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'Aqīqah in Hadith and Islamic Law: Gender and Cultural Perspectives in South Sulawesi Society

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Abstract

'Aqīqah is an Islamic practice which is prescribed by specific legal conditions. These include the difference in the number of animals slaughtered for male and female children. It is a common sight to see a male child being provided with two sheep while a female child is provided with one, raising questions of fairness and possible gender bias. This study aims to analyze the meaning of the hadith concerning the number of animals prescribed for *'aqīqah* through a contextual approach and to compare *hadith* and *fiqh* (Islamic jurisprudence) studies in order to examine the possibility of gender bias in this provision. The study employed an empirical legal research method with data analyzed using Muhammad Talbi's hermeneutical theory and Muhammad Shahrur's Theory of *ḥudūd*. Data were collected by means of a literature review, observation, and in-depth interviews with experts and academics specializing in hadith, Islamic law, and Islamic thought at higher education institutions in South Sulawesi. Findings reveal that Talbi's approach is applied through *al-qirā'ah al-tārīkhiyyah* which focuses on the historical aspects of the *hadith* and *al-qirā'ah al-insāniyyah* which stresses the humanitarian values and objectives of Islamic law. On the other hand, Shahrur's theory of *ḥudūd* (limits) is used to understand the minimum and maximum limits in the practice of *'aqīqah*. The difference in the number of animals prescribed for *'aqīqah* therefore is not a form of gender discrimination, but rather signifies the social, cultural and economic contexts of the society at the time the hadith was transmitted. Thus, *'aqīqah* can be carried out flexibly as long as it is within the framework of *maqāṣid al-sharī'ah* (objectives of Islamic law). This study concludes that a contextual understanding of the *hadith* on *'aqīqah* can help prevent gender-biased interpretations and benefit religious practices in ways that are more equitable and relevant to contemporary society.
Keywords: *'Aqīqah,* contextualization of hadith, gender, culture, Islamic law

Abstrak

'Aqīqah adalah salah satu hukum Islam yang memiliki aturan khusus, dimulai dari perbedaan jumlah hewan yang disembelih antara laki-laki dan perempuan. Ketentuan dua ekor domba untuk laki-laki dan satu ekor domba untuk perempuan sering dipahami secara kontekstual, menimbulkan pertanyaan tentang keadilan dan potensi bias gender. Studi ini bertujuan untuk menganalisis makna hadits mengenai jumlah hewan untuk 'aqīqah melalui pemahaman kontekstual dan membandingkan studi hadits dan fiqh untuk melihat apakah ada kemungkinan bias gender dalam penentuan ini. Studi ini menggunakan metode hukum empiris, dianalisis dengan teori hermeneutika Muhammad Talbi dan teori ḥudūd Muhammad Shahrur. Data dikumpulkan dengan cara studi literature, observasi dan wawancara mendalam dengan para pakar, akademisi bidang hadis, hukum Islam dan pemikiran Islam pada perguruan tinggi di Sulawesi Selatan. Hasil penelitian menunjukkan bahwa pendekatan Talbi dilakukan melalui al-qirā'ah tārīkhiyyah, yang menekankan aspek historis hadits, dan al-qirā'ah annāsiyyah, yang menekankan nilai-nilai kemanusiaan dan tujuan syariah. Sementara itu, teori ḥudūd Syahrur digunakan untuk memahami batas minimum dan maksimum dalam pelaksanaan 'aqīqah. Kemudian perbedaan jumlah hewan kurban untuk aqiqah tidak dimaksudkan sebagai bentuk diskriminasi gender, melainkan muncul dari konteks sosial, budaya, dan ekonomi masyarakat pada saat hadits tersebut disampaikan. Dengan demikian, praktik aqiqah dapat dipahami secara fleksibel selama tetap berada dalam maqāṣid al-syarī'ah. Studi ini menyimpulkan bahwa pemahaman kontekstual terhadap hadits 'aqīqah dapat mencegah interpretasi yang bias gender dan memperkaya praktik keagamaan yang lebih adil dan relevan dengan konteks masyarakat kontemporer.
Kata kunci: *'Aqīqah, kontestualisasi hadits, gender, budaya, hukum Islam*

Introduction

Islamic law is an instrument intended to position human beings so that they may maintain their dignity before Allah, the Creator, as well as in their relationships with other human beings. The various commands contained in Islamic law include both obligatory practices, such as prayer, fasting, zakat, and hajj, and recommended practices, such as *ṣadaqah* (charity), *waqf* (endowment), and *'aqīqah* (birth sacrifice).[1] The obligatory and recommended commandments apply to both men and women, although there may be some differences that have legal consequences. For example, women who are menstruating are not required to pray or fast but men are.

[1] Hannani, Hannani, et al., "Zakat for Mama Biang in Maluku, Indonesia: Ulama Opinion on Fīsabīlillāh in the Perspective of Islamic Legal Anthropology *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, No. 2 (2023), p. 830-847. Sudirman Sudirman, et al., "Dysfunction of Muslim's Public Resource: A Study of Waqf Land Disorganization in Indonesia," *De Jure* 14, No. 1 (2022). Nasrullah, Narullah, "The Manasik of Hajj in Indonesia: Looking for Legal Certainty through the Reasonings of Usul al-Fiqh." *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 20, No. 1 (2020), p. 31–46.

In Islamic law of marriage, the provision of *mahr* (dowry) to the woman is obligatory on the part of the man, and it is a condition for the validity of the marriage. These differences are not discrimination or marginalization, but rather reflect the wisdom of Islamic law.[2]

In a similar vein, *'aqīqah* is a recommended religious practice that has a difference in the number of animals required for male and female children in the hadith. Such difference needs to be examined in context so that it is not interpreted in a discriminatory way. This is important because the main purpose of *'aqīqah* is to express gratitude to Allah for the birth of a child, not to confirm the superiority or status of any gender. Furthermore, the social and cultural conditions of Arab society at the time of the Prophet often affect the religious practices derived from hadith. Some classical *ulama* (Islamic scholars) such as Imam al-Nawawi in *al-Majmū'* and Ibn Qudāmah in *al-Mughnī* have stated that it is *sunnah* (recommended), not obligatory, to slaughter two goats for a male child.[3] Moreover, the Hanafi and Maliki *madhhab* (schools of thought) as described by Imam Malik in *al-Muwaṭṭaʾ* also maintain that the number of animals for *'aqīqah* to be the same for male and female children, i.e. one animal for each.[4] Hence, the difference in the number of animals prescribed for *'aqīqah* in the hadith should not immediately be understood as a form of gender injustice without taking into account the diversity of scholarly opinions.

Therefore, the hermeneutical approach is needed to understand the hadith of *'aqīqah* in the ways that still relevant to modern-day social developments and humanitarian values. This is because a purely textual interpretation may not consider the historical context and the objectives of Islamic law that contribute to the emergence of the hadith. As such, Muhammad Talbi points out the significance of *al-qirāʾah al-tārīkhiyyah* and *al-qirāʾah al-insāniyyah* in interpreting religious texts.[5] This approach is consistent with the concept of *maqāṣid al-sharī'ah,* as proposed by al-Shāṭibī in *al-Muwāfaqāt*, in which *maslahah* (benefit) and justice are the focus of the objectives of Islamic law.[6] In addition, Muhammad Shahrur's theory of *ḥudūd* (limits) in *al-Kitāb wa al-Qurʾān* also pinpoints that legal provisions in the

[2] Mursyid Djawas, et al., "The Integration Between Syara' and Ade' in Marriage Tradition Bugis Bone, South Sulawesi," *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 18, No. 2 (2023). Otong Sulaeman, et al., "Negotiating Gender Justice in Minangkabau Marital Disputes: Between Adat, Islamic, and State Law," *Jurnal Ilmiah Syariah* 24, No. 1 (2025). Nur Avita, et.al., "Integration of Tradition and Sharia: Dowry and Dui Menre in the Marriage of the Bugis Community in Bone Regency," *El-Mashlahah* 12, No. 2 (2022), p. 124-38.

