring the law, methods and approaches are needed so that a *mujtahid* (an authoritative interpreter of the religious law of Islam) could obtain solutions to law cases that occur in a society. Even hermeneutics could play a role in interpreting the law. For instance, Prof. Dr Alyasa' Abubakar stated that using hermeneutics in understanding the Quran and Sunnah is the possibility and even the necessity to reach today's needs.³ This statement implicated that hermeneutics could be used as a method for law interpretation in the current era. This article was intended to refer to the well-known approach with two interpretation theories conveyed by Jorge J.E. Gracia: The Function of Interpretation and Cultural Function. Jorge J.E. Gracia presents Cultural Functions as a disciplinary framework for examining texts. In other words, Cultural Function is a categorization of a text. The cultural function emphasizes the meaning that is arisen and is applied in society. However, the Function of Interpretation is a systematic interpretation offered by Jorge J.E. Gracia as an interpretation series of a text.

The cultural function is also supported and strengthened by Toshihiko Izutsu in his book *God and Man in the Qur'an* by saying: "The Qur'an is capable of being approached from a number of different points of view such as theological, philosophical, sociological, grammatical, exegetical, etc, and the Qur'an presents a number of divergent but equally important aspects".⁴ The first function is called the historical function, which is referred to the historical meaning and is more directed to the original meaning. The second function is called the meaning

¹ Roscoe Pound, *the Spirit of the Common Law*, (Francetown: Marsall Jones Company, 1921), p. 193. See also: Roscoe Pound, *An Introduction to the Philosophy of Law*, (New Haven: Yale University Press, 1959), p.47.

² Roscoe Pound, *An Introduction to the Philosophy of Law*, (New Haven: Yale University Press, 1959), p. 47. See also: Roscoe Pound, *An Introduction to the Philosophy of Law*, Volume IV, (New Haven: Yale University Press, 1930), p. 99.

³ Alyasa' Abubakar, *Metode Istislahiyyah (Pemanfaatan Ilmu Pengetahuan dalam Ushul Fiqh)*, (Jakarta: Prenadamedia Group, 2016), p. 34.

⁴Toshihiko Izutsu, *God and Man in the Qur'an*, (Kuala Lumpur: Islamic Book Trust, 2002), p. 1.

function, which refers more to the results of the continued interpreter of historical texts. This second function makes the interpretation wider, which is following the mind of the *mukhatab* (English: audience) or the reader. The third function is the implicative function (implicative and applied function), which is outside of the historical and contemporary meaning. In other words, this function emphasizes the implication of meaning and new law.⁵

These three interpretation functions could also mean that the stages of interpretation are nearly similar and related to the trinity of text understanding (*fahmu an nas*) of the Quran and Sunnah, namely:

- a. *Al-Wad' u* or root word which is giving meaning based on origin or called root.
- b. *Al-Isti'mal*, namely giving meaning based on its use by the community. Meaning in this sense is the transfer of meaning from the primary word to a new meaning used by society.
- c. *Al-haml*, namely interpreting *lafaz* (English: terms) with the new meaning, and this is possible and allowed as long as there is a connection between the new meaning and the old meaning, and society could accept it.⁶

The basic assumption with the application of the interpretation function is that the inheritance of 2:1 are seen from the historical function; it is the stage in which equality (*darajah al-musawah*) in the distribution of inheritance has not occurred. In other words, before the revelation of Surah An-Nisa: 11, daughters did not get any inheritance. Inheritance at that time (the *Jahiliyah* period) was obtained based on involvement in the war, pledges of allegiance, adoption and was reserved for sons. The interpretation of Surah An-Nisa: 11 continues to the next stage, namely the Meaning Function, that the society (audience) generally interprets the objects contained in Surah An-Nisa: 11 as 2:1, which son gets two third, while daughters get a third of the inheritance of the *mayyit* (the person who dies), if they are the heirs (*'asabah bi al-ghairi*).

However, something is forgotten, that the 2:1 as written in Surah An-Nisa: 11 is bound by requirement in which by this condition *dalil naqli* argument also plays a role, which also means further strengthening the previous argument (Surah An-Nisa:11). The argument in question is the next verse, namely Surah An-Nisa': 34, providing complementary conditions that must be met to get the two third. If one condition is not met, the next stage arises, namely the implicative function that produces new law implications.

These new law implications occurred, once again, because of the thematic correlation (*'ilaqah maudu' iyyah*) and *munasabah fi ash shurah* (correlation due to one surah). Thus, the theory of *al-munasabah*, in this case, could not be ignored.

Finally, this research aimed to address the following research questions.

1. How is the interpretation of the *mawarith* verses regarding the distribution of inheritance of sons and daughters using the Interpretation Function and Cultural Function Theories?
2. How is the reconstruction of the interpretation of inheritance law, especially the 2:1 (a study of Surah An-Nisa: 11)?
3. What is *Munasabah* or the correlation between the content of surah An-Nisa:11 and Surah An-Nisa': 34?

⁵ Jorge J.E. Gracia, *A Theory of Textuality: The Logic and Epistemology* (New York: State University of New York Press Albany: 1995), p. 152-161

⁶ *Ibid.*, p. 26-27.

This research applied the library research using the descriptive analysis approach explaining the interpretation of inheritance, especially the 2:1 study with two approaches: the Interpretation and Cultural Functions.

Discussion

The Interpretation Function

The Interpretation Function by Jorge J.E. Gracia essentially aimed to help an interpreter and *mujtahid* out of the interpretation dilemma mentioned above. Therefore, an interpreter must first understand the interpretation functions, which are divided by Jorge J.E, into three core functions as below:

- a. Historical Function, which is to recreate the same thoughts and understanding between contemporary readers or interpreters and the previous interpreter on the interpretation object understood by historical authors, aims to help contemporary readers understand historical authors' manuscripts/texts or *mufassar*/interpreted texts. This function is intended to maintain the interpretation based on text authenticity and not go out of the historical (original) text context.
- b. Meaning Function. It develops the thinking and understanding of contemporary or present interpreters that may come out of the original text. In other words, this function can occur when an interpreter goes beyond the original understanding of the historical author and audience. This can happen because several aspects are not yet known to the historical author/audience.
- c. Implicative Function, which is a function that creates an understanding of the law and meaning implications into the contemporary reader's understanding and thinking regardless of whether the meaning implications have been known or not by historical authors.⁷

Thus, the interpreter can avoid the interpretation dilemma by knowing more about the original text and the subsequent stages beyond the text. The interpreter, even a *mujtahid*, can choose when to interpret a text based on the historical text⁸/*nas tarikhi* demands or the additional information that improves a contemporary interpreter's understanding. These functions can run independently or together. Although when used together, sometimes an interpreter causes ambiguity in a text interpretation.⁹

Jorge J.E. Gracia emphasized that to maintain an understanding and avoid misunderstanding, the understanding of an interpretation should have a meaning objectivity that is substantively different from the text/*nas* meanings.¹⁰ In other words, the understanding act should recognize the identity of the text / *nas*. The meanings interpreted by a *mujtahid*, for example, in the Islamic law area, must differ from the original meaning or the written meaning. On the one hand, understanding the meaning is required not to leave 'the text identity' as mentioned by Gracia. Even though there is an ambiguous meaning (*musytarak*) of a word or *lafaz*, the literal meaning cannot be ruled out.

