

**A STUDY ON NAŞR ḤĀMĪD ABŪ ZAYD’S QUR’ANIC
PRINCIPLE OF GENDER EQUALITY**



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MOTTO

إِنَّ كِتَابَ فِي إِلَّا عُمْرِهِ مَن يَنْقُصُ وَلَا مُعَمَّرٍ مِّنْ يُعَمَّرُ وَمَا

(: 11) يَسِيرُ اللَّهُ عَلَى ذَٰلِكَ

O.. Mu'ammara..! It is easy to your God to grant you length of days or to cut off your life. All you need to do is struggling to be better than whom you ever imagine. Never give up because in the earth which is a circle, the end-dot can always be the beginning one

DEDICATION

*This thesis is dedicated to:
The Strongest woman I've ever seen,
My Ibu, Kasmiatun who lets my family
consume meat, egg, milk, vegetable and chicken
while she gets only rice and spinach;
And every loving woman in the world*

Abstract

Since Classical *fikih* literatures cannot solve contemporary problems of women in Islam, some feminist scholars, including Nas}r H{amid Abū Zayd, struggle to solve them because they realize that religious interpretation is one of many factors that lead women in many countries to be still subordinated. Nevertheless, Abū Zayd's ideas could not be accepted by Egypt's authoritative scholars. He was exiled from his homeland. This research is to elaborate Abū Zayd's Thoughts on "Liberating Women" and Qur'anic Principles of Gender Equality, analyze them in the light of feminism's discourse and reveal their implications in Islamic laws. It will also discuss Abū Zayd's interpretation on women's inheritance as it represents the use of the principle, its implications and relevance to the Muslim-Indonesian's current context.

This library research uses descriptive-analytical method. Abū Zayd's *Dawā'ir al-Khauf: Qirā'ah Fī Kḥiṭāb al-Mar'ah* becomes the primary source of this thesis while works which related to Abū Zayd's biography and exegetical theory written by him, such as *Isykāliyyāt al-Qur'ān wa 'Alīyāt al-Tafsīr*, *Naqd al-Kḥiṭāb al-Dīnī*, *Mafhūm al-Naṣ*, and *al-Imām al-Shāfi'ī wa Ta'sīs al-Idiyūjīyāt al-Wasaṭiyah* become the secondary source. The Method of collecting data is documentation while the data are analysed by reduction, taxonomic analyses and interpretation.

This research concludes that Abū Zayd's project of "liberating women" is begun by his efforts to convince Muslims that in Islamic world, discriminations against women from both the conservative and moderate scholars still exist. To solve that problem and reform Islam, Muslims must develop the discourse of renaissance (*Kḥiṭāb al-Naḥḍah*) which sees that Western advancement can be adopted if it brings advantages. Abū Zayd built his feminist exegesis on two important points: differentiation between dialogical context and legislative context and determining Qur'anic principle of gender equality. al-Naḥl: 97, al-Nisā': 124, Ghāfir: 40, Ālu 'Imrān: 195 and al-Tawbah: 71-72 are considered by him as the basic verses of the Qur'an which assert that since male and female were created by God from the same entity, and have same obligation and right as creatures of God, they are supposed to be equal in all religious laws. This research found that the asserted equality in each verse is determined historically. It means that it is related to the objective conditions in the time when it is revealed. Abū Zayd's Qur'anic principle of gender equality changes several laws, such as (1) women's witness, (2) sacrificing animal (*'aqīqah*), (3) women's leadership, (4) and women's portion in inheritance. Abū Zayd sees that the main content of al-Nisā': 7-8 is legitimating female's share and not the 2:1 formula. Its significance (*al-magzā*) is the legalized principle of balance (*tawāzun*) between male and female. This interpretation results he necessity of formulating general guidance for person who will divide the inherited wealth and the obligation to all of couple married to develop a concept of partnership in their relation with multiple female-male roles. Abū Zayd's interpretation on verses of women's inheritance is relevant to be applied in Muslim-Indonesian's current context because Indonesian women are still in less-employment.