[3] Anas Mas'udi, "Berqurban, Pengertian, Pelaksanaan, Permasalahan Dan Solusinya; Perspektif Madzhab Syafi'i," *Jurnal Keislaman* 6, no. 2 (2023), p. 491–504.

[4] Mhd. A. Haris Sikumbang et al., "Mencari Hikmah Di Balik Tradisi: Makna Dan Tujuan 'aqīqah Dalam Perspektif Al-Qur'an," *Al-Tarbiyah: Jurnal Ilmu Pendidikan Islam* 2, no. 2 (2024), p. 216–25.

[5] Harun Qadaru Ramadhan, et al., "Sejarah Qirā'at Al-Qur'an Dalam Perspektif Lintas Madzhab," *El-Adabi: Jurnal Studi Islam* 2, no. 2 (2023), p. 44–65.

[6] Suhaimi Suhaimi, et. al., "Al-Maqâshid Al-Syarî'ah," *Sahaja* 2, no. 1 (2023), p. 153–70.

sharia have flexible minimum and maximum limits.[7] In this regard, the approaches of Talbi and Shahrur provide a way for the hadith on *ʻaqīqah* to be understood in a more equitable and contextual manner, while still taking into account the issues of gender equality.

Research on the number of animals prescribed for *ʻaqīqah* has been carried out extensively; however, much of the existing scholarship is still limited to normative and textual approaches. Most of the discussion has been developed by classical *ulama*, whose views can broadly be divided into two groups. First, the view held by the *ulama* of the Shāfiʿī, Ḥanbalī, and Ẓāhirī *madhhab*, as well as by Ibn ʿAbbās, ʿĀʾishah, Isḥāq, Abū Thawr, and others. The Ẓāhirī *ulama*, however, maintain that slaughtering two goats for a male child is obligatory. According to this view, if a male child is given *ʻaqīqah* with only one goat, the *ʻaqīqah* is considered invalid. This position is also supported by al-Shawkānī, in contrast to the views of other scholars.[8] Meanwhile, Shāfiʾī and Ḥanbalī *ulama* argue that slaughtering two goats for a male child is completer and more preferable; however, if one cannot afford two, one goat is sufficient. Imam al-Nawawī states, "The Sunnah is two goats for a male child and one goat for a female child. If only one goat is slaughtered for a male child, the basic Sunnah has still been fulfilled."[9]

Second, the view that treats male and female children equally. The Ḥanafī and Mālikī *madhhab* hold that the number of animals required for *ʻaqīqah* is the same for male and female children, i.e., one animal for each. Ibn ʿUmar is also reported to have practiced *ʻaqīqah* in this manner. Imam Mālik states, "Our position regarding *ʻaqīqah* is that a person who performs *ʻaqīqah* for their child should slaughter one goat for each child, whether male or female."[10]

The difference in the number of animals for *ʻaqīqah* between male and female children is not only based on religious considerations but also on social and cultural factors in the interpretation of the hadith. Classical *fiqh* (Islamic jurisprudence) discussions of *ʻaqīqah* suggest a tendency to interpret the practice in ways that favor male children over female children. These interpretations are typically inseparable from the patriarchal traditions of pre-modern Arab society, which later affected how most *ulama* understood, interpreted, and derived legal rulings from the Prophetic hadith.[11]

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[7]Muhammad Taufiq and Syarkawi, "Fleksibilitas Hukum Fiqh Dalam Merespons Perubahan Zaman," *Jurnal Al-Nadhair* 1, no. 01 (2022), p. 45–66.

[8] Al Auqof Al Kuwaitiyah, *Al Mausu'ah Al Fiqhiyah Al Kuwaitiyah, Juz 30* (Beirut: Dar al Kutub al Ilmiyah, 1994), p. 279. Tim Editor, *Ensiklopedi Hukum Islam, Jilid I* (Jakarta: PT Ikhtiar Baru Van Hoeve, 1996), p. 81-82. Nur Khaera, et.al., "The Paradigm of Islamic Legal Products in Indonesia: A Critical Review of the Polarization of the Characteristics and Authority of the Madhhab of Thought Products." *Mazahibuna: Jurnal Perbandingan Mazhab* 4, No. 1 (2022), p. 31–48.

[9] Sayyed Sabiq, *Fiqhus Sunnah*, vol. Juz 3 (Beirut: Dar al-Fikr, 1992), p. 279; Editor, *Ensiklopedi Hukum Islam, Jilid I*, p. 81-82.

[10] Kuwaitiyah, *Al Mausu'ah Al Fiqhiyah Al Kuwaitiyah, Juz 30*, p. 280.

[11]M Amin Abdullah, *Islamic Studies Di Perguruan Tinggi: Pendekatan Integratif-Interkonektif* (Yogyakarta: Pustaka Pelajar, 2010), p. 142.

Based on this consideration, the difference in the number of animals prescribed for *'aqīqah* in the hadith may potentially reproduce patriarchal bias through religious practice, especially when the normative interpretation is applied without considering the historical and social context in which the hadith emerged. To this end, this study aims to analyze the patriarchal bias in the discourse surrounding the *'aqīqah* hadith by employing Muhammad Talbi's humanistic approach and Muhammad Shahrur's theory of *ḥudūd*. It seeks to examine how the patriarchal views have influenced the interpretation of the *'aqīqah* hadith and to offer a fairer interpretation that supports gender equality. The study also explores the views of some experts and academics on this issue from gender, cultural, and Islamic legal perspectives.

This study employs an empirical legal research method,[12] using Muhammad Talbi's hermeneutical theory and Muhammad Shahrur's theory of *ḥudūd* in data analysis.[13] Data were collected by means of a literature review, observation, and in-depth interviews with experts and academics specializing in hadith, Islamic law, and Islamic thought at higher education institutions in South Sulawesi. The literature review was carried out in an effort to collect relevant information and data from different sources such as books, journal articles, dictionaries, previous research findings and other scholarly works related to the subject of the study. The data were analyzed using hermeneutical theory and the theory of *ḥudūd*, which were expected to provide an appropriate interpretive framework for addressing the issue.

Hermeneutics is a term commonly found in the fields of theology, philosophy, and even literary studies.[14] The use of a hermeneutical approach to the study of hadith is aimed at ensuring that interpretation does not focus solely on the textual dimension but also takes into account the contextual and historical circumstances underlying the emergence of the hadith. Therefore, hermeneutical interpretation is considered relevant to the need for a more comprehensive understanding of the hadith. In the authors' view, the hermeneutical approaches of Muhammad Talbi and Muhammad Shahrur are appropriate to understand the hadith pertaining to the number of sheep to be slaughtered in the *'aqīqah* ceremony.

Muhammad Talbi adopts a historical-humanistic hermeneutical approach and uses two methods, namely: first, *al-qirāʾah al-tārīkhiyyah*, which takes into account the historical dimensions of the Qur'an and relates their meanings to the present

[12]Faisal Ananda Arfa and Watni Marpaung, *Metodologi Penelitian Hukum Islam,* Jakarta: Kencana, 2016.

[13]Abd. Rahman, "Hermeneutika Muhammad Talbi: Diskursus Pemimpin Non Muslim Dalam Konteks Indonesia." *Al-Irfani: Journal of Al Qur'anic and Tafsir* 1, no. 2 (2020). p. 62–77. Muhammad Shahrur, *Metodologi Fiqih Islam Kontemporer* (Yogyakarta: eLSAQ Press, 2003), p. 78-80.

[14] Zaenudin Zaenudin, "Analisis Hermeneutika Dan Tekstualisme Al-Qur'an (Dari Klasik Hingga Kontemporer)," *Al-Afkar, Journal For Islamic Studies*, 2020, p. 143. Azhari Andi and Moch. Taufiq Ridho, "Abraham's Sacrifice in the Qur'an and the Bible: Comparative Hermeneutics of Narrative, Meaning, and Textual Authority," *Jurnal Studi Ilmu-Ilmu Al-Qur'an dan Hadis* 27, No. 1 (2026).

contexts, and second, *al-qirāʾah al-insāniyyah*, which explores the purposes or goals of the *sharia*, as stated in Qur'anic verses.[15] In this approach, the meaning of the relevant text can be understood by examining its historical context, including the circumstances surrounding the emergence of the hadith, and also by considering the principles of *maqāṣid al-sharī'ah*. In this way, the substantive messages of the hadith can be conveyed without disregarding their historical context or the broader objectives of Islamic law.