In this case, there is a significant difference between Fazlur Rahman and Muhammad Syahrur opinions in revealing text instructions (*dalalah an-nas*). If Fazlur Rahman intends to reveal the

⁷ Jorge J.E. Gracia, *A Theory of Textuality: The Logic and Epistemology* (New York: State University of New York Press Albany: 1995), p. 152-161

⁸ Historical texts can also be interpreted as the original meaning of the text or *nas*

⁹ Nablur Rahman Annibras, *Hermeneutika J.E. Gracia (A Guide)* in Al-Bayan: Jurnal of The Qur'an Studies and Exegesis, Part 1, Volume 1, (Bandung: Faculty of Ushuluddin UIN Sunan Gunung Djati, June 2016), p,77.

¹⁰ Jorge J.E. Gracia, *A Theory of Textuality: The Logic and Epistemology* (New York: State University of New York Press Albany: 1995), p. 160.

text's authentic (original) meaning and tries to contextualize it, Muhammad Syahrur does no longer believe in the authentic meaning of the text. According to Muhammad Syahrur, 'the authentic meaning' of a text is the meanings produced in contemporary scholarship's context and reasoning. In other words, Muhammad Syahrur's opinion is directly focused on the Meaning Function of Gracia's Interpretation Function theory without looking at the Historical Function, which still asks for the text's original meaning and the interpretation according to the text spirit: interpretation desired by the Quran or Sunnah. However, both Fazlur Rahman and Muhammad Syahrur emphasize that in the interpretation process, a commentator or *mufassir* must pay attention to the text and context¹¹ in a synergistic and balanced way through reasoning or *ijtihad*. If the dialectic is interrupted, the interpretation will be alienated from reality and will not function as a social transformation instrument and answer contemporary human problems. It is essential to understand Ahmad Baw'ud's statement, as quoted by Abdul Mustaqim, stating that understanding the text will not be perfect without understanding the reality well.¹²

The cultural function

In the introduction of the book 'A Theory of Textuality: The Logic And Epistemology,' Jorge J.E. Gracia stated that text is one of the most common objects that comes from human experience. The text is the foundation, the basis, and the points of thought that come from culture and civilization. Culture includes everything in which community groups develop to adapt themselves and their individual to master/deal with their environment.¹³

Religion, art, science, philosophy, morals, values, law, organization, technology, language are parts of the culture. Civilization is a cultural complexity in which reliable means to maintain, protect, and transfer knowledge and information for future generations have been developed. Cultures and civilizations rely on texts, where texts construct meaning by which most knowledge and information can be communicated and stored. However, culture may rely solely on spoken texts, while civilization almost always relies on and trusts written texts.¹⁴

The use of written texts provides clearer and broader knowledge and information transfer than those obtained from texts resulting from oral expressions that go through a more extended period. Thus the written text makes civilization grow in sophistication (human experience in the world) and complexity. The written text until now has become a fundamental substance to form a civilization. The text continues due to new technological advances. However, Gracia believes that texts have played and will continue to play a crucial role in culture and civilization.¹⁵

According to Gracia's theory, texts can carry or apply a variety of cultural functions¹⁶, and for

¹¹ Abdul Mustaqim uses the term "reality" to refer to the meaning of the word "context." In contrast, Ahmad Baw'ud uses the term "*al-waqi*" based on his book *Fiqh Al-Waqi*. According to the author, the two meanings can be used even though it is the only difference in language. In the study of *Usulul Fiqh*, the term "context" is more appropriate to use *dilalah al-lafzi min jihati al-mafhum*. In English, the word is often used "in context," an antonym of "in-text," which means circumstances, environment, background, perspective, framework, thinking, and setting.

¹² Abdul Mustaqim, *Epistemologi Tafsir Kontemporer*, the First Edition, (Yogyakarta: LkiS, 2010), p.125-126. See also: Ahmad Baw'ud, *Kitab al-Ummah, Fiqh Al-Waqi': Ushul wa Dhawabith*, (Qatar: *Wizarah al-Awqaf wa asy-Syu'un al-Islamiyyah*), 1421 H), p. 70.

¹³ Jorge J.E. Gracia, *A Theory of Textuality: The Logic and Epistemology* (New York: State University of New York Press Albany: 1995), p. xiii.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ In the original sentence written by Jorge J.E. Gracia is the Interpretation Function. Literally, the word function means *meaning* and *utility*. The cultural context is where a science arises because of the natural human awareness in communicating, dynamics and civilizations in a society. The cultural function here is projected as an approach instrument from various categories presented by Gracia in a cultural context series for the

this reason, Gracia mentioned cultural functions. Some general categories seem to be related to the wide range of cultural functions in which the text was presented. Gracia briefly discusses twelve basic categories of cultural functions that can be easily identified: legal, literary, philosophical, religious, scientific, historical, political, pedagogic/educational, confessional (*i'tiraf bidh- dhunub*), entertainment (*tasliyah*), inspiration and pneumatic. Moreover, Gracia stated that the text in each category seems to distribute the core characteristics related to the overall purpose of the text itself. He also added various final categories that he mentioned as another possibility that was not explored in detail. In his book, he mentioned more about each cultural function category which he tried to explain briefly.¹⁷

Based on the twelve cultural functions categories Gracia classified, this research focused on legal texts, literature (with a literal approach), sciences (including modern science with an anthropological approach, philosophical values, and a historical approach). At the same time, the other cultural function categories were not explored and not applied in this study to avoid the repetition of the examined cases using this theory so that the discussion becomes systematic. On the other hand, other categories are more inclined to subjective results, which are more related to one's belief/religion. Hence, it can be assumed that it does not function to reinterpret the two-to-one section of Islamic Inheritance Law. In another section, Gracia added another *Cultural Function* section as an alternative called other functional categories of texts.¹⁸

Gracia uses the twelve cultural function categories to identify texts, and the word meaning is used to classify which category an author has compiled the text. Gracia also discussed this theory application to classify texts and, in another section, to identify text categories. This research is intended to adopt these categories as an approach in examining a case and identifying manuscripts or texts. These categories are expected to be a tool for interpreting legal texts and cases, especially legal cases in Islamic Law.

