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Critical Discourse among Indonesian Muslim Scholars on Gender in Islam: Towards the Understanding on Gender Bias in Religious Textbooks



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Critical Discourse among Indonesian Muslim Scholars on Gender in Islam: Towards the Understanding on Gender Bias in Religious Textbooks

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Abstract

This article focuses on investigating the perceptions of gender bias in Islam among Indonesian Muslim scholars. This investigation is specifically needed to locate the existence of gender bias in Islamic textbooks used officially across schools and across provinces in Indonesia. Through qualitative method with the use of Critical Discourse Analysis (CDA), this study is aimed to explore the critical discourses on gender bias in Islam as argued by some prominent Muslim scholars. The result shows that these scholars found many distorted conceptions of gender in Islam is caused by improper method in interpreting the Qur'an. They argue that the textual method of Qur'anic interpretation is used more widely by Muslims. According to them, the usage of the textual method reflects that Muslims are not able to distinguish between absolute texts and the interpretation of religious texts. Thus, they offer contextual method to reinterpret the proper conception of gender and to build gender equality within Indonesian society.

Keywords: Gender bias, Women, men, Indonesia, Islamic textbooks

Introduction

The influence of Islamic teachings within Indonesian Muslim society is relatively significant, particularly related to the concept of gender. It is generally believed by some Indonesian Muslims that the subordinate position of women is supported by Islamic teaching. Moreover, the practices of subordination toward women are not only performed by uneducated people, but also religious leaders or so called *Ulama*⁴. They frequently refer to the Qur'an to justify their attitudes. In fact, there are some Qur'anic verses that can be used for validating it. It seems that to some extent, Islam justifies gender discrimination. This is the social and religious condition that stimulates several Indonesian Muslim scholars such as Husain Muhammad (2001), Nasarudin Umar (2003) and Masdar F. Mas'udi (2000) to criticize a gender-bias conception in the Qur'an. They believe that there must be something wrong with the interpretation of Muslims towards the Qur'an. Since these scholars found that the spirit of Islam brought by the Prophet Muhammad does not discriminate against women. Therefore, they criticize the method of Qur'anic interpretation used by Muslims that tends to marginalize women.

This paper will explore the critical discourse on gender bias in Islam argued by some Indonesian Muslim scholars. The purpose of this research is to provide alternative methods of interpretation within Indonesian society that promote gender equality. These three Muslims intellectuals see that a distorted conception of gender is caused by an

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⁴ *Ulama* (Arabic) is the term for scholars of religious sciences in Islam and a term of considerable respect

improper method of interpreting the Qur'an. The textual method is used widely by Muslims. According to the scholars, the use of the method reflects Muslims' ignorance in differentiating between absolute texts and the interpretation of a religious text, which is relative and part of culture. That is why they offer a contextual method to be able to reinterpret the proper conception of gender.

Gender bias cannot be separated from culture. Gender bias is connected to meaning that is constructed by a particular society. Patriarchal tradition is often categorized as a culture dominated by males. To some extent, the tradition significantly contributes to shape gender bias within society. Robinson (2009:30) insists that "gender cannot be regarded as an autonomous aspect of social life that operates independently from other processes of social differentiation like ethnicity".

It is mentioned by Hooker (2003) that Muslim countries are influenced by patriarchal systems and Indonesia is not an exception. In the beginning of Indonesian history, gender bias was not affected by Islamic teachings. It existed before Islam spread in Indonesia. There is evidence that shows that some Indonesian local cultures discriminated against women. Kartini⁵ was one example of a woman who experienced the discrimination by her local culture. She was the victim of polygamy which at that time was practiced by her indigenous local culture. This evidence of the early existence of a gender bias implicitly shows that patriarchal tradition in Indonesia was not brought by Islamic doctrine.

Polygamy in Indonesian society was seen as a normal act. This means that a husband who chooses to have several wives would not be assessed as discriminating against women. On the contrary, he would be regarded as a man who had a higher social position than others. The more wives he had, the higher social position he would be achieve. It was not surprising that a king and other upper-class people had many wives.