On the other hand, Muhammad Shahrur's theory of *ḥudūd* follows six principles of legal limits: (1) the minimum limit; (2) the maximum limit; (3) separate minimum and maximum limits that do not converge at a single point; (4) minimum and maximum limits that converge along a single line; (5) a maximum limit that approaches a straight line; and (6) a positive maximum limit that must not be exceeded and a negative minimum limit that may be exceeded.[16] In this theory, the boundaries associated with the number of animals slaughtered for *'aqīqah* can be examined in relation to the underlying objectives of the relevant *sharia* practice.[17]

Data analysis is a systematic process of organizing, describing, processing, and transforming raw data into meaningful information.[13] In this study, the data were analyzed using the hermeneutical framework of Muhammad Talbi by considering the historical and social contexts as well as humanitarian values, an approach known as *al-qirāʾah al-tārīkhiyyah* (historical reading), which is grounded in the principle of *al-qirāʾah al-insāniyyah* (humanistic reading).[18] Talbi's analytical framework was subsequently integrated with the principles of *ḥudūd* in Muhammad Shahrur's theory. This integrated approach is expected to generate a new understanding of the hadith concerning the number of animals prescribed for *'aqīqah*.[19]

Historical-Humanistic Theory and *Ḥudūd* Theory

1. Muhammad Talbi's Historical-Humanistic Theory

Muhammad Talbi was a contemporary North African Islamic thinker and historian. He was born in Tunisia on September 16, 1921, and died there on May 1,

[15] Sri Haryanto, "Pendekatan Historis Dalam Studi Islam," *Manarul Qur'an: Jurnal Ilmiah Studi Islam* 17, no. 1 (2017), p. 127–35. Husna Amin, et.al., "Environmental Paradigm Transformation through Integrative Interpretation: Perspective of Quranic Ecological Hermeneutics," *International Journal of Islamic Thought* 28, No. 2 (2025).

[16] Adji Pratama Putra, "Teori Limit Muhammad Syahrur Dalam Studi Islam," *J-CEKI : Jurnal Cendekia Ilmiah* 1, no. 6 (2022), p. 833–39. Imam Syarbini, "Teori Limit Muhammad Syahrur," *Progresif : Media Publikasi Ilmiah* 6, no. 1 (2018), p. 10–28.

[17] Muhyar Fanani, *Fiqh Madani: Konstruksi Hukum Islam Di Dunia Modern* (Yogyakarta: LKiS, 2008), p. 257-267. Abdul Mustaqim, *Epistemologi Tafsir Kontemporer* (Yogyakarta: LKiS, 2020), p. 199-205.

[18] Abd. Rahman, "Hermeneutika Muhammad Talbi, p. 62–77.

[19] Doli Witro, "Muhammad Syahrur dan Teori Limitasi: Sebuah Metode Penggalian Hukum Islam," *Istinbath: Jurnal Hukum* 18, no. 1 (2021), p. 15–31. Muhammad Iqbal Juliansyahzen, "Rekonstruksi Nalar Hukum Islam Kontemporer Muhammad Shahrur Dan Kontekstualisasinya," *Al-Mawarid: Jurnal Syariah Dan Hukum (JSYH)* 4, no. 1 (2022), p. 57–74.

2017. Talbi was raised and educated in Tunisia before pursuing postgraduate studies in Paris. His doctoral thesis, entitled *The Aghlabid Emirate*, was a 765-page study of political history that earned him a doctoral degree from the Sorbonne University in Paris. He was widely known as a prominent writer on modern Islamic issues and interreligious relations and was a participant in many interfaith dialog forums.

As a contemporary Islamic thinker, Talbi not only provided normative perspectives but also introduced an applied methodological approach to the of religious texts. This approach is called *qirāʾah tārīkhiyyah insāniyyah* (historical-humanistic reading), which later evolved into *qirāʾah maqāṣidiyyah* (maqāṣid-oriented reading). The approach tries to understand religious texts by taking into account the historical context in which they emerged as well as the humanitarian objectives of the *sharia* they hope to achieve. According to Talbi, interpreting texts without paying attention to their historical aspect may lead to rigid and ahistorical readings.[20]

Al-qirāʾah al-tārīkhiyyah (understanding a text in its historical context) is a method of historical interpretation wherein the Qur'anic verses and hadith are understood in the contexts in which they were revealed or transmitted, rather than separated from those. Talbi regards history as a comprehensive field of knowledge and an essential component of civilization. In his view, writing history constitutes an effort to understand human beings by using the Qur'an and hadith as fundamental sources.[21]

In simple terms, the operation of *al-qirāʾah al-tārīkhiyyah* can be outlined as follows. First, a *mufassir* or commentator must seek to understand Qur'anic verses and hadith within the contexts in which the verses were revealed or the hadith were transmitted. At this stage, the knowledge of the micro and macro *asbāb al-nuzūl* becomes a primary source of analysis.[22] The micro *asbāb al-nuzūl* refers to the events or questions that occasioned the revelation of a particular verse.[39] Meanwhile, the macro *asbāb al-nuzūl* refers to a broader understanding in which the *mufassir* must examine the socio-historical circumstances underlying the revelation of the verse, as well as the broader context surrounding it, including who is speaking (Allah), to whom the speech is addressed, and the substance or content of the *sharia*.[23] In hadith studies, a similar distinction is made between the macro and micro *asbāb al-wurūd*.

Second, the *mufassir* must consistently adhere to the *maqāṣidiyyah* principle (*muqārabah maqāṣidiyyah*), i.e., an approach that analyzes texts from a historical

[20]Abdullah Zubaidi, "Hermeneutika Al-Qur'an Muhammad Talbi (Socio-Historical Hermeneutics)," *Hermeneutik* 12, no. 1 (2019), p. 144.

[21] Abdul Rahman, "Hermeneutika Muhammad Talbi, p. 66.

[22] Nihayah Abdurrahman, "Relevansi Metodologi Tafsir Kontemporer (Studi Atas Pemikiran Muhammad Thalbi)," *El-Umdah* 1, no. 2 (2018), p. 226.

[23] Helmi Halimatul Udhmah, "Menggali Dialektika Makna Asbabun Nuzul Dalam Teks Dan Realitas Sosial Historis," *Mumtaz: Jurnal Studi Al-Quran Dan Keislaman* 8, no. 2 (2024), p. 298.

and humanistic perspective.[24] In this approach, Talbi seeks to elucidate the meanings contained in the Qur'anic verses and hadith based on the principles and trajectory of historical development. From Talbi's perspective, the primary focus of *al-qirāʾah al-maqāṣidiyyah* is the historical context, i.e., the circumstances and conditions surrounding the revelation of a verse, which becomes the point of departure to identify the purpose (*maqāṣid*) behind the enactment of a legal ruling (*ghāyah al-shar'*).[25]

Talbi argues that the modern era requires interpretations that are open to renewal. A historical approach accompanied by a humanistic perspective is expected to encourage a more open interpretation of the Qur'an through what he calls *al-qirāʾah al-insāniyyah*.[26] Talbi is of the opinion that Muslim historians are compelled to take a humanistic reading (*al-qirāʾah al-insāniyyah*) when they engage with religious texts. The humanistic reading in Islam is a concept that focuses on the humanization of human beings according to their role as *khalīfah* (vicegerents) on earth.[27]

2. Muhammad Shahrur's Theory of *Ḥudūd*

In their discussion of Muhammad Shahrur's ideas, Muhyar Fanani and Abdul Mustaqim provide a clear explanation of the six boundary principles in Shahrur's *ḥudūd* theory. The six principles are described as follows:

a. Minimum Limit: The minimum limit is to the lowest boundary below which human beings may not establish a legal ruling, as determined by the Qur'an. However, they may establish a ruling that imposes a higher level of restriction or penalty than the minimum prescribed by Allah.[28]
b. Maximum Limit: The maximum limit is the upper boundary beyond which human beings may not establish a legal ruling. However, they may establish a ruling that is less restrictive or imposes a lower penalty than the maximum prescribed by Allah.
c. Separate Minimum and Maximum Limits: This principle refers to a legal provision in which both minimum and maximum limits are established but do not converge at a single point. In such cases, a person may formulate a legal ruling by referring to either the prescribed minimum or maximum limit.