Thematic interpretation (Lugawi Approach) to An-Nisa: 11

There are several important words contained in Quran Chapter An-Nisa' verse 11 and need to be interpreted literally. This literal interpretation method is included in the literary category in the cultural function series of Jorge J.E. Gracia. First, the verse part "*yusikumullahu fi awladikum*" has the meaning of *yafridu 'alaikum*' as in Chapter Al-An'am verse 151 with the word *dhalikum wassakum bih*', means that "Allah commands you and obliges you all." Ibn' Athiyyah in *Al-Muharrar al-Wajiz* volume III on page 511 as *tahqiq* (cited) by Muhammad' Ali As-Sabuni in the *Ma'ani al-Qur'an al-Karim* by Abu Ja'far An-Nuhas, said that the word "*yusikum*" in Chapter An-Nisa verse 11 is more understandable and the reasoning (*dalil*) is clearer which requires concern (attention) and demands for the results directly and quickly. *Lafaz Mudari'* (present tense) on the word "*yusikum*" gives the renewal and continuity function (*at-tajaddud wal huduth*: renewal, changing circumstances).

Ibn' Athiyyah argued that Allah commands with certainty (*amran mu'akkadan*) at all times to adhere to this will (command) as an obligation (*faridah*) asked by Him.¹⁹ Ibn Kathir interprets it as '*ya'murukum bil'adl*' meaning that Allah has commanded you to be fair to your heirs, both sons, and

Inheritance Law reinterpretation in Islam. On the other hand, the term *utility* refers to a valuable cultural approach to reinterpreting and actualizing Islamic Inheritance Law.

¹⁷ Jorge J.E. Gracia, *A Theory of Textuality: The Logic and Epistemology* (New York: State University of New York Press Albany: 1995), p. 89.

¹⁸ *Ibid.*, p.95.

¹⁹ Abu Ja'far An-Nuhas, *Ma'ani al-Qur'ani al-Karim*, Part 2, the First Edition, revised by Muhammad 'Ali ash-Shabuni, (Kingdom of Saudi Arabia: Ummul Qura University, 1988), p. 27.

daughters. This is because the *Jahiliyah* people gave all inheritance property only for sons. Therefore, Allah ordered to be equal (*taswiyah*) between them in the inheritance. In the *Jahiliyah* era, they distinguished between two groups (male and female), so Allah made for boys like two parts of girls. This is because men have burden and living responsibilities, costs in trade, and professions. According to Ibn Kathir, giving men a double share of what is obtained by girls is appropriate.²⁰

Second, the word "*al-awlad*" according to Muhammad Yusuf asy-Syahid bin Abi Hayyan al-Andalusi (d. 745 H), includes boys (*adh-dhakur*) and girls (*al-inath*). He stated that the word "*adh-dhakar*" first identifies that men have more excellent favors (*fadl*). By prioritizing the word '*adh-dhakar*' in this verse indicates that the men have more glory when compared to the explanation of women's shortcomings.²¹ It is clear that the Yusuf asy-Syahid's opinion that emphasizes the *Jahiliyah* tradition is more gender-biased. He said that the *Jahiliyah* people inherit property to sons, not to female heirs. It is sufficient (when verse 11 of Chapter An-Nisa' was revealed) to multiply the share of daughters for sons because for *Jahiliyah* people, the daughters' position is lower than sons in terms of a biological child born rank (*waladiyyah*).²²

Third, the word "*al-untha*" is the opposite to (*adh-dhakur*), both for people or things. The plural form is "*Inath*." If it says "*hadhihi imraatun untha*," it means a woman who is praised for her perfection as a woman (*an-nisa'*). Thus, the word *nisa'* refers to both physical (nature) and working (profession) capability if the woman has a career. In contrast, if vagueness happens in terms of both nature (*ta'lil wahbi*) and profession (*ta'lil kasbi*), the word can be changed to *al-anith minar rijal* or *al-mukhannath: syibhu al-mar'ah* (resembling women).²³

Ibn al-A'rabi as quoted by Ibnu Manzur stated that a woman (*al-mar'ah*) is said to be *untha* (woman) because her tenderness exceeds that of men.²⁴ The same thing was also said by Ibn Sidah in *Lisan Al-'Arab*.²⁵ Fourth, the word "*an-nisa'*" comes from the word *nasa'a*. The word *nasa'a* in the *fi'il* (verb) form is generally used in sentences related to natural characteristics and the nature experienced by a woman. It is said "*nusi'at al-mar'atu, tunsu'u, nas'an* means a woman is late for her period or menstruation. The meaning of the words in this sentence can also have implications for "a woman's pregnancy begins." The phrase "*qad nusi'at*" can also be interpreted that a woman has got pregnant for the first time. The word "*nasa'a*" is more synonymous with (*muradif*) "*ajjala*" or "*akhhara*" which means to delay and slow down (English: to postpone, to delay, to reschedule, to rearrange), as mentioned in the hadith narrated by Anas bin Malik: "*Man ahabba an yubsata lahu fi rizqihi wa yunsa'a fi ajalihi falyas'il rahimahu*." Meaning: "Whoever wants to expand his sustenance and extend his life, so connect the ties of kinship/friendship." The word *an-nasi'* means "*at-takhir*" or to delay, extend or postpone both in terms of age and debt transaction.²⁶ If it is mentioned "*ansa'ahu ad daina wal bai'a*," then the intention is to suspend debt or suspend trading transactions. If it is related to debt, the term is called *an-nasi'ah*".

²⁰ Isma'il bin Kathir (Ibnu Kathir) ad-Dimasyqi, *Tafsir Al-Qur'an Al-'Azim*, Part 3, the First Edition, (Cairo: Muassasah Qurtubah: 2000), p. 370-371.

²¹ Muhammad Yusuf asy-Syahid bin Abi Hayyan al-Andalusi (p. 745 H), *Tafsir al-Bahri al-Muhit*, Part 3, the First Edition, (Beirut: Dar al-Kutub al-'Ilmiyyah, 1993), p. 190.

²² *Ibid.*, p. 188-189.

²³ Ibnu Manzur, *Lisan al-'Arab*, Cairo: Dar Al-Ma'arif, w.y., p.145-146.

²⁴ *Ibid.* p. 146.

²⁵ *Ibid.*

²⁶ *Ibid.*, p. 4403.