However, the practice has been criticized for several decades. At least, as found by historians, Kartini is one of the persons who experienced and criticized polygamy. Based on her book entitled "*Habis Gelap Terbitlah Terang*" (After Darkness comes the light), she criticizes her culture because it marginalized women. Recently, the critique of patriarchal culture rose widely. It is hand in hand with the raise of polygamy in Indonesia. Although the kingdom had fallen and been changed into a modern nation state, polygamy is still found in a wide range of society. It is not only practiced by rich and aristocrat people, but also by common people. It means that the change of the political system does not correlate significantly to the shift of culture.

In fact, polygamy is also practiced by Islamic religious leaders or so called *Ulama*. Ironically, the practice is also agreed and supported by many Muslim women who believed that it is part of Islamic teaching (Robinson, 2009:44). Islam is the religion that has the biggest followers in Indonesia. There is approximately 85% of the Muslim population in Indonesia. Therefore, what has been done by *Ulama* would significantly affect Muslim behavior. Yet, the *Ulama* supported their action by Qur'anic verses, the Sunnah of the Prophet, and other Islamic authoritative sources. Consequently, it seems that Islamic teachings are closely associated with the previous culture that tends to discriminate against women.

⁵ Kartini lived in the last decades of the 19th century. She led a tragic life since she was a high-born woman who was expected to spend her adolescent years in seclusion until her parents arranged a marriage to a man who was polygamous (Robinson:37)

This is the social and religious condition that has stimulated several Muslim scholars such as Nazarudin, Mas'udi and Husain to be actively involved in the critical movement. They criticize Muslims who practice polygamy. According to these progressive Muslims, polygamy in a contemporary age is a contradiction to the Islamic values. Moreover, they say that Islam eagerly fights for women emancipation. It is interesting to analyze the academic background of these scholars who come from within Islamic scholarship. They are well-educated in Islamic studies. In fact, what they have learned is the same as the *ulama*. Even, they are part of *ulama*. Therefore, the scholars use the same references in assessing polygamy. Yet, they have very different understanding on the Islamic authoritative books. Generally, they agree that gender bias in Indonesia is influenced by Islamic teachings.

Another form of gender bias influenced by textual Islamic interpretation is the prohibition of women to be public leaders. The debate about whether a woman is allowed to be a public leader has arisen among Indonesian society. The debate occurred when Megawati, a presidential candidate promoted by Indonesian Democratic Party (PDI), was attacked by the *fatwa*⁶ from several *ulama*. The *fatwa* states that Islam prohibits a woman to be a public leader. Although there was no serious research that observed and measured the impact of the *fatwa*, it affected the preference of Muslims. Furthermore, the *fatwa* is a representative of the religious understanding of *ulama*. As far as I am concerned, Muslim's families are used to place a wife in the domestic area. The 'stay-at-home housewives' are seen as subordinates of a husband. They are not considered as a partner that has an equal position with their husband. Again, such culture is influenced by Islamic teaching. Since most *ulama* propagate in their preaching that wives should obey and serve their husband. Moreover, they often refer to the Qur'an, the Sunnah⁷ of the Prophet, and other authoritative books.

Certainly, this mindset discriminates against women since it implies that women as cannot be independent from men. In various ways, women who live in a patriarchal system have suffered from being dependent. This Dependent position makes them unable to criticize their husband or simply to make decisions on their own. Men in this culture tend to be the judges or decision makers who control the lives of women. This patriarchal tradition has got worse since it was strengthened by theological reasons⁸.