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[24] Syamsir Syamsir, "Maqashidi Tafsir: An Effort To Unveil The Intent and Purpose of The Qur'an in Contemporary Context," *Tafasir: Journal of Quranic Studies* 2, no. 1 (2024), p. 70–84.

[25] Redaksi Iqra, "Gerakan Feminisme Dan Qiro'ah Tarikhiyah Mohamed Talbi," 2025, 10 Februari 2025, https://iqra.id/gerakan-feminisme-dan-qiroah-tarikhiyah-mohamed-talbi/.

[26] Rahman, "Hermeneutika Muhammad Talbi: Diskursus Pemimpin Non Muslim Dalam Konteks Indonesia," p. 63.

[27] Hadari, "Teori Al-Qira'ah Tarikhiyyah Dalam Memahami Al-Qur'an (Studi Pemikiran Muhammad Talbi)," *Jurnal Ilmiah Falsafah: Jurnal Kajian Filsafat Dan Teologi* 6, no. 1 (n.d.): p. 73.

[28] Fanani, *Fiqh Madani: Konstruksi Hukum Islam Di Dunia Modern*, p. 257-267. Mustaqim, *Epistemologi Tafsir Kontemporer*, p. 199-205.

However, the resulting ruling may not exceed the maximum limit or fall below the minimum limit established by Allah.

d. Convergent Minimum and Maximum Limits: Under this principle, the minimum and maximum limits converge along a single line, meaning that a legal ruling must conform exactly to what has been prescribed by Allah. It may neither exceed nor fall short of the prescribed limit.
e. Maximum Limit Approaching a Straight Line: This principle means that a legal action must be subject to limitations so that it does not approach, let alone violate, the legal boundary established by Allah.
f. Positive Maximum Limit That Must Not Be Exceeded and Negative Minimum Limit That May Be Exceeded: This type of limit means that an action or legal ruling may not exceed the positive maximum boundary, whereas the negative minimum boundary may be exceeded.[29]

3. Contextualizing the Meaning of the Hadith on Sheep Sacrifice

a. Hadith on the Number of Animals for *‘Aqīqah* for Male and Female Children

There are two narrations concerning the number of animals to be slaughtered for *‘aqīqah*, i.e., two animals for a male child and one animal for a female child. One of the narrations states that:

أَنَّ عَائِشَةَ أَخْبَرَتْهَا أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَمَرَهُمْ عَنْ الْغُلَامِ شَاتَانِ مُكَافِئَتَانِ وَعَنْ الْجَارِيَةِ شَاة

Translation: ʿĀʾishah (may Allah be pleased with her) reported that the Messenger of Allah (peace and blessings be upon him) instructed them to slaughter two comparable sheep for a male child and one sheep for a female child.[30]

This hadith is reported in various hadith books including *Sunan al-Tirmidhī* and the *Musnad* of Imam Aḥmad ibn Ḥanbal. One commonly cited chain of transmission is as follows: Imam al-Tirmidhī narrated it through Qutaybah ibn Sa’īd, from Mālik ibn Anas, from Ja’far ibn Muḥammad (Ja’far al-Ṣādiq), from his father Muḥammad al-Bāqir, from Jābir ibn ʿAbd Allāh, from Mālik, and from ʿĀʾishah. Meanwhile, Imam Aḥmad narrated it through Yaḥyā ibn Maʿīn, from Wakīʿ, from Zakariyyā ibn Abī Zāʾidah, from Muṣ’ab ibn Shaybah, from Ḥalq ibn Ḥabīb, from Ibn al-Zubayr, from ʿĀʾishah (may Allah be pleased with her). The hadith has been classified as *ṣaḥīḥ* (authentic) by several *ulama*, including Imam al-Tirmidhī himself. There is also another narration, as follows:

[29] Fanani, *Fiqh Madani: Konstruksi Hukum Islam Di Dunia Modern*, p. 260.

[30] Abu Isa Muhammad Ibn Isa Al-Tirmidzi, *Al-Jami’ Al-Shahih Sunan Al-Tirmidzi*, vol. Juz 2 (Lebanon: Dar al-Kutub al-Ilmiah, 2007), p. 454. Ahmad Ibn Hanbal, *Musnad Al-Imam Ahmad Ibn Hanbal*, vol. Juz 5 (Beirut: Dar al-Fikr, n.d.), p. 269.

عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ اَبِيْهِ عَنْ جَدِّهِ قَالَ، قَالَ رَسُوْلُ اللهِ ص مَنْ اَحَبَّ مِنْكُمْ اَنْ يَنْسُكَ عَنْ وَلَدِهِ فَلْيَفْعَلْ عَنِ الْغُلَامِ شَاتَانِ مُكَافِئَتَانِ وَ عَنِ الْجَارِيَةِ شَاةٌ

Translation: Narrated by ʿAmr ibn Shuʿayb, from his father, from his grandfather, who reported that the Messenger of Allah PBUH said: "Whoever among you wishes to offer a sacrifice (*nusuk*) on behalf of his child may do so: two comparable sheep for a male child and one sheep for a female child."[31]

b. Classical *Ulama*'s Views on the Number of Animals for *'aqīqah*

Broadly speaking, classical *ulama* hold two main views regarding the number of animals to be slaughtered for *'aqīqah,* as follows:

1) The First View

The first view states that two goats should be slaughtered for a male child and one goat for a female child. This position is based on the narration of Umm Kurz, who said: "Musaddad narrated to us; Sufyan narrated to us from ʿAmr ibn Dinar, from ʿAṭāʾ, from Ḥabībah bint Maysarah, from Umm Kurz al-Ka'biyyah, who said: I heard the Messenger of Allah PBUH say: 'For a male child, two comparable goats, and for a female child, one goat.'" Abu Dawud said: "I heard Aḥmad say that *mukāfiʾatān* means two that are equal or comparable in age and size".[32] Another narration, reported by ʿĀʾishah (may Allah be pleased with her), states that the Messenger of Allah PBUH instructed them (the Companions) to perform *'aqīqah* by slaughtering two comparable goats, in terms of age and size, for a male child and one goat for a female child.[33]

This view is held by the *ulama* of the Shāfi'ī, Ḥanbalī, and Ẓāhirī *madhhab*, as well as by Ibn ʿAbbās, ʿĀʾishah, Isḥāq, Abū Thawr, and others. However, the *ulama* of the Ẓāhirī *madhhab* consider the slaughtering of two goats for a male child to be obligatory. According to this view, *'aqīqah* for a male child performed with only one goat is invalid. This position was also supported by al-Shawkānī, in contrast to the position of most other *ulama*.[34]

Other *ulama*, meanwhile, believe that slaughtering two goats for a male child is completer and more preferable. However, if one is unable to do so, one goat is considered sufficient for a male child. Imam al-Nawawī states, "The Sunnah is two goats for a male child and one goat for a female child. If only one goat is slaughtered for a male child, the basic requirement of the Sunnah has nevertheless been fulfilled."

These hadith explicitly express a distinction between male and female children in the practice of *'aqīqah*. Ibn Qayyim explains the basis for this distinction,

[31] Imam al-Hafidz Abu Daud Sulaiman Ibn al-Asy'ats Al-Sijistani, *Sunan Abu Daud*, vol. Juz 2 (Lebanon: Dar al-Kutub al-Ilmiah, 2011), p. 311. Ahmad Ibn Syu'aib Ibn Ali al-Khurasani al-Nasa'i, *Sunan Al-Nasa'i*, vol. Juz V (Beirut: Dar al-Kutub al-Ilmiah, 2010), p. 117.