The word *an-nisa'* can be *mufrad* (singular) or *jama'* (plural). However, in Quran Chapter An-Nisa' verse 11, *an nisa'* meaning is in a plural community form as the word begins with *damir kunna* in verse "*fain kunna nisa' an.*" If it is interpreted as *mufrad* (singular) or a woman, then the plural form is "*niswah*" or "*nuswah*,"²⁷ or "*niswan*."²⁸ In Munawwir's dictionary, the word *an nisa'* is also the same plural as "*niswah*" or "*an-niswan*."²⁹ Meanwhile, Ibnu Sidah, as quoted by Ibnu Manzur, said *nisa'* is a *mufrad* (singular word) which has the plural "*niswah*" in large quantities.³⁰

Fifth, the word *haz'*. If we examine the definition given by Wahbah az-Zuhaili from the word *fard'*, he equates it with the word *haz'*. It is the same with the word "*an-nashib*" which all refer to the same meaning, namely part. Furthermore, he defines *fard* as "the part that is determined" to the heirs based on the Shari'ah, or *haz* (part) of the abandoned property (*tirkah*). These parts determined based on *nas* (Al-Qur" an or Sunnah), or *Ijma'* (consensus) such as sections 1/8, 1/4, where it is not added except by *radd* (returning the remaining property to the heirs) and not reduced except by '*aul* (subtraction).³¹ Muhammad Syahrur pointed out that there are two common understandings between the term *haz* and the term *nashib*. It is considered that *nashib* is the same as *haz* and vice versa. According to Syahrur, this similarity is due to mixing two common understandings between the verses related to inheritance and the verses about bequest (*wasiat*). According to him, the two verses are different, where the inheritance verse begins in the Quran Chapter An-Nisa' verse 11 to 13 (there are three verses systematically). The verse about wills is found in ten different places (Chapter Al-Baqarah verse 180 and stands alone like the obligations of prayer, fasting, and fighting). The second argument, according to Syahrur, is that the *hadith* regarding a bequest was canceled because of heirs, as mentioned in *hadith ahad* by Ahlu al-Mughazi: "*la wasiyyata li warith,*" this narration was interrupted. According to Syahrur, people generally think that the verse *lir-rijali nashibun mimma taraka al walidani wal aqrabun* of Chapter An-Nisa' verse 7 is the word of God related to inheritance. Whereas, according to Syahrur, the verse emphasizes the will because the terms *nashib* and *haz* are two different terms/words. *Nashib* is a word that refers to the portion obtained by someone in receiving a will/bequest, while the term *haz* is a word that refers to share obtained in inheritance.³²

Al-Munasabah theory (Correlation of Chapter An-Nisa' verse 34 with verse 11) and *Qiwamah* principle

Etymologically, *Munasabah* comes from the word *nasaba*, meaning one, adjacent, similar, resembling.³³ *Munasabah* can also mean *al-musyakah* (similarity) and *al-muqarabah* (close by). According to Suyuti, the closeness depends on a verse by verse relating to the correlative meaning in particular, general, abstract, concrete, and relationships such as *sabab musabbab* (cause and effect), '*ilat ma'lul*, comparison and resistance.³⁴ From this understanding, it seems that Suyuti wants to state that the Quran verse *Munasabah* is not always easy to explain clearly. Sometimes they seem vague and abstract³⁵ (*hissi wa khayali*).

²⁷ Ibid., p. 4415.

²⁸ Ahmad Warson Munawwir, *Kamus Al-Munawwir Arab-Indonesia Terlengkap*, revised by KH. Ali Ma'shum and KH. Zainal Abidin Munawwir, (Surabaya: Pustaka Progressive, 1997), p. 1416.

²⁹ Ibid.

³⁰ Ibnu Manzur, *Lisan al-'Arab*, Cairo: Dar Al-Ma'arif, no date., p.4415.

³¹ Wahbah az-Zuhaili,, *Al-Fiqhu al-Islamiyyu wa Adillatuhu*, Part 8, the Eighth Edition, (Damaskus: Dar al-Fikr, 1985), p. 247.

³² Muhammad Syahrur, *Nahwa Usul Jadidah li al-Fiqhi al-Islamiy: Fiqhu al- Mar'ah*, the First Edition, (Suriah: Al-Ahali, 2000), p. 222- 223.

³³ Imam Badruddin Muhammad bin 'Abdillah az-Zarkasyi, *Al-Burhan fi 'Ulum al-Qur'an*, Part I, inquiry and revise : Muhammad Abu al-Fadl Ibrahim, (Cairo: Maktabah Dari at-Turath, no date.), p. 35.

³⁴ Al-Hafiz Abu Al-Fadl Jalaluddin 'Abdurrahman ibnu Abi Bakr as-Suyuti (passed away in 911 H), *Al-Itqan fi 'Ulum al-Qur'an*, Part 5, inquiry and revise: *Markaz ad-Dirasah al-Qur'aniyyah*, (Saudi Arabia: the Ministry of Waqf, Da'wah and Education), p. 1840,

³⁵ Fauzul Iman, *Munasabah Al-Qur'an*, in *Al-Qalam*, No. 63/XII, 1997, p. 46.

One of *Munasabah*'s definitions, according to Fauzul Iman, is that *Munasabah* is a science that explores relationships in the Quran. The relationship sought is the relevance of the verse to verse and chapter to chapter.³⁶ Suyuthi further stated that the theory of *al-Munasabah* serves to make some parts of a sentence or verse take the beginning of the previous verse. Consequently, the correlation becomes strong, and the verse sentence structure is developed with clarity (*muhkam*) in where some parts fit together.

Munasabah can occur for several reasons, including:

- a. *Munasabah* between the amount in one verse.
- b. *Munasabah* between the beginning and the end of the verse (*Munasabah* between *mabda'* and *fashilah*).
- c. *Munasabah* between verses in one chapter.
- d. *Munasabah* between similar verses in various chapters.
- e. *Munasabah* between the opening and closing of a chapter.
- f. *Munasabah* between the end of one chapter and the beginning of another.
- g. *Munasabah* between chapters.
- h. *Munasabah* between the chapter name with the purpose/target of its revelation.
- i. *Munasabah* between the names of the chapter.³⁷
- j. *Munasabah* between several *asbab an-nuzul*.
- k. *Munasabah* between verses on one theme

Regarding the object implied in Chapter An-Nisa' verse 11, there is a thematic correlation (*'ilaqah maudu'iyah*) with Chapter An-Nisa' verse 34, which is a continuation of the previous verse and emphasizes *the two-to-one part*. In Chapter An-Nisa' verse 34, the heirs' competence that must exist is an inherent requirement for them to get a *two-to-one* share. Asy-Shaykh Asy-Syinqiti, as quoted by Hikamat bin Basyir bin Yasin, revealed that there is no clarity from the *tafdil* (preferring) sons over daughters in inheritance. At the same time, they both have the same position in kinship (*al-qarabah*). However, this points to another position based the words of Allah: *ar-rijalu qawwamuna 'ala an-nisa'i bima faddalallahu ba'dahum 'ala ba'din wa bima anfaqu min amwalihim* as stated in Chapter An-Nisa' verse 34. Asy-Shaykh Asy-Syinqiti's reason is that people who are prioritized (by nature) over others and provide material support to their family members also cause their wealth to decrease, while the wealth of those who are his responsibility and are given a living always increases.

