

Gender Analysis On Islamic Texts: A Study On Its Accuracy

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Abstract

Gender equality movement is spreading all over the world, including in Indonesia where Muslim gender activists have made hard efforts to ensure gender fairness and equality among people. One of their efforts is emphasizing the urgency of reinterpreting Islamic texts. They insist on the reinterpretation of Islamic texts based on gender perspective and analysis due to the existence of many Islamic texts that trespass the principles of gender equality and fairness they have been fighting for. This paper aims at assuring and examining the accuracy of using gender perspective as a tool for analyzing the Islamic text. It is found that using gender perspective and analysis for reinterpreting Islamic texts is not in line with the Islamic principles and will only produce laws and points of views which deviate from Islamic teachings. To reach the goals of this study, a descriptive-analytical approach is employed.

Keywords: Gender; Analysis; Accuracy; Islam; Text

Introduction

Gender issues are in anyway related to feminism and the latter is inseparable from Western culture, being the realm from which it emerged. The issue is gender fairness and equality (GFE). In Western world itself, feminism has been challenged by some people because the followers often went radical to fight for GFE, resulting in new problems concerning man-woman relations either at family level or in the society. Weirdly though, they have been insisting somehow on “selling” this gender issue in Muslim countries. Consequently, many people now mimic the efforts of Western feminism activists in struggling for GFE.

Indonesian gender activists spreading this notion are highly influenced by the Western feminism movement. In all-global era like today, it is for information to spread, including messages about female activism in the West, which are something that Eastern (Muslim) women could obtain in almost no time (Abdurrahman, <http://www.republika.co.id/berita/18650.html>).

Apart from the objective that globalization has accounted for the spread of gender equality movement; it is obvious that there are supports from Western funding resources (donators) (Abdurrahman, <http://www.republika.co.id/berita/18650.html>). United States, Canada, and Australia are some of Western countries which have been so generously putting out their big money for GFE projects in Muslim society.

Another factor that encourages the flourishing of feminism in Muslim world is the people being uneducated and poor, especially the women. It must be admitted though, that most women’s life condition in Indonesia is far from well. There are many things to do to lift women to a position they deserve.

Muslim gender activists’ struggles for women’s rights often go across the line as motivated by “the spirit of hatred” towards men, who they think have been enjoying their superiority over women in the patriarchal culture. It is stated in the book *Pengantar Kajian Gender* (2003) published by PSW-UIN Syarif Hidayatullah Jakarta, as quoted by Adrian Husaini:

“In this patriarchal culture, politics, economy, education, law, religion, and even domestic matters are dominated by men. On the contrary and at the same time, women are shoved aside as they are considered or judged to be improper or incapable of dealing with matters

in the abovementioned fields.” (Husaini, www.hidayatullah.com)

Different from their Western fellows, Muslim gender activists and the GFE soldiers in Indonesia—and other Muslim countries—face bigger problems in spreading their movement. First of all they have to understand the GFE-ism and the fact that they are working on it among Muslim society in which patriarchal culture prevails and is legitimated in the name of religion and social system that places women and men in different and differentiated positions and roles. Secondly, they have to work hard to make their notion legitimate or go in line with religious texts while in fact, they stand on the opposite position concerning the gender equality principles (Abdurrahman, <http://www.republika.co.id/berita/18650.html>).

According to a feminist analysis, there are many factors that cause the gender bias construction of culture. Outside of certain social, political, and economical ideologies, gender bias in a society could also be generated by ulamas' interpretation of their holy texts (Muhammad, 2004). To be frankly “standing against” religious texts is a very serious matter for that might mean and result in the person's apostasy. So the only way left is by reinterpreting the related religious texts, as what they say:

“Ulamas, as a group holding strategic position, need to do some reinterpretation of religious texts which are gender bias by means of a new interpretation method that take into account gender equality, which is actually the spirit of Islam, that is based on local wisdom” (Ridwan, 2006:197).