The Critical discourse of Indonesian Muslim scholars on the Gender Bias in Islam

Muslim scholars who are concerned and criticizing gender bias in Islamic teaching are the next generation of the critical movement against women discrimination that existed before. Robinson (2009) explored historically the struggle of Indonesian people in empowering women through various ways such as education and training. The difference

⁶ *Fatwa* (Arabic-pl:*fatawa*) is a legal term indicating a pronouncement by a qualified religious scholar on an issue of belief or practice. The decision is made in the context of past interpretations of religious scholars (Federspiel, 1994:146). Hooker defines *fatwa* as an opinion on a point of law or dogma given by a person with recognized authority (Hooker, 2003: 257)

⁷ *Sunnah* (or *sunnat*-Arabic) is the "way of the prophet", describing the style of life of the prophet, especially his belief, his behavior, and his observance of religious obligations

⁸ This condition was also experienced within Christian tradition as clearly elaborated by Gossman and Ruether in Part III (The Theological Construction of Women's Silence), Chapter 20 and 21 in Fiorenza (1996) *The Power of Naming: a Conclusion Reader in Feminist Liberation Theology*. New York and London: Orbis Book.

is that they are part of Muslim scholarship that has the capability and competency to critically interpret Qur'an and other authoritative Islamic books. Nasaruddin Umar, Husein Muhammad and Masdar F. Mas'udi are the most prominent Muslim thinkers coming from *Nahdlatul Ulama*⁹.

These three progressive scholars are productive writers on women in Islam. Nasaruddin Umar works include "*Membangun Kultur Ranah Perempuan* (Constructing the Cultures of Women's Domain: 2004), *Teologi Gender* (Theology of Gender: 2003), *Bias Gender dalam Pemahaman Islam* (Gender Bias in Islam: 2002), and so forth. The books written by Husein Muhammad consist of "*Fiqh Perempuan; Islam dan Gender* (Women's Fiqh; Islam and Gender: 2006), *Islam Agama Perempuan* (Islam is the Religion for Liberating Women: 2004) and *Fiqh Perempuan* (Women's Fiqh: 2001)". Masdar Mas'udi's works cover "Advocacy of Reproductive Rights in Indonesia (1997), *Islam dan hak-hak Reproduksi Perempuan* (Islam and Reproductive Rights: 1997) and *Perempuan diantara Lembaran Kitab Kuning* (Women in the Traditional Islamic Books: 1991)".

Their works above represent a significant authority in Indonesian Islam. The religious authority is an important factor needed by someone who wants to speak on Islamic issues. Furthermore, all of them are men who enable them to give more influential critique on the hegemonic discourse of patriarchal culture done by men and justified by Islamic teaching¹⁰.

They use Qur'anic verses and other authoritative Islamic literatures to support their idea. In general, there are several topics criticized by the scholars related to gender bias that were interpreted or constructed by either recent or past *Ulama*. The topics range from the origin of woman creation, heritage, witnesses, polygamy, public role of woman, to the right of divorce. Yet, the issue about polygamy and the public role of women is paid more attention by the scholars than other topics. It is a public discourse that involves many Muslim leaders in the debate. The issue of women leadership raised a political debate when there was a woman candidate for president in general election in 1999 and 2004. In terms of polygamy, the government issued a policy to restrict polygamy in 2006 that attracted sharp public attention both from the opponent and the proponent.

Misogynous view is the basic idea criticized by the scholars. Mas'udi (2000, 43-45), for instance, states that some negative conceptions on women existed since long time ago among Indonesian society and are cited frequently by many *Ulama*. One of the conceptions is that Muslims should be aware and careful about three challenges, namely property, power, and woman (Mas'udi, 2000: 44). This idea has been spread in Muslim societies since the classic and medieval period. Muslims accept it uncritically, including Indonesian Muslim. There is similar idea taught in some Islamic boarding schools in Indonesia that assert women as a devil created for men. Muslims must ask God's protection from such devil (Mas'udi, 2000: 44). Certainly, such ideas have been influenced by *fatwa* of *'ulama*. It can be seen from Mas'udi finding, for instance, in Ibnu

⁹ Nahdlatul Ulama is the largest Islamic mass organization established in Indonesia by 1926. The organization is actively involved in various issues concerning social and religious.