Other arguments that form the basis for the correlation/*Munasabah* between these two verses include:

- a. Both verses are contained in one chapter. In this case, *Munasabah* occurs because there is a relationship between one verse and other verses in one chapter.³⁸
- b. The existence of *ilaqah maudu'iyah* (theme correlation). In this context, *Munasabah* occurs because there are topic similarities and a connection between the two.
- c. The gradual improvement stage that eliminates discrimination and inferiority of women in receiving inheritance rights.
- d. The male and female assimilation. Chapter An-Nisa' verse 11 emphasized the gender difference, while Chapter An-Nisa' verse 34 emphasizes that male and female adults will have a burden for living because they work together to support the household. The words "*arrijal*" and *annisa*" are more likely to identify adults and marital status.

³⁶ Ibid. p. 47.

³⁷ Subhi Ash-Shalih, *Membahas Ilmu-Ilmu Al-Qur'an*, (Jakarta; Pusataka Firdaus, 2011), p. 165

³⁸ Subhi As-Salih, *Membahas Ilmu-Ilmu Al-Qur'an*, (Jakarta; Pusataka Firdaus, 2011), p. 165. See also: Rachmat Syafe'i, *Pengantar Ilmu Tafsir*, the First Edition, (Bandung: Pustaka Setia, 2006), p. 38.

- e. The Chapter An-Nisa' verse 11 revelation was intended to break the women's inferiority stigma at that time (*Jahiliyah* period) when the women did not receive any inheritance rights. The revelation also aimed to realize the *darajah al-musawah*/ the rights of equality, even though the verse revelation does not necessarily give them the same rights. This reason can be inferred from Chapter An-Nisa' verse 34 that Allah Almighty gives men more superiority (*al-qiwwamah*) than women. This reason is also an argument based on the nature given by Allah, which is called *ta'lim wahbi*. The second reason is that Chapter An-Nisa' verse 34, implied that men at the verse revelation time had a material obligation to provide for their families.
- f. *Munasabah* in Imam Suyuthi's opinion can function as a *ta'kid* (strengthening) the correlation between two verses. These two verses reinforce each other and explain (interpret) that there is a correlation between the two.³⁹
- g. *Munasabah* because of the same causality. This case refers to the *asbab an-nuzul*⁴⁰ of the two verses. *Munasabah* is examined from *asbab an-nuzul* of the two verses (11 and 34 of Surah An-Nisa') have an essential role. *Al-Munasabah* based on *asbab an-nuzul*, once researched by Bint Syathi". She developed a theory that mentioned the *Munasabah* should not be based on the order of the verses/chapters in the *mushaf* of the Quran (*Mushafi-oriented Munasabah*) but based on the chronology of the verses/chapter revelation. However, Sahiron Syamsuddin criticized Bint al-Syathi" by saying that she did not consistently apply her theory when she linked *munasabah*- Chapter Al-Qalam verse 33 which was revealed in Medina with verses 34 to 39 which was revealed in the early Meccan period. According to Sahiron Syamsuddin, Bint al-Syathi" violated the theory that she built herself.⁴¹ Subhi as-Salih also said that not everything that is *tauqifi*⁴² can be searched for *Munasabah* if the verses contain different *sabab an-nuzul* except those with "mawdu'" (themes, issues) that are prominent and general in nature which has a relationship between all of its parts.⁴³ Likewise, Shaykh' Izzuddin bin 'Abdi as-Salam, as quoted by Imam Badruddin Muhammad bin Abdullah az-Zarkasyi, said *al-Munasabah* is good science. However, the several verses required correlation quality to occur in one unified entity that is interconnected from the beginning to the end. In addition, even if it occurs for different reasons (*asbab an-nuzul*), there is no requirement for a correlation between one and the other.
- h. *Munasabah* because of *asbab an-nuzul*. Chapter An-Nisa' verse 11 revealed because of an incident where a father of the two daughters (Sa'ad bin Ar-Rabi')⁴⁴ was killed while with the Prophet Muhammad Peace Be Upon Him (PBUH) and died martyred at the battle of Uhud. After that, their uncle took their property, and not a single property (*tirkah*) was left behind. Furthermore, neither of the daughters can marry if they do not have any

³⁹ Al-Hafidh Abu Al-Fadl Jalaluddin 'Abdurrahman ibnu Abi Bakr as-Suyuti (p. 911 H), *Al-Itqan fi 'Ulum al-Qur'an*, Part 5, inquiry and revise: Markaz ad-Dirasah al-Qur'aniyyah, (Saudi Arabia: the Ministry of Waqf, Da'wah and Education), p. 1840.

⁴⁰ *Asbab an-Nuzul* is a study in 'Ulum Al-Qur'an (Qur'an studies) that discusses on occasions or circumstances of revelation. It explains the historical context in which the Qur'an verses were revealed.

⁴¹ Sahiron Syamsuddin, *Metodologi Penelitian Teks*, Wonosobo: Post-Graduate, UNSIQ, 2010.

⁴² *Tawqifi* could be defined as revelation of verse that is based on Allah's ruling in Syari'a including worship, commands and prohibition. In addition, everything that has been determined in Prophet's hadith (speech and narration) excluding the consenses of Companions. This term commonly refers to the establishment of the Qur'an at the age of Companions, considered as *tawqifi* that points to order of Chapters whereas order of verses called *ijtihad* (Companions' consensus).

⁴³ Subhi ash-Shalih, *Mabahith fi 'Ulum Al-Qur'an*, (Beirut: Dar al-'Ilm al-Malayin, 1988), p. 151. See also: Fauzul Iman, *Munasabah Al-Qur'an*, in Al-Qalam, No. 63/XII, 1997, p. 48.