Over and over they are emphasizing that reinterpretation is imminent. They have studied the religious texts over again and reinterpreted them using the perspective and gender analysis method they adopted from Western feminism. The result is, many Islamic laws are deconstructed and hardly in accordance with those settled and believed by the majority of

Muslims across the globe.

This paper aims at explaining the factors that motivate Indonesian Muslim gender activists to demand reinterpretation of religious texts, and also explicating the very substance of gender analysis. Lastly, this paper proposes to test and verify whether the perspective and gender analysis is accurate enough for studying Islamic religious texts.

Discussion

As of recently, Quran interpretations in the Quranic exegesis books and explanations of hadiths in the hadith and fiqh books that have been established and accepted by Muslims for centuries are criticized by Indonesian Muslim feminists. Besides being encouraged by Western feminists, this is also inspired by Muslim feminists from other countries such as Riffat Hasan (Pakistan), Amina Wadud Muhsin (domiciles in U.S.A.), Fatima Mernissi (Morocco), and Asghar Ali Engineer (India).

Indonesian Muslim feminists argue that the interpretations and explanations of gender bias and misogynic Quranic verses and hadiths are no longer relevant because they were written in the past and for social condition at that time. They also maintain that those interpretations and explanations were mostly made by male ulamas who lived in patriarchal culture. In their works, women are placed on inferior position. There are plenty lines suggesting subordination, discrimination, and negative stereotype over women.

Given this reality and with jargons fighting for women's rights, the gender activists criticized Islamic texts which appear to be in conflict with their principles of gender fairness and equality. They insist on the importance of religious text reinterpretation in order to legitimate their principles. The assumption is that the interpretations and explanations are man-made and thus might be very much influenced by their socio-cultural environment.

Again and again, they voice the urgency of restudy and reinterpretation of the texts to convince Muslims about their notion as all of their works emphasize that. For instance, a book entitled *Isu-isu Gender dalam Kurikulum Pendidikan Dasar dan Menengah* published by PSW-UIN Yogyakarta that says:

“Religious texts do not stand by themselves neither free from their contexts. Therefore they cannot be understood, unless in their relations with other entities. At this level, we can see the importance of reviewing them in regard to the common understanding and interpretation of them, either epistemologically and hermeneutically. If it is realized, thus reinterpretation and restudy of Quran and hadith will not be considered abnormal, but rather inevitable. Why so, because the method of religious understanding requires creativity. So there is no “taboo” in reviewing religious understanding, for who knows if what we have believed to be the true religious dogma—in the words of Peter L. Berger and Luckmann—is nothing but socially constructed” (Abdul Ghafur and Isnanto (ed.), 2004).

Talking about violence-suggesting texts in the Quran and hadith, Zaitunah Subhan says:

“We cannot close our eyes on this matter because it is fact that there are a number of religious texts, of Islam in particular, either Quran or hadith, that can be assumed to provide basis for legitimacy to look down on and position women below men. This could give chances for violence towards women to happen in the name of religious dogma. Such understanding on religious texts needs to be revised lest there be a contradiction with the vision of human equality and magnificence” (Subhan, 2004:44).

The quotations above point on the religious texts in the Quran and Hadith that they think are gender bias. Therefore, there is a need for restudy and reinterpretation of the texts that guarantees GFE. This could only happen through hermeneutic or feminist approach, as

what is said by Sri Suhandjati Sukri:

“Knowing the gap between the ideal and the reality in gender equality matter, it appears to be important to do some deconstruction of thoughts in order to discuss and study carefully the hadiths suggesting gender bias. For that, we need to conduct a study on the hadith through hermeneutic approach” (Sukri, 2002:vi).

The question is what does it mean hermeneutic approach? Here we will discuss the substance of gender analysis coming out from feminist hermeneutic approach which is considered by gender activists to reinterpret religious texts to make them in line with the GFE spirit they are fighting for.