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This thesis is submitted to Faculty of Islamic Theology, Study of Religion and Islamic thought in partial fulfillment of the requirements for obtaining scholar degree in Islamic theology. I realize that this research is not perfect. Therefore, any critics and comments are hoped in order to make it better. During my study in Sunan Kalijaga State Islamic University, there are a lot of people who make sense in my mind. I would like to deliver my special thanks to them:

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14. The Rest of My Life, Yunita.
15. Every one who makes sense in my life; Let God rewards us for our good deeds and guides us in His way.

Yogyakarta, July 2, 2011

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TRANSLITERATION

This thesis uses the transliteration's system of American Library Association/ Library of Congress.

Letters of The Alphabet

Letter	Romanization	Letter	Romanization
ا	omitted	ض	d
ب	b	ط	ṭ
ت	t	ظ	ẓ
ث	th	ع	'(ayn)
ج	j	غ	gh
ح	ḥ	ف	f
خ	kh	ق	q
د	d	ك	k
ذ	dh	ل	l
ر	r	م	m
ز	z	ن	n
س	s	و	w
ش	sh		h
ص	ṣ	ي	y

Vowels and Diphthongs

= a	ا = ā	ى = ī
= i	ي = á	و = aw
= u	و = ū	ى = ay

General Rules

1. Hyphen is used to connect the definite article *al* with the following word; between an inseparable prefix and the following word; between *bin* and the following word in personal names when they are written in Arabic as a single word.
2. Prime (') is used to resolve disambiguity, e.g. اكرمتهها *Ad'ham Akramat'hā*. to mark the use of a letter in its final form when it occurs in the middle of a word, e.g. قلعة جي *Qal'ah'jī*, شيخ زده *Syaikh'zādah*.
3. ابن and ابن are both romanized *ibn*, except in modern names, typically North African, in which ابن is romanized *bin*.
4. *Hamzah* in initial position is not romanized; when medial or final it is romanized ', e.g. , *mas'alah*, , *khaṭi'a*.
5. *Tā' marbūṭah*: In a word in the construct state: *t*, e.g. وزارة التربية *Wizārat al-Tarbīyah*; in an indefinite noun or adjective or preceded by the definite article: *h*, e.g. صلاة *ṣalāh*, الرسالة البهية *al-Risālah al-bahīyah*.
6. The definite article is always romanized *al-*, whether is it followed by a “sun letter” or not. An exception is the preposition *l* followed by the article: *lil-*, e.g. للشربيني *lil-Shirbīnī*.
7. Initial ا is romanized *ā*; medial ا is romanized *ʾā*, when it represents the phonetic combination, e.g. تأليف *ta'ālif*; otherwise ا is not romanized different from ا, e.g. خلفاء *Khulafā'*.
8. *Tanwīn* is not normally romanized. For exceptions see *ALA-LC Romanization Tables*.
9. و representing the combination of long vowel plus consonant, is romanized *ūw*.
10. Medial ي representing the combination of long vowel plus consonant, is romanized *īy*; final ي is romanized *ī*. e.g. المصري *al-Miṣrī*, المصرية *al-Miṣrīyah*.

11. *Shaddah* or *tashdīd* is romanized by doubling the letter.
12. ^ا (*waṣlah*), is not romanized. When *alif* with *waṣlah* is part of the article **ال**, the initial vowel of the article is romanized *a*. In other words beginning with *hamzat al-waṣl*, the initial vowel is romanized *i*. E.g. باهتمام عبد المجيد, bi-ihtimām ‘Abd al-Majīd.



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CHAPTER I

INTRODUCTION

A. Research Background

Nowadays, some ideas of classical *fiqh* literatures are still taken for granted by Muslim scholars to solve their current religious problems. They do not need to develop new *ijtihād*¹. In the matter of gender discourses, this stagnation of interpretation left problems because those classical literatures contained a discriminatory perspective. It may be found in their used statements² and produced laws³. Because of this crisis, in the middle-east, women are forbidden

¹ *Ijtihād* is to exert utmost efforts to discover an answer on particular juristic question. The theory of *ijtihād* concedes that there will be variant views and fundamental structures of the laws. Abū Ishāq al-Shairāzī, *al-Luma' fī Ushūl al-Fiqh* (Beirut: Dār al-Kutub al-'Ilmiyyah, 2003), p.129–131. Compare with: Norman Calder, “Legal Thought on Jurisprudence”, in (ed.) John L. Esposito, *The Oxford Encyclopedia of Modern Islamic World* (New York: Oxford University Press, 1995), 2: 452.