[32] Al-Sijistani, *Sunan Abu Daud*, Juz 2, p. 311.

[33] Sabiq, *Fiqhus Sunnah*, Juz 3: p. 279; Editor, *Ensiklopedi Hukum Islam, Jilid I*, p. 81-82.

[34] Sabiq, *Fiqhus Sunnah*, Juz 3, p. 279; Editor, *Ensiklopedi Hukum Islam, Jilid I*, p. 81.

stating, “This is a rule of *sharia*. Allah, exalted is He, distinguishes between males and females and has assigned females half the share of males in matters such as inheritance, *diyah* (blood money), testimony, and the emancipation of slaves.” This distinction could become a basis for the ruling on *‘aqīqah* even if there were no specific Sunnah concerning it. Yet, there are in fact numerous authentic Sunnah reports establishing this distinction.” Ibn al-Qayyim further states, “Allah, exalted is He, has given preference to males over females, as stated in His word: ‘And the male is not like the female.”[35]

The implication of this distinction is that in certain areas of Islamic law men are granted a preferential legal status. *Sharia* also reinforces this distinction by assigning a male the status of two females in matters like testimony, inheritance, and *diyah*. The ruling on *‘aqīqah* is likewise understood within this broader framework of legal distinctions. Al-Ḥāfiẓ Ibn Ḥajar states that these hadith constitute the basis for the position of the majority of *ulama* in distinguishing between male and female children in *‘aqīqah* . According to them, the hadith stating that “the Messenger of Allah (peace and blessings be upon him) slaughtered one sheep each for al-Ḥasan and al-Ḥusayn” cannot be used as evidence against this distinction. This is because another chain of transmission through ‘Ikrimah, from Ibn ‘Abbās (may Allah be pleased with him), reports the wording “two sheep each.” Thus, this narration cannot be considered contradictory to the hadith that explicitly state that two goats should be slaughtered for a male child. At most, the narration indicates that slaughtering only one goat is permissible, which is indeed the case. The number of animals slaughtered for *‘aqīqah* is therefore not an absolute condition of validity, but rather a recommendation.

Al-Ḥulaymī suggests that the wisdom behind prescribing half the number of animals for a female child compared with a male child is related to the preservation of life, thereby drawing an analogy with *diyah*. Ibn al-Qayyim supports this reasoning with a hadith stating that whoever emancipates a male slave has freed all of his bodily limbs from the Fire, and likewise, whoever emancipates two female slaves receives a similar reward. Hence, it is most likely that the prescribed number of animals represented what was considered most appropriate and practicable for performing *‘aqīqah* in the social context of that time.

Based on this view, they hold that it is *sunnah* to slaughter two goats for a male child and one goat for a female child. However, if someone slaughters only one goat for his male child, the *sunnah* has nonetheless been fulfilled. Likewise, if a person slaughters only one goat for both children, this is considered permissible, as stated in the narration of Ibn ʿAbbās: “The Messenger of Allah (peace and blessings be upon him) slaughtered one ram each as *‘aqīqah* for al-Ḥasan and al-Ḥusayn (may Allah be pleased with them).”[36] They also argue that it is permissible for a person to

[35] Departemen Agama RI, *Al-Qur’an Dan Terjemahnya* (Jakarta: Yayasan Penyelenggara Penterjemah dan Pentafsir Al-Qur’an, 2000), p. 81.

[36] Al-Tirmidzi, *Al-Jami’ Al-Shahih Sunan Al-Tirmidzi*, Juz 2: p. 457.

slaughter one cow or camel on behalf of seven children, or for a group of people to share in the sacrifice, regardless of whether all of them intend it as *ʻaqīqah* or only some of them do so. Furthermore, *ʻaqīqah* is associated with the joy surrounding the birth of a child. If the newborn is a male, the occasion is considered to bring greater joy, and therefore a larger number of animals are slaughtered.[37]

2) The Second View

The evidence used to support this view consists of several hadith. First, a narration from Ibn ʿAbbās (may Allah be pleased with him) states: "The Messenger of Allah (peace and blessings be upon him) slaughtered one sheep each as *ʻaqīqah* for al-Ḥasan and al-Ḥusayn."[38] Second, Anas ibn Mālik (may Allah be pleased with him) reported: "The Messenger of Allah (peace and blessings be upon him) performed *ʻaqīqah* for al-Ḥasan and al-Ḥusayn by slaughtering two sheep, one for each of them."[39] Third, Abū Dāwūd narrated through his chain of transmission from ʿAbd Allāh ibn Buraydah, who said: "I heard my father (Buraydah, may Allah be pleased with him) say: 'During the pre-Islamic period of ignorance (*Jāhiliyyah*), whenever one of us was blessed with a child, he would slaughter a goat and smear the child's head with its blood. After Islam came, we would slaughter a goat, shave the child's hair, and apply *zaʼfarān* oil to the child's head.'"

From these hadith, this group understands that *ʻaqīqah* is mainly an expression of gratitude for the birth of a child, rather than a practice based on the numbers of animals for different genders. Thus, it is sufficient to slaughter one goat for the sunnah of *ʻaqīqah* for both male and female children.

c. Contextual Analysis of Hadith through Historical-Humanistic Theory and *Ḥudūd* Theory

Muhammad Talbi emphasizes the importance of the *maqāṣid* aspect to understand the purpose for which a hadith was issued through *al-qirāʾah tārīkhiyyah* (historical reading). Technically, the approach of *al-qirāʾah tārīkhiyyah insāniyyah* centers on an analysis of the direction of the text (*taḥlīl al-ittijāh*), namely a historical analysis inspired by humanistic values. This analysis moves from the pre-Islamic condition as the starting point, through the period of revelation as a transitional phase, to the post-revelation period as the direction of the ultimate goal. The second point is the period after revelation, while the period of revelation lies in between these two points. From these two points, Talbi then draws a straight line and concludes the ultimate intention behind the purpose of the hadith.[40]

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[37] Imam An-Nawawi, *Al-Majmu' Syarah Al-Muhadzdzab*, vol. Jilid 9 (Jakarta: Pustaka Azzam, n.d.), p. 640.

[38] Al-Tirmidzi, *Al-Jami' Al-Shahih Sunan Al-Tirmidzi*, Juz 2, p. 457.

[39] Al-Sijistani, *Sunan Abu Daud*, Juz 2, p. 311. Malik Ibn Anas, *Al-Muwaththa'* (Beirut: Dar al-Fikr, 2002), p. 306-307.

[40] Maulana Ikhsanun Karim, "Hermeneutika Historis Humanistik Mohamed Talbi," *Maghza: Jurnal Ilmu Al-Qur'an Dan Tafsir* 3, no. 1 (2018), p. 10,

The first step in understanding the hadith above is to understand the events underlying the emergence of the hadith, especially by examining or paying attention to the historical context of the verse.

1) Historical-Humanism

Al-qirāʾah tārīkhiyyah, or historical reading, means understanding hadith by considering the historical context in which the hadith was issued.[41] At this stage, a commentator (*shāriḥ*) must attempt to understand the hadith within the context in which it was issued, rather than separately from that context, through the study of *asbāb al-wurūd*, which refers to the explanation of specific events underlying the emergence of a hadith (*micro*) and refers to the social, political, and cultural context of the community at the time the hadith was issued (*macro*).[42] This is part of an effort to prevent excessive and arbitrary universalization that may distort the historical substance.

a) The Macro *Asbābu al-Wurud*

The hadith concerning the slaughtering of animals for *'aqīqah*, which distinguishes between male and female children, requires consideration of the history of *'aqīqah* before the advent of Islamic law. The women in pre-Islamic Arab society, especially in Makkah, had been practically dehumanized in many aspects of life, including social, legal, and cultural spheres. The patriarchal culture, which was deeply rooted in that society, put women in a lower position than men,[43] denied them inheritance rights, ignored their voices in marriage, and regarded them as a burden on the family. In its most extreme form, the practice of *waʾd* (burying female infants alive) proved how the existence of women was typically seen as a source of family shame. Women were mostly confined to the domestic sphere and had almost no position in the public sphere. However, after the arrival of Islam, in particular when Muslims migrated (*hijrah*) from Makkah to Madinah, the position of women underwent fundamental changes. Islam gradually introduced the principles of gender justice, as reflected in various verses of the Qur'an and hadith.