Feminist Hermeneutics

While pointing their finger on gender bias religious texts, at the same time Muslim gender activists propose an analysis based on gender equality so as to make the texts nod to their ambition of establishing their version of GFE in Muslim society. Such analysis comes out from feminist hermeneutics.

Feminist hermeneutics came up and flourished among Christians as a product of Bible texts, which was written in the context of patriarchal culture and translated and interpreted in patriarchal culture as well. This poses dehumanization and discrimination on women, who are then treated as inferior second-class citizen (Sitompul and Beyer, 2005, in Husaini, 2010).

As maintained by an analysis by Fiorenza, there are five key facts in feminist hermeneutics that are that: (1) Feminist criticisms possess a form of suspicion towards people’s acceptance of Biblical teachings; (2) Feminist criticisms must be more evaluating than correcting. It means there are many texts and commentaries must be turned down if they justify or are established by patriarchal structured culture; (3) Interpretation is unbound by any proclaims or preachments

of God's word. Texts or traditions making way for patriarchal oppression are not supposed to be proclaimed as "the word of God" in today's societies. Before a text is translated in an inclusive language, there must be an assiduous selection before; (4) Texts that promote and justify the oppressing patriarchal structured society must be changed. This hermeneutics aims at reconstructing the pure Christian history from the perspective of women; (5) The reinterpretation must also take in the celebration or rites in order to adjust the texts for current situations. Some Biblical stories are retold from feminist perspective, especially the non-patriarchal ones (Husaini, 2010).

In Indonesia, Muslim gender activists adopt feminist hermeneutics to study the supposedly gender bias Islamic texts. From various works, it is found that their feminist hermeneutics approach or gender-based methodology consists of tendencies as follows:

Putting Quranic texts on a similar position with other unholy texts

In feminist hermeneutics view, all texts are equal and nothing is holy. Every text must have its originality and authenticity verified. The cultural and linguistic background of each text must be investigated. In relation to this, Nasarudin Umar asserts:

"In analyzing a text, regardless it is Quranic or any other kind, there are some important philological questions, such as: from where the text comes, what is the text's authenticity and originality, what language does the original text use, who translates it, is it the translation of the original language or other language, how long is the time gap between the original text and the translation, and who sponsors the writing of the text and the translation? It is essential to pay attention on the translation for transliteration and transformation of a text to another redaction and language must bring along reduction. Every language has its cultural background; so, what about the text's cultural background?" (Umar, 2001:266).

Identifying gender bias religious texts

To identify religious texts that are gender bias, the usual method is by drawing direct comparison between Islamic principles promoting and preaching GFE in some Quranic verses and Hadith with those that are considered gender bias. Gender activists maintain that there are many Quranic verses and hadiths of the prophet that uphold GFE while simultaneously pointing on verses and hadiths that are gender bias. If the conservative exegetes' method is used in interpreting the texts, it will appear as if Quran allows oppression over women. This brings them into making criticisms about the method. Mansour Fakih says:

"Recently, religions face a new challenge as oftentimes they are considered troublemakers, even scapegoats for gender inequality." Then in questioning tone he adds: "Does gender inequality in religion come up from the nature of the religion or from the religious understanding, interpretation, and thought which are likely to have been shaped by patriarchal tradition and culture, capitalism ideology, and also other isms?" (Fakih, 2008:28).

Furthermore, he tends to indicate that it is the religious understanding that is problematic and thus needs revision.

Until today, feminists have identified many Quranic verses and Prophet Muhammad's (pbuh) Hadith that they think are gender bias and misogynic, related to religious ritual, family, up to social, economical, and political matters. In ritual matters, for instance, gender activists bring up questions like: why *azan* must be recited by a man, why a woman cannot be *imam* for men, why there is difference between male *makmums* (the congregation which repeats prayers after the *imam*) and female ones in the method of reminding an *imam* of something wrong, why women must stand behind men while praying, and why *imam* and preacher in Friday prayer must be a man. Still in ritual matters, they also pose a question on why differentiate the number

of goats for a boy *aqiqah* ritual sacrifice and for a girl. Related to *hajj*, the requirement for women to be accompanied by a relative while not for men is also challenged. Another issue is the different *ihram* wardrobes for male and female pilgrims during *hajj*.