⁴⁴ In another narrative hadith it was told as Tsabit bin Qais.

property.⁴⁵ Al-Wahidi stated that after Chapter An-Nisa verse 11 revelation, the Messenger of Allah PBUH asked the two women's uncles to be summoned and ordered him to give 2/3 of the heritage for the two daughters, 1/8 for their mother (the deceased's wife) and the rest goes to their uncle.⁴⁶ According to Wahidi's statement and *asbab-an-nuzul*, there is an explanation and an answer to the question faced by the Prophet PBUH regarding the 2/3 for the two daughters and 1/8 for their mother. However, this narration does not explicitly emphasize the *sabab an-nuzul* to the 2:1 portion directly because there is no son from Sa'ad bin Ar-Rabi'. Meanwhile, verse 34 of Chapter An-Nisa' was revealed because of a woman who was slapped by her husband, which was later reported to the Prophet PBUH. A narration stated that the Messenger of Allah almost did *qisas* (punishment for murder perpetrator) because of this incident. However, with the revelation of this verse, The Prophet canceled the plan.⁴⁷ Another narration says that the revelation of this verse was caused by a woman who did *nusyudh* (defial perpetration), which led to the slapping accident. These two causes clearly show the superiority of men over women. The first verse shows women's inferiority (weakness) to get a share of the inheritance; even their share is wholly ignored. The second verse shows the absolute authority of a man in giving punishment for his wife. The superiority of a man over his wife was clear at that time.

The Application of Interpretation and Cultural Functions on Inheritance

In the historical function section, the 2:1 portion is examined from the context when this verse was revealed. This section emphasizes *asbab an-nuzul* from Chapter An-Nisa' verse 11. According to Al-Wahidi, the *asbab an-nuzul* narration of this verse varies. One of these verse occasions of revelation (*asbab an-nuzul*) has *Munasabah* (correlation) to the previous verses (An-Nisa' verse 10), which relates to consuming the property of orphans unjustly. Al-Wahidi refers to the Muqatil bin Hayyan stated that this verse (An-Nisa' verse 10) was revealed because there was a man from Ghatfan named Murtsid bin Zaid who ate the property of his young and orphaned nephew under his guardianship.⁴⁸

The revelation of Chapter An-Nisa' verse 11, as reported by Ahmad bin Muhammad bin Ahmad bin Ja'far, was transmitted down from Jabir when he was visited by the Prophet PBUH and Abu Bakr. At that time, Jabir gathered with the Bani Salamah. The two of them afterward found Jabir. Jabir said: "How do I do/ share my wealth, O Messenger of Allah?". So this verse came down. From the context of the incident, it was found that Jabir could not think reasonably when he was sick. If examined from a series of events, Jabir could still be thinking about the property passed down. After that, the Prophet prayed while asking for water and he did ablution and poured it over Jabir's head, and after that, Jabir was healed. This hadith is corroborated by the Bukhari and Muslim narration, which both went through the path of Ibn Jarir.⁴⁹ The same narration about this hadith linking to *sabab an-nuzul* can be found in the

⁴⁵ Mustafa Muslim. *At-Tafsir al-Maudu'i li Shuwar al-Qur'an al-Karim*, Part 2, the First Edition, (Uni Emirat Arab: Jami'ah asy-Syariqah, 2010), p.36.

⁴⁶ Imam Abu Al-Hasan 'Ali bin Ahmad Al-Wahidi An-Nisaburi, *Asbabu an-Nuzul wa Bahamisyuhu: An-Nasikh wal-Mansukh, inquiry and revise: Abu al-Qasim Hibatullah ibni Salamah Abi An-Nasr*, (Beirut: 'Alam al-Kutub, no date.), p. 107. See also: Mustafa Muslim. *At-Tafsir al-Maudu'i li Shuwar al-Qur'an al-Karim*, Part 2, the First Edition, Uni Emirat Arab: Jami'ah asy-Syariqah, 2010, p.36.

⁴⁷ Muhammad Yusuf asy-Syahid bin Abi Hayyan al-Andalusi (p. 745 H), *Tafsir al-Bahri al-Muhit*, Part 3, the First Edition, (Beirut: Dar al-Kutub al-'Ilmiyyah, 1993), p. 248.

⁴⁸ Imam Abu Al-Hasan 'Ali bin Ahmad Al-Wahidi An-Nisaburi, *Asbabu an-Nuzul wa Bahamisyuhu: An-Nasikh wal-Mansukh, inquiry and revise: Abu al-Qasim Hibatullah ibni Salamah Abi An-Nasr*, (Beirut: 'Alam al-Kutub, no date.), p. 106-107.

⁴⁹ Ibid.

book *At-Tafsir al-Maudu'i li Suwar al-Qur'an al-Karim*.⁵⁰

After the revelation of Chapter An-Nisa' verse 11, according to Wahidi's narration, the Prophet PBUH asked for the uncles of the two women to be summoned and ordered him to give 2/3 of the inheritance to the two daughters, 1/8 to their mother (wife) and the remainder to their uncle.⁵¹ The *Jahiliyah* people, especially among the polytheists, handed over all the inheritance to the men, not to the women.⁵² Tabari referring to several scholars stated that the Chapter An-Nisa' verse 11 revelation was because inheritance during the *Jahiliyah* period was all given to sons. Before the revelation, the inheritance to parents was given by will. Therefore, Allah aborted the tradition with the revelation of Chapter An-Nisa' 11.⁵³ The differences in nature that caused gender differences were evident during the *Jahiliyah* period. There is no justice and no equal rights in the distribution of inheritance. Since there is no difference between the two God's creatures: male and female, this verse was revealed to equate the inheritance right. The verse denies the women's right limitation by giving two female portions for one male or (2:1). Previously, there was no inheritance given to women.

Verse 11 of Chapter An-Nisa' is the forerunner of the verse explaining about the *al-faraid* existence which emphasizes that Allah assigns a share for sons and daughters as well as for the parents (*abawaini*). This inheritance-sharing system was not liked by the *Jahiliyah* people at that time (before the revelation of the verse).⁵⁴ Regarding this, Bukhari referring to the hadith conveyed by Muhammad bin Yusuf reported from Warqa' reported from Ibni Abi Najih reported from 'Atha,' and ends with the narration of Ibn' Abbas mentioned that sons only own property. At the same time, wills are intended for the parents. With the revelation of this verse, Allah canceled the traditions and customs of the *Jahiliyah* people. According to Ibn Kathir, this tradition is a tradition that they like and continues.⁵⁵ According to Suparman Usman, several reasons allow a person to get an inheritance (*tirkah*) during the *Jahiliyah* era, including:

- a. The existence of kinship (*al-qarabah*);
- b. The existence of a bond of pre-faith promises (*al-mukhalafah*);
- c. There is a child adoption (*at-tabanni*).⁵⁶
- d. There is involvement in the war.

In addition, inheritance during the *Jahiliyah* period was sometimes prioritized to heirs involved in a war. Therefore, Ibn Kathir stated that the heirs' involvement in the war made it easier for them to get a share of the inheritance. According to Suparman Usman, this cause is also the cause that makes a person get an inheritance (*tirkah*) in addition to the three reasons. At the historical function level, *Jahiliyah* society tradition is gender bias in which equal inheritance rights for boys and girls are ignored. Even in some cases, boys do not get an inheritance if they were not involved in a war.