Based on the explanation above, it can be understood that the prescription of two sheep for a male child and one sheep for a female child in *'aqīqah* emerged within a macro-historical context as part of the ongoing social and legal reconstruction in Islam law. It was part of the process of Islamic social reconstruction that naturally responded to the patriarchal traditions or culture of Arab society, which had previously received little attention, including in the practice of *'aqīqah*. Indeed,

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[41] Ulfah Zakiyah and Muhammad Ghifari, "Metode Pemahaman Hadis Dengan Pendekatan Sosio-Historis," *Al Isnad: Journal of Indonesian Hadith Studies* 2, no. 1 (2021), p. 53–62

[42] Izatul Muhidah Maulidiyah and Aida Mushbirotuz Zahro, "Telaah Perbandingan Metode Tafsir Maqashidi Dan Maʿnā Cum Maghza Terhadap Penafsiran Al-Qur'an," *Jurnal Moderasi* 1, no. 2 (2021), p. 153

[43] Jannatul Wardiyah, "Al-Qur'an Bertutur Tentang Perempuan Melacak Kedudukan Perempuan Dalam Perspektif Al-Qur'an," *Jurnal Pendidikan Guru* 2, no. 1 (2021), p. 80

when a female child was born, they tended to feel sadness, whereas the birth of a male child was celebrated.

b)* The Micro *Asbābu al-Wurud

Regarding the *asbāb al-wurūd* of the hadith concerning the number of animals for *'aqīqah*, which differentiates between male and female children, there is no specific account explaining the circumstances in which this hadith was issued. However, when considering the situation at that time, especially the pre-Islamic period in which the dignity of women was undermined, this hadith can be understood as part of Islam's effort to respond to and correct the patriarchal cultural practices of the preceding period. Therefore, this hadith should be understood as providing theological legitimacy for gender discrimination between men and women, as occurred during the *Jāhiliyyah*. Rather, it should be seen as a socio-religious step toward gradually elevating the status and dignity of women.

2) Al-Qirā'ah Annāsiyyah/Qira'ah Al-Maqasidiyah

Al-qirāʾah insāniyyah, or humanistic reading, is an approach that emphasizes human values. In understanding hadith through this approach, the hadith is viewed by placing human beings as the primary value.[44] In Muhammad Talbi's interpretation, he combines the historical approach with a humanistic perspective. This shows that Talbi does not interpret a hadith merely by considering the historical context of the text, but also takes human values into account.

Muhammad Talbi employs a historical-humanistic reading (*al-qirāʾah tārīkhiyyah insāniyyah*) in order to understand equally the conditions of revelation and the objectives of the *sharia*, namely the point of departure and the intended goal. These two points are important to consider because they constitute the core of his theory of "directional analysis of the text" (*taḥlīl ittijāhī*), in which Talbi was influenced by the concept of historical evolution. *Taḥlīl ittijāhī* is not merely a textual analysis, but rather a historical analysis inspired by humanistic values. In this analytical process, there are two points that need to be considered when relating it to the difference in *'aqīqah* between male and female children. These two points are the point of departure (*qirāʾah al-tārīkhiyyah*) and the point of the intended goal (*qirāʾah al-maqāṣidiyyah*).

Regarding the hadith concerning the purposes underlying the prescription of *'aqīqah* in Islamic law, there are at least several wisdoms or objectives associated with its practice, including the following:

a) Expressing Gratitude for the Birth of a Child and Praying for the Child: One purpose of performing *'aqīqah* is to express gratitude for the birth of a child and to pray for the child. As mentioned previously, *'aqīqah* is performed as an expression of gratitude to Allah SWT for the birth of a child. The *'aqīqah*

[44] Karim, "Hermeneutika Historis Humanistik Mohamed Talbi," p. 311. Anas, *Al-Muwaththa'*, p. 306.

ceremony is usually accompanied by prayers for the baby. In general, prayers are offered for the child to receive countless blessings.

b) Strengthening Brotherhood among Muslims: Another purpose is to strengthen brotherhood among Muslims. This is because the meat from the animal slaughtered for *'aqīqah* is distributed among fellow Muslims, including family members, friends, and members of the surrounding community.
c) Removing Impurities and Preventing Illness: Another purpose is to remove impurities and prevent illness. In addition to slaughtering an animal, *'aqīqah* is accompanied by shaving the baby's hair. This is performed with the intention of removing impurities and preventing illness.
d) Increasing Worship: One of the purposes of *'aqīqah* for parents is to increase their worship. In general, an *'aqīqah* ceremony is accompanied by Qur'anic recitation, *tahlīl*, prayers, and other acts of worship. Thus, performing *'aqīqah* can also increase one's acts of worship and strengthen one's love for Allah SWT.
e) Providing Intercession for the Parents**:** Finally, one of the purposes of performing *'aqīqah* is to provide intercession for the parents who perform it. *'aqīqah* is regarded as a ransom (*fidā'*) for the child, through which the child may intercede for both parents on the Day of Resurrection.

Based on these objectives, it appears that none of them indicates any distinction between male and female children. Therefore, if the hadith concerning the number of animals for *'aqīqah* for male and female children is understood through a historical and humanistic approach, the contextual meaning of this hadith can no longer be seen as a form of discrimination against women. Instead, the hadith illustrates Islam's effort to gradually raise the status and dignity of women. A similar notion can be found in another hadith of comparable authenticity, which mentions that the Prophet's own grandsons, al-Ḥasan and al-Ḥusayn, were each given *'aqīqah* with only one sheep. As reported by Anas ibn Mālik (may Allah be pleased with him): "The Messenger of Allah (peace and blessings be upon him) performed *'aqīqah* for al-Ḥasan and al-Ḥusayn with two sheep, one for each of them."[45]

In line with the thought of Talbi, Muhammad Shahrur also points out the importance to consider the purpose or context underlying a text, especially a religious text, because an understanding that is confined to grammatical language or classical interpretations may overlook the fundamental dimension of the message intended to be conveyed. In his methodology, Shahrur describes that the purpose of a text is often related to the socio-historical context in which it was revealed, while also needing to stay relevant and contextual for application in the present. Shahrur considers classical interpretations to be often too rigid and passive in their treatment of texts, thereby failing to capture the dynamics and flexibility of God's law. Understanding the purpose of a text allows greater room for *ijtihad* (independent reasoning). In

[45] Al-Sijistani, *Sunan Abu Daud*, Juz 2, p. 307.

general, for Muhammad Shahrur, a comprehensive understanding of a text must go beyond literal meaning and consider its objectives (*maqāṣid*) and context so that religious teachings remain alive, relevant, and capable of functioning as guidance for humanity in every time and place.