¹⁰ Actually, there are Indonesian Muslim women feminist who vigorously promote gender equality issues through universities or other formal education institutions such as Ruhaini Dzuhayatin, Lili Munir, Badriyah Fayoumi and Musdah Mulia. Some Muslim feminists attempt to advocate women through non-government organizations such as Sinta Nuriyah Wahid and Ciciek Farha.

Hajar al-Haitami's fatwa, the prominent *Ulama* living in eighth century, stating that women are not recommended to learn and to be educated and knowledgeable. According to Haitami, women are unable to control themselves. Their knowledge tends to endanger them and other people (Mas'udi, 2000: 63). This fact obviously shows that in the early beginning of Islamic history, a misogynous perception has existed.

In addition, most classic *Ulama* also assert that women are the foundation of family and nation. The consequence of this opinion is that the damage to the family and nation must be caused by women (Mas'udi 2000: 45). Therefore, women are considered as a scapegoat in several classical sources. The fall of a nation state is assumed as a fault of women in managing their own families. Mas'udi believes that such view assesses women in a wrong position. The women are seen as the bad nature that should be controlled by men regardless their level of education and experience. There is, even, more extreme assumption which believes that the more well-educated women are the more dangerous they will be. On the contrary, men are regarded as a perfect creation to control women. It is a characteristic of misogynous interpretation. Such interpretation leads Muslims to discriminate against women.

Muhammad (2001:8-11) has similar opinion. In his book entitled *Fiqih Perempuan* (Islamic Jurisprudence for Women), he says that most classical *Ulama* conceptualize women in bad position. The *Ulama* believed that physically and psychologically women are inferior to men. Based on their interpretation, Muhammad concluded that '*Ulama* has justified inequality of gender in Islamic world.

Moreover, Muhammad believes that God commands Muslims not to marginalize women. Al-Qur'an explains that God asks Muslims to establish justice and women rights (2001: 12). He states that in the early beginning of Islam, many Muslims were aware that women have similar and equal rights with men (2001: 19). Muhammad confirmed his conclusion by referring to Umar ibn Khattab, the *sahabah* of the Prophet. Umar said that in pre-Islam period, he and other Arab people did not respect women. Yet, when Islam came and God explains about the necessary to respect women, they are aware that women also have the same rights as men (2001: 19). Therefore, Muhammad concludes that the marginalization, discrimination, and violence against women are contradictory to Islamic values. Beside that, Muhammad proposes the emancipator interpretation from the Qur'an. He believes that Muslim should behave to their wives with very good manner (2001: 23). The word of *al-ma'ruf* in Qur'an is interpreted as virtue that is based on local situation.

Nasarudin Umar opinion confirms Mas'udi and Muhammad views that the main message of Islam is to liberate women from discrimination and injustice. Therefore, Muslims must reinterpret their misleading understanding on women in Islam (Umar, 2003: 195).

Based on the explanations above, these Muslim scholars believe that polygamy is no longer suitable with contemporary condition. For them, the purpose of polygamy as practiced by the Prophet in the past is not the same with recent phenomenon. The social context is the key point that should be understood in explaining the Prophet decision. Women in that time had no access to earn money since trading was done limitedly by men. It was not surprising, because Arab culture believed that man had more power to do so. As a result, women were forced culturally to stay at home and maintain their family.

The social and cultural condition also affected on women's ability and competency in playing their public role due to the lack of education and skill.

According to the Muslim scholars I mentioned above, the context must be considered in understanding Islamic messages that was revealed in the past. Hence, the similarity among these scholars is in their concern on the importance of context in understanding Qur'anic verses related to Gender issues. Their focus is on the liberation of women from any hegemony or marginalization in the name of Islam. Whereas the difference is found on the approaches and sources they use in understanding the texts. Umar seems less traditional compared to other scholars since he combines traditional and modern sources in interpreting the Qur'an. Otherwise, Mas'udi and Muhammad are traditional due to the intensive use of the traditional Islamic references. These differences occur due to the different of academic and professional background. Umar is a university lecturer while Mas'udi and Muhammad are the teacher in the traditional Islamic boarding schools.