In domestic scope, the issues are such as: Men's leadership as stated in Sura An-Nisa 34; justification for polygamy in Sura An-Nisa 3; different portions of legacy for men and women in An-Nisa: 11; the rule for going out of home for women in a hadith as narrated by Ibn Umar Ra. "Shall you not keep women away from the mosques of Allah" (al-Bukhari and Muslim); the right to breastfeeding in Al-Baqarah: 233; a woman's male relative's right to represent her before the clergyman in her marriage as stated in Al-Baqarah: 232 and a hadith by Aisha; the right to ask for divorce in Al-Ahzab: 49 and At-Thalaq: 1; law on *sunnah* (nonobligatory) fast for a woman whose husband is at home as narrated by Abu Hurairah who said that Prophet Muhammad once said, "*Shall not a woman perform sunnah fast while her husband is around (at home) unless after she gets his permission*"; and so on.

Adopting Relativism

Relativism is a doctrine arguing that knowledge, truth, and morality always depend on cultural, social, and historical context; and all of those are not at all absolute. The right or wrong, good or bad, is not always like that, but ever changing and relatively bound by the individual, environment, and social condition. This view has existed since the time of Pythagoras, a prominent Greek sophist from the 5th century BC. In current time, this view is widely used as a scientific approach in sociology and anthropology (The New Oxford Dictionary of English and Encyclopedia Britannica, 1994-2001).

One of the effects of relativism adhered by feminists is the flourishing of homosexuality among people. What was considered wrong,

now under the cloak of Human Rights has got its justification. Musdah Mulia in an interview said:

"It is even more interesting to know how Quranic verses see people living as a couple (Ar-Rum 21; Adh-Dhariyat 49; and Ya-seen 36). Let us take it living as a couple does not always mean in heterosexual context, but also homosexual or lesbian. Thanks to Allah the Most Holy who creates human with diverse sexual orientation" (Husaini, <http://www.hidayatullah.com/>).

Later on, she said:

"The essence of religious teaching is to humanize, respect and honor human, regardless their race, ethnicity, skin color, sex, social status, and sexual orientation. Or even, no matter what is their religion" (Husaini, <http://www.hidayatullah.com/>)

Applying historical criticism approach, distinguishing normative and contextual elements, and using special al-sabab principles

Historical criticism is applied by investigating the background of a text. In this matter, Husein Muhammad states:

"There are a number of possibilities that can be analyzed as to why such discriminative or subordinating perspective towards women prevails in these religious discussions or thoughts. First of all, it might be due to misinterpretation of the texts. Secondly, it is maybe caused by a method of interpreting that is applied eclectically or particularly; a way of interpreting texts partially, not holistic, and therefore ignoring the vision of Islamic worldview. Thirdly, perhaps they are based on weak or fake hadiths. The first two possibilities eventually lead up to one problem, which is a way of interpreting that does not put the texts on the socio-cultural setting in which they were sent down" (Muhammad, 2004:245-246).

In distinguishing normative and contextual

elements, Indonesian Muslim gender activists often go by quoting—for example—Asghar Ali Engineer’s commentary on Sura An-Nisa 34 about men’s leadership in family life:

“Men are women’s leaders” should be understood as a description of social structure and norm at that time, and not as a dogma. The verse only says that back then men were women’s leaders. It is not a statement that men must rule, lead” (Fakih, 2008:132).

Khusush al-sabab is an approach that considers most important the particular cause (occurrence, event, and question) for a verse revelation (*sabab al-nuzul*) or the coming out of a hadith (*sabab al-wurud*). Nasaruddin Umar says:

“Almost all gender-related verses were revealed in particular situations, but in a form (*sighah*) that uses general word (*umum al-lafdh*). In this case there is a question comes up, ‘should we base our interpretation on the fact that the revelations were triggered by special cause or the fact that the verses use general word?’ (*hal al-’ibrah bi khusush al-sabab aw bi ’umum al-lafdz?*)” (Umar, 2001:306).