² Abū Shujā' i.e. in the matter of an abrogated ablution said “*wa al-ladhī yunqīḍu al-wuḍū' a lams al-rajul al-mar'ah al-ajnabīyah.*” It impress that only a woman is able to abrogate man's ablution. See: Muḥammad ibn Qāsim al-Ghāzī, *Fath al-Qarīb al-Mujīb* (Surabaya : al-Hidāyah), p.6. Compare with: Hasan Sulaimān al-Nūrī and 'Alawī 'Abbās al-Mālikī, *Ibānah al-Ahkām fī Sharḥ Bulūgh al-Marām* (Beirut : Dār al-Fikr, 1996) p.97. Compare with: Masdar F. Mas'udī, “Perempuan di atas Lembaran Kitab Kuning”, in Lies M. Marcoes (ed.), *Wanita Islam Indonesia dalam kajian Tekstual dan Kontekstual* (Jakarta: INIS, 1993), p. 156-160.

³ Ibn Jarīr al-Ṭabarī and Ibn Hazm al-Zāhirī saw that only men who can be judges because woman's thought isn't as good as men's. See: Naṣr Ḥāmid Abū Zayd, *Dawā'ir al-Khauf: Qirā'ah fī Khitāb al-Mar'ah* (Beirut: al-Markaz al-Thaqāfī al-Islāmī, 1999), p. 185.

to take their part in political arena⁴, their social-life is oppressed by legal family laws⁵ and their liberation of thinking is imprisoned.

In Indonesia, whether women's conditions are not as bad as women in the middle-East, several gender problems such as domestic violence, working women, small quantity of women's representation in legislative, human trafficking whose most of victims are women, illiteracy of many Indonesian women, sexual exploitation in early marriage, contracted marriage and sexual

⁴ Women's voting rights have not translated, however, into female access to ruling circles. Women have, at best, only a token presence in elected parliaments (often as holders of seats designated for women) and very little representation at the ministerial level, with the exception of the occasional appointment to head up social affairs or education ministries. Egypt is often cited as a country in which women are most politically active, yet women in 1987 were only four percent of the deputies in parliament. See: Ramla Khalidi and Judith Tucker, "Women's Rights in The Arab World" in (ed.) Suha Sabbagh, *Arab Women between Defiance and Restraint* (New York: Olive Branch Press, 1996), p.14-15.

⁵ Except in Turkey, the conflict over the proper Islamic approach to the role and status of women and family in the public and private domains has been particularly intense during the past two decades. Muslim women have gained access to education and employment, exercised their limited legal rights, and participated in the economic and political life in their countries. Some of Women's problems in Middle-East are the allowed temporary marriages (*mut'ah*) by Shi'i's scholars, husband's right to plural marriages not on the wife's consent but on court's permission, a unilateral and capricious divorce in which that husband's right to repudiate his wife is unchallenging and wife's consent is not necessary whereas *khul'* is a contract to which the husband must agree if he refuses to cooperate, it is very difficult for a women to use this opinion; and an absence of alimony beyond the three months' waiting period (*'iddah*).