⁵⁰ Mustafa Muslim. *At-Tafsir al-Maudu'i li Suwar al-Qur'an al-Karim*, Part 2, the First Edition, (Uni Emirat Arab: Jami'ah asy-Syariqah, 2010), p.36 & 37.

⁵¹ Imam Abu Al-Hasan 'Ali bin Ahmad Al-Wahidi An-Nisaburi, *Asbabu an-Nuzul wa Bahamisyuhu: An-Nasikh wal-Mansukh, inquiry and revise*: Abu al-Qasim Hibatullah ibni Salamah Abi An-Nasr, (Beirut: 'Alam al-Kutub, no date.), p. 107. See also: Mustafa Muslim. *At-Tafsir al-Maudu'i li Suwar al-Qur'an al-Karim*, Part 2, the First Edition, (United Arab Emirates: Jami'ah asy-Syariqah, 2010), p.36.

⁵² Isma'il bin Kathir (Ibnu Kathir) ad-Dimasyqi, *Tafsir Al-Qur'an Al-'Azhim*, Part 3, the First Edition, (Cairo: Muassasah Qurtubah: 2000), p. 371.

⁵³ Abu Ja'far Muhammad bin Jarir at-Tabari, *Tafsir at-Tabari: Jami'ul Bayan 'an Ta'wil Ayyil Qur'an*, revise: Mahmud Muhammad Syakir, Chapter Eight, (Cairo: Maktabah Ibni Taimiyyah), p. 31.

⁵⁴ Isma'il bin Kathir (Ibnu Kathir) ad-Dimasyqi, *Tafsir Al-Qur'an Al-'Azim*, Part 3, the First Edition, (Cairo: Muassasah Qurtubah: 2000), p. 371.

⁵⁵ Ibid.

⁵⁶ Suparman Usman and Yusuf Somawinata, *Fiqh Mawaris Hukum Kewarisan Islam*, (Jakarta: Gaya Media Pratama, 2002), p.3.

Therefore, the interpretation turns into a meaning function, where the interpretation is more likely to be interpreted *ma'nawi* (in meaning) from *nas zahir mawarith* (written text of inheritance). In the first interpretation, the inheritance meaning is interpreted by the absence of daughters in the historical context of *Jahiliyah*. However, in the second interpretation, the verse was revealed to eliminate the *Jahiliyah* tradition and the inheritance paradigm. Allah informs that what is left by the *mayyit* (dead person) among the heirs as mentioned in An-Nisa verse 11 and the sharing is based on *fard* (determined portion). The inheritance division aligns with this verse until the end of Chapter An-Nisa'. Allah mentions that inheritance is also distributed to young boys because the word "*walad*" has a synonym with the word "*sabiy*" which means infants.⁵⁷ The heirs including boys who have grown up and daughters. They all inherit from their fathers as long as there are no other heirs. A son gets the share twice the two daughters.⁵⁸

Related to the above phenomenon, Allah has made the share of sons equal to two parts of daughters, and for both parents also have an explicit share of 2:1 (because they are at the same level), each get 1/6 and 1/3 respectively (*al-baqiyah: remainder*), the wife gets 1/8 and 1/4, and the husband gets 1/2 or 1/4.⁵⁹ Thus, giving 2:1 in which the man gets two portions of the woman is regulated to open the dam where previously women in the *Jahiliyah* period did not get anything from the inheritance left by their families. This Allah's provisions are considering that men still dominated the family, apart from the nature of the different sexes, which gave more power and superiority than women. Moreover, men were more responsible in providing a living for their families apart from being the head of the family.

Father's competence and superiority persist as long as he can provide a living. Suppose some obstacles make the father incompetent as a breadwinner, such as disability due to work accidents or war factors, natural disasters, getting old. In that case, that competence can be transferred to a son who replaces his father's role. Thus, the competence of boys here plays a significant role in providing for their families.

Nevertheless, over time, especially in this modern era, this competence is sometimes weakened by several factors experienced by boys. Like the father problem, there are certain circumstances when sons cannot carry out their primary duties as breadwinners for the family, such as disabilities or age factors. In such conditions, daughters have to take responsibility as the replacement. Thus, based on beneficial and justice principles, the portion of 2:1 must be fair, and no heirs are harmed.

The justice element in Chapter An-Nisa' verse 34 is known as the principle of *qiwamah* consists of the competence of a man by nature whose superiority exceeds that of a woman. This argument (reasoning) is called *ta'lil wahbi*. The second competency is that men must dominate both in terms of profession and livelihood on the part of women. This argument (reasoning) is called *ta'lil kasbi* or the reasons because of the profession.⁶⁰ The "*qiwamah principle*" in Chapter An-Nisa' verse 34 assigns tasks to men to provide for their families, both *mat'am* (food), *malbas* (clothing), and *maskan* (boards or residence home).

⁵⁷ Ahmad Warson Munawwir, *Kamus Al-Munawwir Arab-Indonesia Terlengkap*, revised by KH. Ali Ma'shum and KH. Zainal Abidin Munawwir, (Surabaya: Pustaka Progressive, 1997), p. 540.

⁵⁸ Abu Ja'far Muhammad bin Jarir at-Tabari, *Tafsir at-Tabari: Jami'ul Bayan 'an Ta'wil Ayyil Qur'an*, revise: Mahmud Muhammad Syakir, Chapter Eight, (Cairo: Maktabah Ibni Taimiyyah), p. 31.

⁵⁹ Isma'il bin Kathir (Ibnu Kathir) ad-Dimasyqi, *Tafsir Al-Qur'an Al-'Azim*, Part 3, the First Edition, (Cairo: Muassasah Qurtubah: 2000), p. 371.

⁶⁰ Mustafa Muslim. *At-Tafsir al-Maudu'i li Shuwar al-Qur'an al-Karim*, Part 2, the First Edition, (Uni Emirat Arab: Jami'ah asy-Syariqah, 2010), p. 98.

If one of the conditions of the two *Qiwamah* (family support) principles cannot be fulfilled, then new legal implications arise. It is based on the agreement of the heirs to divide their inheritance. This is called the Implicative Function, where the inheritance interpretation can change dynamically based on universal justice and its dynamic application in society.