He concludes that *umum al-lafdh*-based interpretations of *jumhur ulama* (majority exegetes) are more textual whilst those of the minority exegetes based on *khusus al-sabab* are more contextual. Therefore, the logical result of feminist usage of *khusus al-sabab*-based approach is a contextual interpretation method, not textual.

The accuracy of gender analysis

The most important question, hence, is that “is gender analysis accurate enough to be applied for interpreting and explaining over the Quran and Hadith?” If it is, refusal of the use of it will be improper. But if otherwise, then we shall not accept such an approach. Prophet Muhammad (pbuh) has provided guidance, “Wisdom is a *Mukmin*’s possession that is missing. Wherever he finds it, he is the one most rightful over it” (al-Tirmidhi).

Below are views on the accuracy of feminist hermeneutics in the study on Islamic texts:

(1) If we observe Muslim feminists’ method by putting Quranic texts on an equal position with other unholy texts, we will find that this method derives its origin from the way Westerners view their Holy Book. Western people actually have some problems with it. They have been questioning whether Bible is the word of God or of man. Those believing Bible is God’s word are criticized heavily and even considered extreme in understanding the Book. Encyclopedia Britannica reveals that: “Literal interpretation asserts that a biblical text is to be interpreted according to the “plain meaning” conveyed by its grammatical construction and historical context. The literal meaning is held to correspond to the intention of the authors. This type of hermeneutics is often, but not necessarily, associated with belief in the verbal inspiration of the Bible, according to which the individual words of the divine message were divinely chosen. Extreme forms of this view are criticized on the ground that they do not account adequately for the evident individuality of style and vocabulary found in the various biblical authors” (Suharto, 2007:117).

Therefore, in studying the Bible, they need and use hermeneutic approach which never tells one text from the other. The main objective is to find out the truths and values of the Bible as stated in Encyclopedia Britannica:

“For both Jews and Christians throughout their histories, the primary purpose of hermeneutics, and of the exegetical methods employed in interpretation, has been to discover the truths and values of the Bible” (Ibid, 5:874, 1c. qtd. Suharto, 2007:116).

If most western theologians agree on the argument that Bible is not literally the word of God, hence they use hermeneutics in understanding God’s true word, what happens with Muslims and their Holy Book is poles

apart. Muslims agree that Quran is the word of God. They see eye to eye that literally, Quran is sent down by Allah and that reading it is a religious duty and a requirement for prayers to be accepted by God. They also agree not to take any translation of Quran as Quran.

The view suggesting that Quran is merely a “work” or “*muntaj tsaqafi*” (cultural product) that requires hermeneutic approach to understand it is obviously unacceptable by Muslims. This is because Quran includes *muhkamat* verses, *ushul* of Islamic teachings, things that are *thawabit*, and *qat’iyy al-thubut/al-wurud* verses, some sections that shows *qat’iyy al-dilalah*, teachings of *al-ma’lum min al-din bi al-dharurah* matters, *ijma’* matters about itself, and also acceptance of *mutawatir* way to spread its contents, which are all accepted and well understood by Muslims having the belief that those are Allah’s command conveyed through Quran. If hermeneutics is applied to Quran, then what is *muhkamat* will become *mutashabihat*, *ushul* become *furu’*, *thawabit* become *mutaghayyirat*, *qat’iyy* become *zann*, *ma’lum* become *majhul*, *ijma’* become *ikhtilaf*, *mutawatir* become *ahad*, and *yaqin* become *zann* or even *shakk*. The reason is simple: hermeneutics does not make an exception for those axiomatic things above (Suharto, 2007:129).