But since the Middle East's reformation of laws in 1950, Middle Eastern states except the Gulf states (Kuwait, Bahrain, Saudi Arabia, the United Arab Emirate, Qatar, and Oman) began to have better attitude toward women's right especially in family laws. In 1985, Egypt balanced the rights and privileges of spouses. Divorce must now be mediated by the court, registered and witnessed, and the wife promptly and officially informed. Additionally, the divorced wife is to be provided one year's alimony and two years maintenance and a husband who desires to take a second wife must inform both the present wife and the wife to be of his intention. In 1951, Jordan reformed the law of family rights (amended in 1976), restricting polygamy and divorce and giving women the right to divorce on certain grounds. Syria, in 1953, added a right to financial support for a divorced wife up to three years after arbitrary divorce. In late 1967, Iran introduced the Family Protection Law. It restricted polygyny and made provision for alimony for either partner, to be determined on the basis of income. In Iraq, the Ba'th party amended the Personal Status Law in 1978, aiming at reducing the control of the husband in plural marriages and unilateral divorce. A husband's desire for a second marriage has to be approved by a judge. Nevertheless, except in Iran, these laws are still formally on the books. See: Shahla Haeri, "Women and social reform in Middle East", in (ed.) John L. Esposito, *The Oxford Encyclopedia*, 4: 336-338. Compare with: Saha Graham-Brown, "Women and Politics in The Middle East" in (ed.) Suha Sabbagh, *Arab Women between Defiance and restraint*, p. 4-5.

tourism, high number of dead bearing mother⁶, and violence concerning women labors still exist. In the matter of the involvement of both of men and women in social, political, educational or economical fields, women are still under men.⁷ Therefore, the ministry of women's empowerment is still necessary for our governmental cabinet.

According to Amany Lubis, religious nature is considered as one of many factors in the subordination of women in Indonesia because injustices related to gender roles in society are due to interpretations that are considered to be as holy as the religion itself.⁸ Thus, Muslim scholars must do more friendly interpretations, because the classical books are no longer suitable to be applied. The assimilation of Islamic law's messages to the needs of the current generation is, now as in the past, both an intellectual and imaginative challenge, as well as a generally acknowledged a religious duty.⁹ Issues of gender are factual and *up to date*. Since equality has become a catchword worldwide when speaking on women's issues,¹⁰ some Muslim scholars are struggling to create an equality of

⁶ During 2009-2014, In Indonesian Legislative Assembly, there are only 88 women among other 412 men (17, 6%). While in every province in Indonesia, women's representation is no more than 30%. During 2009, 54 girls and only 1 boy became victims of human trafficking and during 2005-2009, 2584 girls and 299 boys did. Most of those victims had low-education. In 2007, there were 228 Indonesian mothers from 100.000 bearing mothers dead. This number is the highest number in Asia. www.menegpp.com. Accessed on April 29, 2011.

⁷ Amany lubis, "Gender Gap in Leadership Roles in The Educational and Political Fields", in (ed.) Atho Mudzhar, *Women in Indonesian Society: Access, Empowerment and Opportunity* (Yogyakarta: Sunan Kalijaga Press, 2002), p. 44-48.

⁸ Amany lubis, "Gender Gap in Leadership Roles, p. 58.

⁹ Norman Calder, "Legal Thought on Jurisprudence", in (ed.) John L. Esposito, *The Oxford Encyclopedia*, 2: 456.

¹⁰ Andrew Rippin, *Muslims, Their Religious beliefs and Practices: The Contemporary Period* (London : Routledge, 1995), p. 120.

rights between men and women¹¹ by their concern on liberation¹², reformation of laws and justice. Nashr Hāmid Abū Zayd was one of them.

Abū Zayd considers that his kind of ‘how to talk with religious text’ is new and innovative beside two spreading mainstems: majority’s traditionalism and Hasan Hanafī’s left Islam (*al-Yasār al-Islāmī*)¹³. According to him, traditionalism takes the *turāth*¹⁴ for granted and does not make any dialogue between texts and realities, while Hassan Hanafī, tried to combine the two important things by compulsion current context into context of the *turāth*. Abū Zayd declares that he is not on both of them because he struggles to see the *turāth* objectively. It means that he allows the *Turāth* to show it’s original