Conclusion

According to the results and discussion of this article, several central points are highlighted, as follows:

1. The cultural function intends to categorize texts or manuscripts that include linguistic literature, historical texts, legal texts by examining Islamic law and positive law, religious texts (sacred texts) by examining classical and contemporary interpretations, anthropological texts, and philosophical content texts related to inheritance. The five fields are the approaches to read and reinterpret inheritance both normatively and contextually.
2. The inheritance interpretation after being examined in a cultural function series is reduced with an interpretation function. The interpretation results are as follows:
 - a. At the historical function level, the interpretation is based on historical events. Male heirs only obtain inheritance before the verse revelation without involving the women at all. On the other hand, inheritance is more directed to the men involved in the war. The inferiority of women, especially girls, is very obvious in this *Jahiliyah* era.
 - b. At the meaning function level, it is clearly stated with a real context is that after Chapter An-Nisa' verse 11 revelation, Islam opening doors where previously women, especially girls, did not get inheritance rights. Therefore, after the revelation of this verse, daughters get a share of inheritance even though they get half of the sons' portion (2:1).
 - c. At the applicative/applied function level. When inheritance is applied to society, there is a change in contextuality and historical meaning interpretation, and the meaning of the text leads to the implied meaning.
3. There is a correlation (*Munasabah*) between Chapter An-Nisa' verse 11 and An-Nisa' verse 34 concerning the topic/theme (*"ilaqah maudu 'iyyah*), *sabab an-nuzul* by making women inferior. *Munasabah*, as mentioned by Imam Suyuthi can function as *ta'kid* (strengthening) of the correlation between two verses. These two verses reinforce each other and explain (interpret) the correlation between the two.
4. In Chapter An-Nisa' verse 34, two significant analysis results are implied, called *ta'lil wahbi* (reasoning for a gift) and *ta'lil kasbi* (reasoning to give). *Ta'lil wahbi* emphasizes the superiority of men over women gift in terms of gender naturally by Allah as the Creator. This section indicates that women are created *a'waj*, weak, less empowered physically, which also impacts emotional weakness compared to men. The section meaning also refers to the meaning of physical ability/ability by nature (not physically disabled). *Ta'lil kasbi* means that Allah gives roles and tasks to men to be the primary support in the household, providing a living for his family, wife, and children. In other words, based on this verse context, women are not given the slightest role for a career or profession. Otherwise, there are many women working for their careers as today and when this case is happened, the stage of meaning implies the change of woman's heritage share. *Wallahu a'lamu bis sawab*.

Bibliography

Abubakar, Al Yasa' *Metode Istislahiyyah: Pemanfaatan Ilmu Pengetahuan dalam Ushul Fiqh*, the First Edition, Jakarta: Prenadamedia Group, 2016.

Fauzul Iman, *Munasabah Al-Qur'an*, in "Al-Qalam", No. 63/XII, 1997.

- Gracia, Jorge J.E. *A Theory of Textuality: The Logic and Epistemology*, State University of New York Press, 1995.
- Hayyan, Yusuf, Muhammad, (p. 745 H), *Tafsir al-Bahri al-Muhit*, Volume III, the First Edition, Beirut: Dar al-Kutub al-'Ilmiyyah, 1993.
- Izutsu, Toshihiko, *God and Man in the Qur'an*, Kuala Lumpur: Islamic Book Trust, 2002.
- Kathir, Isma'il (Ibnu Katsir) , *Tafsir Al-Qur'an Al-'Azhim*, Volume IV, the First Edition, Cairo: Muassasah Qurtubah: 2000.
- Manzur, Ibnu, *Lisan al-'Arab*, Cairo: Dar Al-Ma'arif, w.y.
- Munawwir, Warson, *Kamus Al-Munawwir Arab-Indonesia Terlengkap, revise*: KH. Ali Ma'shum dan KH. Zainal Abidin Munawwir, Surabaya: Pustaka Progressive, 1997.
- Muslim, Mustafa, *At-Tafsir al-Maudu'i li Shuwar al-Qur'an al-Karim*, Volume II, the First Edition, United Arab Emirates: Jami'ah asy-Syariqah, 2010.
- Mustaqim, Abdul, *Epistemologi Tafsir Kontemporer*, Yogyakarta: LKIS Printing Cemerlang, 2010.
- Nablur Rahman Annibras, Hermeneutika J.E. Gracia (A guide) in *Al-Bayan: Jurnal of the Qur'an Studies and Exegesis 1*), Part 1, Bandung: Faculty of Ushuluddin UIN Sunan Gunung Djati, June, 2016.
- Nisaburi, *Asbabu an-Nuzul wa Bahamisyuhu An-Nasikh wal-Mansukh, tahqiq* (revise): Abu al-Qasim Hibatullah ibni Salamah Abi An-Nasr , Beirut: 'Alam al-Kutub.
- Nuhas, Abu Ja'far, *Ma'ani al-Qur'ani al-Karim*, Volume II, the First Edition, revised by Muhammad 'Ali ash-Shabuni, Saudi Arabia Kingdom: University of Ummul Qura, 1988.
- Pound, Roscoe, *An Intoduction to the Philosophy of Law*, Volume IV, New Haven: Yale University Press, 1930.
- _____, *the Spirit of the Common Law*, Francestown: Marsall Jones Company, 1921
- Syamsuddin, Sahiron, *Metodologi Penelitian Teks*, Wonosobo: Pascasarjana UNSIQ, 2010.
- Salih, Subhi, *Mabahith fi 'Ulum Al-Qur'an*, Beirut: Dar al-'Ilm al-Malayin, 1988.
- Suyuti, Jalaluddin 'Abdurrahman (p. 911 H), *Al-Itqan fi 'Ulum al-Qur'an*, Volume V, revise: *Markaz ad-Dirasah al-Qur'aniyyah*, Saudi Arabia: the Ministry of Waqf, Da'wah and Education.
- Syahrur, Muhammad, *Nahwa Usul Jadidah li al-Fiqhi al-Islamiy: Fiqhu al- Mar'ah*, Volume I, Suriah: Al-Ahali, 2000.
- Tabari, Jarir, *Jami' al-Bayan 'an Ta'wili Ayati al-Qur'an*, Volume VI, Darul Fikri, 1995.

Usman, Suparman, Prof. Dr. H.,S.H. and Drs.Yusuf Somawinata, *Fiqh Mawaris Hukum Kewarisan Islam*, Jakarta: Gaya Media Pratama, 2002.

Zarkasyi, *Al-Bahru al-Muhit fi Usul al-Fiqh*, Volume I, the Second Edition, Kuwait: the Ministry of Waqf and Islam affairs of Kuwait, 1992.

Zarkasyi, Imam Badruddin Muhammad bin 'Abdillah, *Al-Burhan fi 'Ulum al-Qur'an*, Volume I, revise: Muhammad Abu al-Fadl Ibrahim, Cairo: Maktabah Dar at-Turath, no date.

Zuhaili, Wahbah, *Al-Fiqhu al-Islamiyyu wa Adillatuhu*, Volume VIII, Edition VIII, Damaskus: Dar al-Fikr, 1985.