By adopting feminist hermeneutics, such distortion of established principles is inevitable. This is evident as Muslim feminists question *qat’iyy* verses, refusing to recognize only one interpretation. Mansour Fakih, for example, states and agrees that among Quranic verses, some are *qat’iyy* and the others are *dhanny*. In his opinion, *qat’iyy dalalah* verses are absolute and cannot bear more than one interpretation while verses that can and are allowed to have interpretations are *dhanny dalalah* (Fakih, 1996). Despite having stated that, he breaks his own word by encouraging reinterpretation of Sura An-Nisa 11 using contextual approach and understanding of then social system and structure in spite of the verse being *qat’iyy dalalah*. He says:

“Without trying to understand the context in which the verse was revealed and without understanding how the social system and structure worked at that time (*asbabun-nuzul*), the application of the verse to a society who holds different social system and structure will lead to marginalization of female Muslims. For that reason, many ulamas have begun calling for reinterpretation of Quranic verses to adjust them to current condition” (Fakih, 1996:33-34).

If Quran can be placed on an equal position with other texts, for gender activists so can the Prophet’s Hadiths. The Hadiths are even more prone to such treatment as they are essentially subordinate to Quran.

(2) In Muslim feminists’ view, there are many gender bias and misogynic Quranic verses and hadiths. To identify this kind of religious texts, they draw direct comparison between the texts and the other texts containing Islamic principles that uphold GFE. So they come up with some gender bias and misogynic verses and hadiths, especially those about man-woman relation, such as men’s leadership in prayers, family and society, about polygamy, inheritance, and so on.

In such comparison, it indeed appears as if there is a contradiction (*ta’arudh*) and that it is necessary to reinterpret the verses and hadiths according to the spirit of GFE. In reality, somehow, no exegete says that there is a contradiction among the verses and hadiths. If there is, the contradiction must come up from the understanding of GFE concept.

Actually, what we have to question is the understanding of GFE, not the interpretation of the verses or hadiths. Does gender fairness and equality mean the same rights, duties, and equality in all things, including the unnatural, for men and women? If the answer is “yes” then here is where the problem lies. Gender activists want to make things fair and equal for men and women in things which are actually unnatural, including their duties, rights, social roles and responsibilities. There should be no

way to gender bias. Meanwhile, ulamas argue that Islam entitles rights and duties to men and women in proportion, but at the same time, Islam bestows a little advantage to men, not in a form of superiority over women, but more as a proper reward for men's harder duties.

About inheritance matter in which a man gets twice as much as a woman for instance, it is not an advantage for men, but instead, it is so because the duties of giving a dowry and supporting family—according to Islam—are entitled to men, even in situation where the wife is richer and makes more money.

The demand for the same rights and duties for men and women while acknowledging the biological difference between them is in fact injustice. Women have had the task of getting pregnant, giving birth to a baby, and breastfeeding. Accordingly, to burden them more with the obligation to support family is too much. Good teamwork between men and women produces harmony and makes them complementary to each other. Having the same rights and duties will only eradicate their feeling of needing one another.

Fairness and equality does not necessarily mean similarity and generalization. Fairness in Islam means to give one rights in proportion. It needs careful consideration of one's suitability, properness, willingness, and nature. Upon this consideration, Islam entitles special duties and obligations for men, such as earning livelihood for their family, going to war or *jihad*, and being leaders for women. It is by no means a form of discrimination. It only seems so when seen from western point of view that sees nothing is more important than wealth, position, and social status (Muammar, 2010).

In secular worldview, material aspects define nobility whilst spiritual aspects do not mean anything. The assumption that women's role is less important compared to men's is a materialistic view. A role will be seen and considered valuable if it is so in materialistic

way. Anything immaterial is not taken as important and valuable. Women's role may not be materialistically as huge as men's. However, Allah does not view human from such stance, but rather by their effort and sincerity. Therefore, for Muslims, the case of something being worthy or not must be seen from Islamic point of view that is holistic, not dualistic (Muammar, 2010).