Muhammad Shahrur views a text in terms of three conditions, namely the concepts of being, process, and becoming. These three categories are fundamental concepts in his philosophy, which divide reality and human understanding of revelation. The concept of "process" is an inherent part of the transition from the condition of "being" to "becoming" as the following: a) Condition of Being*:* This refers to the divine and absolute nature. It is represented by the word of God revealed in the Qur'an. The Qur'anic text itself is a fixed text, eternal, and constitutes "being in itself." Its absolute nature does not change according to time and place; b) Conditions of Process and Becoming: These refer to the human and relative nature. They constitute the aspect of human understanding of the absolute divine text, which continues to develop and change in accordance with the development of the times and human knowledge. This process of understanding is dynamic, flexible, and dialectical rather than static; and c) The core relationship among the three: The revealed text (the condition of *being*) remains fixed, but human understanding of it (the condition of *becoming*) is always invested in an ongoing process of interpretation that stays relevant to each generation, without being bound by the interpretations of previous generations. Shahrur describes this dialectic as "the fixed nature of the text and the flexibility of its content." The domain of *ijtihād* lies in this space of flexibility, between the minimum and maximum limits (*ḥudūd*) established by Allah.[46]

Based on Shahrur's theory, the hadith describing the number of animals for male and female children can be understood through the following steps:

a) Condition of Being (*kainūnah*): This is a notion of absolute and divine existence. It is the beginning of all things that exist that are fixed and divine. Shahrur believes that the Qur'an and hadith signify the "condition of being in itself," as they are not constrained by time or a certain historical context.
b) Condition of Process (*sayrūrah*): It implies the movement of time or a condition that constantly develops and changes at each stage. It corresponds to the dynamic, elastic, and flexible dimension of human reality and the universe. This process cannot be separated from the passage of time and undergoes development and change at every stage.
c) Condition of Becoming (*shayrūrah*): This can be understood as the ultimate goal or outcome of a process. It refers to the condition of "becoming something" of the initial existence (*kainūnah*) after passing through the process phase (*sayrūrah*). If *sayrūrah* represents the movement of time, then *shayrūrah* represents the outcome or goal achieved through that movement.

[46] Muhammad Shahrur, *Metodologi Fiqih Islam Kontemporer* (Yogyakarta: eLSAQ Press, 2003), p. 78-80.

In short, the condition of *being* refers to the fixed underlying nature (the fixed hadith text), whereas *process* and *becoming* refer to dynamic realities (human understanding that continues to develop) that adapt to changing circumstances while remaining within the limits established by the absolute condition of *being* (the theory of limits/*ḥudūd*).

When these three conditions are related to the hadith concerning the number of animals for *ʻaqīqah* for male and female children, the condition of *being* is represented by the wording of the hadith stating: "The Messenger of Allah PBUH instructed us to perform *ʻaqīqah* for a male child with two comparable goats and for a female child with one goat." However, as time progressed, the Prophet himself slaughtered only one sheep each for his two grandsons, al-Ḥasan and al-Ḥusayn. This indicates that the determination of the number of animals for *ʻaqīqah* during the Prophet's time itself underwent a dynamic process according to the circumstances and conditions at that time.

Thus, from the perspective of the condition of *becoming*, it can be understood that the number of animals slaughtered during an *ʻaqīqah* ceremony depends greatly on the particular circumstances. These circumstances depend on the financial capacity of the parents performing the *ʻaqīqah* and on the number of people who are expected to share in the meal. This is because the primary purpose of performing *ʻaqīqah* is to express gratitude for the blessing of a child granted by Allah SWT. Therefore, this blessing is shared with others by providing them with food.

The three conditions are then connected to the theory of *ḥudūd*, which is based on the six principles of limits in Shahrur's theory of *ḥudūd*, namely: (1) the minimum limit; (2) the maximum limit; (3) the maximum and minimum limits that do not converge at a single point; (4) the maximum and minimum limits that converge along a single line; (5) the maximum limit that approaches a straight line; and (6) the positive maximum limit that must not be exceeded and the negative minimum limit that may be exceeded.[47]

Based on these six principles, understanding the hadith related to the number of animals for *ʻaqīqah* through Muhammad Shahrur's theory of *ḥudūd* appears to correspond to the first principle, i.e., the minimum limit, whereby human beings may not establish a ruling below the minimum provision established in the hadith, but may establish a ruling that goes beyond what has been prescribed by Allah. In this case, the number of animals for *ʻaqīqah* for both male and female children is the same, i.e., a minimum of one sheep. As for the maximum limit, it may be more than two sheep; *ʻaqīqah* may even be performed by slaughtering a camel or a cow. The number of animals therefore highly depends on the needs and financial capacity of the person performing the *ʻaqīqah* ceremony.

This view is supported by Imam al-Nawawī, who states that if a person slaughters a cow or camel for seven children, or if a group of people shares in the sacrifice, it is permissible, regardless of whether all of them intend it as *ʻaqīqah* or

[47] Fanani, *Fiqh Madani: Konstruksi Hukum Islam Di Dunia Modern*, p. 262.

only some of them do so. He also explains that *'aqīqah* is associated with the joy of the birth of a baby. If the newborn is a male, the occasion is considered to bring greater joy, and therefore more animals are slaughtered.[48] Based on the discussion above, the authors argue that, through the hermeneutical approaches of Muhammad Talbi and Muhammad Shahrur, the hadith prescribing two sheep for a male child and one sheep for a female child should be understood contextually. A contextual understanding of this hadith indicates that it should be interpreted dynamically and flexibly.

'Aqīqah in Society: Gender, Cultural, and Islamic Law Perspectives

Women are placed a respected, equal and just position in the Islamic law; they are neither marginalized nor discriminated. For example, when a marriage takes place, a man is obliged to give *mahr* to the woman. The *mahr* is a symbol of respect for women, both culturally, in terms of gender, and within Islamic law. Even when a woman is inevitably divorced, the husband must provide *iddah* (waiting period) maintenance, past maintenance, and *kiswah* (clothing allowance); these are all forms of respect for women.[49] Therefore, the marginal position of women usually emerges from culture, which in turn influences the interpretation of the Qur'an and Hadith. For example, *nusyuz*, i.e., an act of disobedience or disrespect toward the spouse, has traditionally been understood as an act committed by women, when in fact, a husband can also commit *nusyuz* when he fails to provide maintenance or commits domestic violence. [50]

Likewise, in the case of *'aqīqah*, especially regarding the difference in the number of animals slaughtered, Abdul Halim Talli, Professor of Islamic Law at UIN Alauddin, explained that, in terms of the quality of men and women, the provision of two animals for a male child is part of the understanding that men have greater responsibilities. Men are regarded as leaders and breadwinners who bear the responsibility of creating a harmonious and prosperous environment for their families. Thus, it is this responsibility that becomes the consideration for the provision of two animals for a male child. Therefore, the actual measure is not that one is younger or more important, but rather that it indicates greater responsibility. The difference between two animals for a male child and one animal for a female child in *'aqīqah* is compatible with *maqāṣid al-sharī'ah*. The difference is not because of a difference in dignity, but rather implies the variations in ability and

[48] An-Nawawi, *Al-Majmu' Syarah Al-Muhadzdzab*, Jilid 9: p. 640.

[49] Fajri M Kasim, et al., "The Protection of Women and Children Post-Divorce in Sharia Courts in Aceh: A Sociological Perspective," *Ahkam* 22, No. 2 (2022). Abd. Karim Faiz, et al., "Between State Law and Islamic Law: The Practice of Divorce Outside the Situbondo Religious Courts, Indonesia," *Journal of Islamic Law* 3, No. 2 (2022).

[50] Atun Wardatun and Bianca J. Smith, "Woman-Initiated Divorce and Feminist Fiqh in Indonesia: Narrating Male Acts of Nushūz in Marriage, *Ulumuna* 20, No. 2 (2020). Faisal Zulfikar, et al., "Maqashid Syariad Asy-Syatibi Review of Marital Rape in the Sexual Violence Crime Law." *Nurani: Jurnal Kajian syari'ah Dan Masyarakat* 23, No. 1 (2023), p. 97-110.

opportunity, which are, in fact, natural. Therefore, those who have greater means, e.g., men who may have more financial capacity, are given the opportunity to give more in charity, although women's capabilities are by no means denied. This also becomes a lesson that men must prepare themselves to face greater responsibilities. In other words, it is a valuable lesson that men should prepare themselves earlier because they bear more responsibilities. Hence, all of this, from the viewpoint of *maqāṣid al-sharī'ah*, is aimed to bring about *maslahah*. One's ability should not be forced and should instead be accommodated to one's circumstances and capacity for sacrifice. The different numbers of animals for male and female children also symbolize the ability to give charity and the greater responsibility borne by men.[51]