Critiques to Textual Interpretation

Indonesian Muslim scholars such as Mas'udi, Umar and Muhammad criticize textual method of interpretation. They see that the method has led Muslims to a misleading understanding on the status of women. Textualists (Saeed, 2006:3) argue for "a strict following of the text and adopt a literalistic approach". However, the critique from the progressive Muslims is responded negatively by conservative *Ulama*. In fact, there is misunderstanding in Muslim society regarding the concept of Islamic teaching. Some Muslims view the accommodation of the progressive Muslims to the social and political contexts of the verses with suspicion. Muslims, in general, believe that the Qur'an is always applicable in all circumstances regardless of the differences in contexts (Saeed, 2006: 124). Many Muslims think that any discussions on social contexts of the Qur'an are a threat to the religion. Thus, many Muslims assess such critical views to polygamy and other gender bias conception in Islam, as an attack to destroy Islam and its tradition. The progressive scholars are often associated with Western countries' agenda that attempt to distort Islamic doctrines (Stowasser, 1998:31).

To some extent, this phenomenon shows that some Muslims do not comprehensively understand Islam (Mas'udi, 2000: 29-35). Mas'udi says that they cannot differentiate between Islam as an absolute matter represented in the Qur'an and Islam as cultural product which involves human's creation in developing certain dimensions of religion. For textualists (fundamentalist), the meaning of the Qur'an is fixed and universal in its application. Thus, all Islamic thought products are doctrines that are not allowed to be criticized, reinterpreted, and revised. For instance, if the Qur'an says that a man may marry four wives, then this should apply forever without any contextual considerations. This belief makes them very reactive to gender equality issues proposed by reformist Muslim scholars.

In fact, as mentioned by Umar (2003: 197-214), Mas'udi (2000: 29-35), and Husein Muhammad (2001: 7-13) Islamic teachings consist of two elements, namely the primary text which is Al-Qur'an and the Sunnah of the Prophet. The other is the secondary text which is Ulama's interpretation about the primary text. Anyhow the primary text has absolute truth, while the secondary text is not absolute or relative, because the secondary is only an interpretation of the Qur'an.

According to these scholars, fundamentalist view on the Islamic teaching conception is caused by the approach they use in interpreting the Qur'an and the *Sunnah* of the Prophet. Umar insist such method of interpretation is a factor that leads Muslims to be conservative. It also occurs when fundamentalist Muslims interpret gender conception in the Qur'an (2003: 197-200). They are unable to understand the essence of *shari'ah* (*maqashid al-sharia*)¹¹ (2003: 200). The impact of applying this method would lead Islam become incompatible with humanity. For instance, gender discrimination or the conception of gender bias is the result of this textual method. It justifies injustice against women on behalf of Islamic teaching. It is precisely the reasons that lead Umar, Mas'udi, and Muhammad, to criticize textual method in interpreting the Qur'an.

To a certain extent, the Indonesian Muslim scholars also criticize *Shafi'i* school¹² that has many followers in Indonesia (Muhammad, 2001: 20-21). In fact, the school tends to make the Qur'an and the *Sunnah* as the main reference in responding new social problems. In other word, the method uses the texts in understanding social reality. Rational approach was used in a very limited proportion which is to explain the meaning of the texts. Yet, the texts are still the main authoritative. It means that the texts are not seen as particular and contextual symbols which were produced in a certain culture. The method views the texts as absolute divine language. The texts are seen as a main parameter, and it is separated from culture and society. It also affects the view that the texts cannot be contextualized. Moreover, it is prohibited to interpret the texts freely or based on recent context, since the meaning of the texts are one and permanent.