(3)Next is about the response to relativism. Relativism derives from the word 'relative'. The adherents of this notion believe that man is a relative creature and for that it is not possible to reach the absolute truth. The only one to know the absolute truth is Allah so human should not think only their argument is right and pass judgment on the thoughts of others. In responding an opinion, one shall not define it is right or wrong as there is no absolute religious interpretation and understanding.

Religious relativism is a notion whose attitude is not to have a real attitude in telling right from wrong in any religious matter. According to relativists, there is no absolute understanding in religion; only relative truth. Muslim feminists employ relativism also to challenge the arguments of former exegetes. They say that when writing their works, the exegetes were affected by the space and time in which they lived. They do not realize that by doing this they have come up with no less relative arguments, not absolute.

Observed further, relativism in religious matter such as this is really dangerous. People upholding this notion will see religion as their private business with God, so that they will be passive and indifferent when in their society some people break God's command (*munkar*). They think, just because it is a violation of God's command does not necessarily mean God will consider it a violation. So we shall not blame the wrongdoer for it is perhaps us that have misinterpreted the religious texts related to the God's command. This stands in direct opposition to Islamic teaching "*amar ma'ruf nahi munkar*". Prophet Muhammad (pbuh) said

that those who can only fight disobedience to God in their heart without any real action are people with weak faith. So what are those who cannot tell *ma'ruf* from *munkar*? What are those who spread a notion that *ma'ruf* may be the same with *munkar* because everything is relative, not sure, and uncertain so that nobody has the right to say that he is right and the other is wrong? This view is obviously false.

Relativism also opposes what ulamas call "*al-Ashyaak al-ma'luumah min ad-diin bi adh-dhoruurah*", that is anything in religious scope that is spontaneously understood by common people without thinking. Common Muslims know these matters, let alone the ulamas. Examples of matters that fall into this category are the duty to pray five times a day, fasting during Ramadan, *haji*, that Muhammad is the last prophet and that Quran is the Holy Book of Muslims. This appears to be in conflict with relativism, which view anything people perceive is relative.

Besides, relativism is also conflicting with what *ushul fiqh* ulamas call "*al-Qath'iyat*", that are certain matters that cannot bear more than one interpretation, for example, "*al-khaas*" words such as names of people and places, numbers, and so on. So if said that "*lidzdzakari mithlu haddhil unthayain*" which means, men's inheritance is twice the amount of women, this is *qath'iy*, which means we are not allowed to or in fact, it cannot bear other interpretation.

Related closely to relativism is religious subjectivism. According to feminists, who are strongly influenced by western rationalism, religious interpretation is subjective. They claim that the exegetes of Quran and hadith and scholars of Islamic law cannot be objective in their works because they are always influenced and dependent on the time and space where they live in, including the socio-cultural situation and patriarchal culture. We are all the children of time aren't we?

In Islamic tradition, there is no absolute

dichotomy between subjectivity and objectivity, which takes root in western tradition. In the process of issuing a law or *fatwa*, ulama's opinion is based on *hujjah* Islamic laws. This is called by Imam Syafi'i by *istidlal* (inference). It is this inferential power that will determine if an opinion is acceptable or not (*shadh*). An opinion, if considered right, will then be supported by other ulamas and considered as *jumhur* (majority) opinion or *ijma'*. At this level, people other than these ulamas cannot just arbitrarily say that the opinion is subjective (Muammar, 2010:53).

Historical criticism is a literary approach that seeks for historical evidence or setting in which a work is written, including facts about the author's life and the then socio-historical condition. In the method of historical criticism, the language's cultural background is scrutinized, hence normative and contextual elements are distinguished from one another (The New Oxford Dictionary of English and Encyclopedia Britannica, 1994-2001). In this method, the principle of *jumhur* ulama, i.e. *umum al-lafdh*, is twisted and changed for *khusus al-sabab* principle.