In line with this, Muhsin Mahfudz, Professor of Qur'anic Exegesis, accentuated that the difference in the number of animals slaughtered for *'aqīqah* for male and female children should be viewed from two perspectives, namely the *ta'abbudiyah* aspect and the aspect of *hikmah* (wisdom). From the *ta'abbudiyah* perspective, as reflected in the hadith narrated by Abu Bakr, the provision of two animals for a male child and one for a female child is a form of obedience to religious instruction, without questioning why the numbers differ. However, some *ulama* have attempted to explain the wisdom behind this distinction, for example, why two animals are prescribed for a male child: because men are considered to have higher responsibilities than women. This can also be viewed in light of the aspects of Islamic law in the Qur'an, in particular the distribution of inheritance, where the difference is likewise associated with greater responsibility. Thus, *'aqīqah* for a male child is given a larger portion. Many *ulama* also argue that the difference in numbers cannot be rationalized because it is part of the *ta'abbudiyah* aspect itself. In fact, from these two aspects, there is no *sharī'ah* relationship between the issue and gender bias. However, culturally, since patriarchy has traditionally been strongly upheld in society, when Islam came, there was a form of compromise, which may have led people in society to perceive an element of gender bias. Sociologically, there may indeed be gender bias, but from the *sharia* perspective, the two are not related at all. Therefore, the distinction can be understood through the two aspects mentioned above: the *ta'abbudiyah* aspect and the aspect of *hikmah*. Then, from the perspective of *maqāṣid al-sharī'ah*, there are no elements that contradict its objectives in any respect; rather, it is consistent with the purposes of religion. *'aqīqah* is a form of gratitude, in order to share one's sustenance, show concern for others, and strengthen social ties (*silaturrahmi*), all of which are very consistent with *maqāṣid al-sharī'ah*, especially in terms of preserving religion and upholding human values. It is also a form of honoring human beings (*karāmatul insān*) or protecting human life (*hifzh al-nafs*). In other words, there is no contradiction. If viewed from the perspective of gender bias, there may be an element of bias; but from the *sharia* perspective, there is none. From the perspective of a patriarchal culture, there is a form of compromise:

[51]Interview with Abdul Halim Talli, Professor of Islamic Law, Universitas Islam Negeri Alauddin, South Sulawesi, August 2025.

the understanding of two animals for a male child and one for a female child does not necessarily contradict the existing patriarchal culture, and Islamic law may be seen as validating that patriarchal structure.[52]

If analyzed from different perspectives, *'aqīqah* is not only about the process of slaughtering an animal, particularly a goat, but it is also rich in cultural, social, and Islamic legal meanings and symbols. In Bugis-Makassar society, for example, *'aqīqah* is commonly carried out on the seventh (7th) day after birth. It is usually accompanied by the recitation of *Barzanji*, communal meals, collective prayers, and invitations to relatives, family members, neighbors, and extended family.[53] In this context, there are three important aspects. First, from the cultural aspect, *'aqīqah* is part of preserving culture and customary traditions. Second, from the social aspect, it strengthens social cohesion (bonds) and solidarity among fellow Muslims. Third, it represents a form of compliance with the requirements of Islamic law.

In line with this, according to Asni Zubair, Professor of Islamic Law at Institut Agama Islam Negeri Bone, gender bias or patriarchal culture, in her view, depends on how it is understood. This is similar to the distribution of inheritance, which also follows a 2:1 ratio. Islamic teachings that developed in Arabia encountered a culture that did not value daughters at all. Slaughtering an animal for the birth of a girl was a significant form of recognition and honor for women at that time. However, it could not simply be equated with the birth of a boy, because Islamic law would certainly have faced resistance. Nevertheless, the 2:1 ratio is not an absolute requirement. In practice, the Prophet himself slaughtered only one ram for each of his grandsons, Hasan and Husain. Hence, from the viewpoint of *maqāṣid al-sharī'ah*, the propagation of Islam required a strategy so that it could reach and be accepted by Arab society at that time, and Islam chose to recognize and honor women gradually.[54]

According to La Ode Ismail Ahmad, a Professor of Hadith at UIN Alauddin, the question of whether gender bias or patriarchal culture exists within the *'aqīqah* ritual depends on how one interprets it. This is similar to the 2:1 ratio found in inheritance laws. Islamic teachings encountered an Arab society that held absolutely no regard for female children; slaughtering an animal to mark the birth of a girl was, at the time, a significant gesture of respect toward females. However, it certainly could not be equated directly with the arrival of a boy, as doing so would have inevitably met with resistance against the Sharia. Yet, the 2:1 ratio is not an absolute rule; in practice, the Prophet himself slaughtered only a single goat for each of his grandsons, Hasan and Husain. Viewed through the lens of *maqāṣid al-sharī'ah*, the propagation of Islam required a strategy to ensure the message reached and was

[52] Interview with Muhsin Mahfudz, Professor of Qur'anic Exegesis, Universitas Islam Negeri Alauddin, South Sulawesi, August 2025.

[53] Observation findings in Bone Regency, August 2025.

[54] Interview with Asni Zubair, Professor of Islamic Law, Institut Agama Islam Negeri Bone, South Sulawesi, August 2025.

accepted by the Arab society of that era, and Islam chose to accord recognition to women in a gradual manner. [55]

Based on the findings from the interviews above, it can be understood that the difference in the number of animals slaughtered for *'aqīqah* should not be interpreted as normative gender discrimination. According to Muhammad Talbi and Muhammad Shahrur, Islamic law is highly concerned with gender equality, and it can be seen in a number of aspects of their views, as follows:

a) Relevance to Gender Issues: The two scholars argue that the equality of women's rights in Islam is achieved by way of the reinterpretation and reconsideration of sacred texts that have traditionally perceived women as unequal to men in terms of political, economic (employment), educational, and property rights. They reject gender subordination, as women are subjects who have equal roles and can assume or exchange roles with men according to the context of the times, rather than merely being objects of ownership.
b) Relevance to the Context of the Times: The analyses of both scholars encourage Muslims to continually re-examine traditions of understanding that contradict human values and justice. The justice they emphasize is trans-historical in nature and must continue to be actualized in accordance with the development of the times and the needs of society.
c) Reformulation of Law and Social Practices: The principle of justice proposed by the two scholars can inspire any changes in the family law system at the social and state levels, while also influencing a legal culture that is more attentive to everyone, either men or women.

Conclusion

This study concludes that the hadith on the difference in the number of animals slaughtered for *'aqīqah* for male and female children should be taken contextually and not textually. This is because the differences in the social, cultural, and economic conditions between the time of the Prophet and modern Muslim societies have influenced religious practices. Here, the hermeneutical approach makes it possible to read the hadith as revelation that engages in dialogue with a particular historical reality. Based on the analysis using Muhammad Talbi's theories of *al-qirā'ah at-tārīkhiyyah* and *al-qirā'ah an-nāsiyyah al-maqāṣidiyyah*, as well as Muhammad Shahrur's *ḥudūd* theory, the study found that the prescription of two animals and one animal represents a contextual normative boundary. It implies that the provision is related to the objectives of Islamic law (*maqāṣid al-sharī'ah*) rather than creating a hierarchical value between genders. Hence, the potential patriarchal bias lies in the interpretation, and not in the substance of the hadith itself. This implies that the *'aqīqah* hadith can be understood as a dynamic and flexible teaching

[55]Interview with La Ode Ismail Ahmad, Professor of Hadith, Universitas Islam Negeri Alauddin, South Sulawesi, August 2025.

that accommodates the circumstances and capabilities of Muslims. This study is of great significance as it attempts to connect the hadith text with the values of justice and gender equality in the context of modern society. Talbi's hermeneutical approach and Shahrur's *ḥudūd* theory show that the difference in the number of animals slaughtered for *'aqīqah* does not constitute normative gender bias; rather, it is influenced by the patriarchal social context during the period of the hadith's formation or revelation. Furthermore, the differing numbers of animals in *'aqīqah* practice should not be understood as gender discrimination. Instead, the practice contains deeper social and symbolic meanings, especially in the cultural context of Bugis-Makassar society and Islamic law, which is still in accordance with the principles of *maqāṣid al-sharī'ah*.

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