Nevertheless, the scholars do not reject the authority of the Qur'an and the *Sunnah*. They only criticize Muslims who use such method as a tool in constructing Islamic teachings. For them, it will isolate Muslims from the aim of *shari'at* (Umar, 2003: 200). Anyhow, the textual interpretation sees the sign identical with its meaning. The consequence is that the texts will be represented by one meaning. It leads Muslims to produce exegesis works that are not contextual and traditional. Therefore, for Umar, the textual method of interpretation marginalizes the role of reason to explore and elaborate further about the contextual meaning and the aim of the texts (2003: 200). It impacts to the negation of *maqasid al-syari'at* that can be found and applied by contextualizing it with contemporary social needs.

Contextual Interpretation

Unlike textual approach, contextual method of interpretation emphasizes on the socio-historical context of the content of the Qur'an. Contextualists as referred by Saeed (2006:3) argue for understanding "the ethics-legal content of the Qur'an in the light of the political, social and historical contexts in which this content was revealed, interpreted and applied". Hermeneutic is a method that considers the importance of such context in understanding the Qur'an. Umar proposes hermeneutic approach in understanding text (2003: 197). Hermeneutics has been practiced by Muslim since long time ago (Abu Zayd,

¹¹ *Maqasid al-Syari'at* (Arabic) is the aims or purposes of the Islamic law while *syari'at* means the holy law of God which Muslim conduct seeks to emulate. Theoretically unattainable, it has inspired generations of legalists, who have sought to build a model *syari'at* with rules of behavior based on the Qur'an and traditions.

¹² *Syafi'i* school is the Sunni school of jurisprudence that is generally prominent in Egypt and Southeast Asia.

2009). However, as a detail method, it is a new concept in Muslim countries, particularly Indonesia. The encounter between Muslim scholars and modern Western scholars is believed as the way hermeneutics develops within Muslim society.

Generally, hermeneutics is part of philosophical instrument used in understanding texts (Hidayat, 1996: 24, Esack, 1997:50-51). Hermeneutics sees texts as the product of a particular culture and time. Hence, the meaning of the texts as produced by its author has a particular sense that cannot be generalized in all contexts. In that sense, hermeneutic tries to bridge the distance between the author, the reader, and the context of the texts (Hidayat, 1996: 24). Hermeneutic places social, political, and cultural condition when the text is written as an important variable to be noticed. The consideration on the importance of social condition will lead the reader to the better understanding of the text.

Basically, hermeneutics that has been proposed by Umar is not a strange idea in religious studies. Esack (1997:50) states that hermeneutic is utilized to explore the contemporary meaning of the Bible and the Qur'an. It means that Umar, Mas'udi, and Muhammad are the proponent of the new development of such religious interpretation trend in Indonesia. However, the nature of hermeneutics that tends to neglect textual meaning make it controversial. Muslim scholars who use hermeneutics are often condemned by most *Ulama* as ignoring the principles of religious values. Umar and other Indonesian Muslim scholars are frequently labeled as liberal secular by literalist Muslims.

Umar lays his interpretation on hermeneutic method, since he believes that a text is a product of culture. He considers that the Quran which revealed by God and documented in texts were constructed based on its context. In Islamic tradition, the history is called *asbāb an-nuzul* (occasion of revelation)¹³. For Umar, using hermeneutic is a necessary while interpreting the Qur'an. He calls Muslims to consider the context of a verse by understanding *asbab an-nuzul*.

As explained above that the first step in hermeneutics interpretation is to find the meaning that was meant by the author in its beginning context. After that the meaning will be brought and faced it with contemporary human problems. It is certainly more complicated than textual method. It seems that hermeneutic method needs a special expertise of interpreting the Qur'an. In addition, the method requires modern sciences such as anthropology, sociology, and history. It may happen that the method tends to leave the literal meaning of the texts. However, it does mean that it neglects the text. Hermeneutics perspectives assess those religious texts are not produced in an empty context. The verses of the Qur'an were revealed in a context in which social problem occurred. Therefore, the Qur'an and other religious texts were revealed historically and culturally. According to those scholars, if the readers neglect the socio-cultural context of the texts, they will be alienated from the basic aim of the message.