There are many Quranic verses that have *sabab al-nuzul* and many hadiths that have *sabab al-wurud*. *Sabab al-nuzul* and *sabab al-wurud* tells about the background, the situation and condition in which a verse was revealed and a hadith was said. Almost all gender bias verses and hadiths were revealed and said as a respond to a particular situation (*khusus al-sabab*) although the redaction uses general words (*umum al-lafdh*). Understanding both *sabab al-nuzul* and *sabab al-wurud* is essential to comprehend Islamic texts.

However, despite the importance of *sabab al-nuzul* and *sabab al-wurud* understanding, exegetes do not usually base their interpretation on that, but rather on the generality of *lafdh* (words) in the texts. This is because Islamic laws are extracted from *sharia* texts, not from the situation and condition surrounding the

texts. That the text uses general words while it refers to a particular situation in fact shows that what the *sharia* looks for is the generality of *lafdh*, not the particularity of causes. Moreover, *sabab al-nuzul* and *sabab al-wurud* only give us an idea about the situation and condition in which the text was revealed while the text itself is universal, aimed for people then until the end of time.

If *sabab al-nuzul* and *sabab al-wurud* are the foundation of interpretation, the texts will seem as if they are dedicated for the people at that time, not for those after them. This hermeneutic reading merely responds to socio-cultural situation in Arab back then. By this approach, there come up problems concerning the universality of the messages of Quran and hadith, as they become relative and dependant on which culture they are told. Probably this is what Muslim feminists want. Or maybe, this is what they unconsciously get from western historicism and feminist hermeneutics.

Once again it is important to emphasize that the West have long had problems with their Holy Book that they need to have a new interpretation method to provide solution. Their problematic religious texts must be interpreted in different contexts. Meanwhile, things are different with Muslims. We do not have problem about the originality and authenticity of our Holy Book. Islamic civilization has never had negative conception about women neither undergone times when women are oppressed. Therefore, using western historicism and applying it to Islamic studies might mean taking in foreign objects to the body of Islam and can result in abandonment of the texts' true meanings.

If Quran is believed to be a divine revelation, its messages, thus, will have to be universal. And any interpretation of Quran must depart from the understanding of the text. On the contrary, the contextualization method as used by Quranic hermeneutic followers clings to the context by leaving behind the faith in Quran as divine revelation (Husaini, 2010:22). For example,

using contextualization approach, Musdah Mulia changes the meaning of Sura Al-Mumtahina 10 which forbids inter-religious marriage of a female Muslim with a non-Muslim. She says:

“If we understand the context of the text revelation, this forbiddance is very understandable as Quraish people then were very antagonistic toward the Prophet and His followers. The context is war between Muslims and the apostles. The forbiddance of inter-religious marriage was revealed to make it possible for a clear identification of who was foe and who was friend. Hence this text needs to be understood in the context. If there is no more war, the forbiddance will become annulled by itself” (Mulia, 2005:63).

In contextualization methodology, the essence of the texts is sacrificed. What is forbidden (*haram*) could be changed to become permissible (*halal*). And still in this view, Quranic verses and hadiths were valid only for people of the past, not for us, because we have much different contexts from theirs.

Conclusion

Islam teaches that to treat others with respect, including women is a religious duty. Similarly, it is to improve women's life by building up their health and education levels as well as inviting more of their contribution in social life as individuals, members of society, and citizens. On the contrary, disrespecting others is considered cruel and forbidden by religion, with or without the concept of gender equality. From here, it can be said that being critical to the concept of gender equality does not mean looking down on women or letting injustice happen to them. It does not even mean a blind denial of the concept, as it can be seen in history, gender-related problems came up in a tradition and culture that puts women on a lower position (Muslih, 2007).

Using feminist hermeneutics, as knife for cutting open and getting into Islamic texts,

results in deconstruction of the established principles which have long been considered in religious interpretation. As a result, through this gender analysis, the established and long-believed principles and laws will be deviated. The universality and *rahmatan li al-'alamin* Islamic teachings will become contextual, temporal, and local. What should be done is putting Islam and Islamic teachings as bases and indicators for responding and analyzing religious texts and not the other way round, making the western concept of GFE the stance from which we look at Islamic teachings.

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