Hence, according to Umar (2000), the meaning of Qur'anic verses is not absolute or permanent. It is always on the process of interpretation. The verses explaining about heritage, for instance, represented the interaction between text and reality. Before Islam come, Arab society had marriage tradition inter-tribes to strengthen connection and relationship among these tribes. Unfortunately, it resulted in a conflict since when wives got the heritage from their parent; it would belong to their husband. Thus, the property would accumulate to husbands' tribe. This condition emerges jealous and conflict among

¹³ *Asbab an-Nuzul* (Arabic) is the assembly of materials concerning a verse of the Qur'an to explain the context in which the verse was revealed (Federspiel, 1994:145)

them. That was why Arab society eliminated the right of heritage for women. The emergence of Islam then considered both social context and the right of women. Islam decided to give the heritage for women (daughter) with half proportion of men (son) (Basya, 2009: 11). This sort of perspective is offered by hermeneutics.

According to Farid Esack (1997: 51), hermeneutics can be defined as a science that seeks to describe how a word, text, and event that occurred in the past can be really understood and meaningful in today time. Furthermore Esack (1997:52) says that hermeneutics want to mediate the gap between the past and the current condition. Texts, in hermeneutics, are viewed as dependence. There is close relation between the revelation process, language, content, and community that consume texts (Abdurrahman, 2003: 192). They represent cultures as seen in Qur'anic texts that are dominantly influenced by Arab culture. In addition, Abdurrahman (2003: 193) says that to produce a more relevant meaning of the Qur'anic verses, it is important to firstly understand the current social context, then after that reading the texts. It will lead the interpreter to the progressive meaning of the texts.

Critical thought from Muslim scholars is not only based on hermeneutics. There is also other method called *Burhani*¹⁴. *Burhani* uses rationality as its tool in understanding religious texts (Jabiri, 2003). Based on *burhani*, the texts are explored in deductive and inductive ways, and then the *maqasid al shari'at* is determined. The texts are seen as a symbol of universal causality principles. The textual meaning can mislead Muslims from the core message of the texts, since the texts were produced within certain social-cultural context (141).

Historically, since *Khulafa' ar-Rosyidin*¹⁵ period there was clash of interpretation method among Muslim scholars (Basya, 2003). Umar bin Khattab's view, the third caliphs of *Khulafa ar-Rosyidin* period, that attracted clash of opinion was one interesting example. The caliph Umar offered different Islamic jurisprudent opinion regarding booty. He refused to distribute the land of Iraq as booty to the Muslim army after its conquest, even though there is a verse in the Quran clearly commands Muslims to distribute the booty¹⁶. In the Prophet period, the land was allocated for Muslims who participated in the war. Umar saw that such policy would make Muslims army become the owner of the land. As a result, they would monopolize the property. Monopoly is not good for the prosperity and justice of all Muslim society. That was why Umar proposed new legal opinion based on public benefit. His policy gave the opportunity to the previous owner of the land to maintain it, but they must give some of its profit to the Muslim state. Then, it will be used by the state to support educational and other programs related to public interest. Umar believed he could choose a different way when the "public interest" demanded it (Saeed, 2006:124).

¹⁴ *Burhani* (Arabic) is a rational and experimental approach. Using this method, rational approach is more prioritized than the textual one. Based on this method, Muslims should contextualize the text with the contexts to find the main message of the Qur'an. Otherwise, *Bayani* is

¹⁵ *Khulafa ar-Rosyidin* (Arabic) is the first four rulers of the Islamic peoples after the death of Muhammad, usually rendered as the "righteous caliphs". The historical epoch encompassing their combined rule, about forty years, is regarded by Muslims as a time when the "true" teachings of Islam were practiced (Federspiel: 148).

¹⁶ Qur'an, chapter 8 verse 41

Certainly, Umar's policy attracted controversy. There were many opponents coming from the *Sahabah*¹⁷. Based on this case, historically, there was clash of method in understanding a text. Umar represented *Burhani* and the others performed the *Bayani*.

The important point that wants to be emphasized by Mas'udi, Umar, and Muhammad is that, although Muslims are obliged to believe that Qur'an is revealed from God, but it does not mean that Qur'an absolutely represents God's mind. Since God must use human or local language, thus, in fact, the language reduces God's ideas. According to these scholars, this is the weakness of the textual method. The method is closely connected to the Arabic structure, which is influenced significantly by Arab culture. As explained by Umar, Arab culture was dominated by patriarchal system. These cultures were represented in the Qur'an.

Hand in hand with Umar and Mas'udi, Muhammad states that most Qur'anic verses which were revealed in Madinah's period describe male position as higher than female. He mentioned several examples taken from the Qur'an such as in QS an-Nisa' 34: "*men are guidance of women*", al-Baqarah 228: "*Men has one level higher than his wife*", an-Nisa' 3: "*Men is allowed to perform polygamy*". Otherwise, Mecca's verses display the spirit of gender equality and emancipation of women.

Conclusion

The Indonesian Muslim scholars that I have discussed in this essay eagerly want to liberate women through promoting Islamic values. They believe that the equality and freedom for all human being are the best reward from God. Men and women are assessed equally before God. They criticize religious interpretations that are resulted in gender inequality. They see that method of interpretation of the Qur'an is playing a significant factor in producing a meaning that marginalize against women. Therefore, they criticize textual methods used by other *ulama*.

Based on this research, Umar, Muhammad, and Mas'udi argue that gender bias in Islam is resulted from the textual method. Ironically, most Muslims are used to interpreting the Qur'an and the Sunnah based on this method. These Indonesian Muslim thinkers are attempted to discover the weakness of textual method. These scholars believe that as far as Muslims do not change their method of interpretation, they will always produce a gender bias interpretation. In fact, gender bias interpretations have attracted public debate. Debates over gender bias tend to attack Islam as the religion that justifies discrimination against women.

These progressive scholars insist on the need of Muslims to use contextual interpretation to liberate women. It is a method of interpretation that consider the socio-cultural, economic, and political context as the important point in understanding the Qur'an and the Sunnah. The aim of this method is that Muslims will be aware that Islamic teachings are divided and differentiated between the universal *shari'ah* and the *shari'ah*. The former is the principal values that will be suitable at all time and places, whereas the latter is the implementation of these principal values in a particular context. It means that *shari'ah* (interpretation) as applied in Arab world in the past might not be compatible to apply in the modern Indonesian context.

¹⁷ *Sahabah* were the Prophet's companion; people who lived in the Prophet's period

Hermeneutic and *Burhani* are the method of interpretation proposed by these Indonesian scholars. They argue that these methods will produce new meaning of the Qur'an and the Sunnah. Nevertheless, it does not mean that the method will eliminate the original text of the sacred sources as assumed by some *Ulama*. According to them the message within the Qur'an and the *Sunnah* must be explored by facing it with the social problems.

Thus, there are different approaches between textual and contextual method of interpretation of the Qur'an. The progressive Muslims or contextualists engage with both the text and historical precedent in the present context. Otherwise, fundamentalist Muslims or textualists prefer to understand the text as it is written in the Qur'an without contextualizing it with today needs and challenges. Indonesian progressive Muslims are trying to articulate a just and egalitarian reading of the text. They criticize the interpretation method used by the conservative Muslims since it is considered as discriminate against women. The progressive Muslims think that it is necessary for Muslims to provide counter tradition based on Qur'anic texts. It is very useful to minimize the influence of repressive tradition to women on behalf of Islamic teaching as has been disseminate by conservative Muslims. Although the hierarchical gender system is resilient and still in place in Indonesia, but it is believed that through debate and discussion, the egalitarian gender system will gradually prevail.

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