¹¹ Rif’ā’ah al-Ṭaḥṭāwī (1801-1873) frequently yelled out that a betterment of women’s education was the part of religion’s wants. So did Muḥammad ‘Abduh (d. 1905), Qāsim Amīn (1863-1908), and al-Ṭāhir Ḥaddād (d. 1930). In Egypt, These scholars held the pass to create women’s mobilitions, gave them chances to make contributing participations in the Muslim social live and struggled to accelerate islam’s laws with modern values. See: Naṣr Ḥāmid Abū Zayd, *Dawā’ir al-Khauf*, p. 179-180; Ahmad Baidhowi, *Hermeneutika Feminis dalam Penafsiran al-Qur’an*, “Jurnal Studi ilmu – ilmu al-Qur’an dan Hadis” vol.9 No.1 (Yogyakarta : Dept. TH Fac. Ushuluddin UIN Su-Ka, 2008), p. 41.

¹² Term “liberation” here should be understood as well as Kurzman’s theory of “liberal”. The term implies some modern standards including against theocracy, promoting democracy, awareness of right of women, rights of non-Muslim, freedom of thought and progressiveness. Charlez Kurzman, (ed.), *Liberal Islam: A Source book* (Oxford: Oxford University Press, 1998), p. 3.

¹³ Term “Left Islam” was for the first time introduced by A. G. Salih. This term was than adopted by Hasan Hanafī. For him, Left Islam represents struggles for poor and weak society. It also means struggles to create democracy, rationalism and liberalism of thought. The Left Islam has three main agendas: revitalization on Islamic classical *turāts* by rationalism, resisting imperialism of western culture by occidentalism and analyzing realities of Islamic society by phenomenology. See: Kazuo Shimogaki, *Kiri Islam*, translation by M. Imam Aziz (Yogyakarta: LKis, 1993), p. 6-7.

¹⁴ Hasan Hanafī mentioned 3 possible meanings for “*turāth*”: 1) relics and other materials from the past such as ancient buildings or books, 2) a paradigm of thinking which is inherited from one generation to another, 3) some certain convictions about several things. See: Hasan Hanafī, *al-Turāth wa al-Tajdīd* (Beirut: *al-Mu’assasah al-Jāmi’iyah lil-Dirāsah wa al-Nashr wa al-Tawzī’*, 1992), p. 14-17. In Abū Zayd’s terminology, *turāth* refers to classical books and thoughts. See: Naṣr Ḥāmid Abū Zayd, *Dawā’ir al-Khauf*, p. 165, 206.

meaning and by using his rationality, he will determine which part of it may be applied and which may not.¹⁵ Nevertheless, Abū Zayd's ideas could not be accepted by Egypt's authoritative scholars. He was exiled from his homeland. In 1995, the court of Gizā sentenced that he was apostate and had to be killed and divorced from his wife.¹⁶

This research will attempt to see Abū Zayd's feminist thought because Abū Zayd recognized himself as a feminist Muslim¹⁷, and that his feminist thought is inspired by Qāsim Amīn who proposed the purification on women in Islam from bad symbols and by Thāhir Haddād who offered a semi-historical understanding toward religious texts.¹⁸ This research will focus on Abū Zayd's Qur'anic Principle of Gender Equality because this is important for feminist exegesis since many feminist Muslims such as Riffat Hassan¹⁹, Siti Musdah Mulia²⁰, Ashgar Ali

¹⁵ Naṣr Ḥāmid Abū Zayd, *Kritik Wacana Agama*, translation by Khoiron Nahdiyyin (Yogyakarta: LKis, 1994), p.x – xi.

¹⁶ Naṣr Ḥāmid Abu Zayd, *al-Tafkīr fī Zamān al-Takfīr, Didd al-Jahl wa al-Zayf wa al-Khurūfah* (Kairo: Ṣinā' lil-Naṣr, 1995), p. 278-293.

¹⁷ Abū Zayd preferred to be called as feminist Muslim rather than Islamic feminist because he did not develop his thought on feminism from Islamic tradition, but from his own experience and universal values of humanism. See: M. Nur Ichwan, an introduction in Naṣr Ḥāmid Abū Zayd, *Dekonstruksi Gender, Kritik Wacana Perempuan dalam Islam*, translation by Moch. Nur Ichwan and Moch Syamsul Hadi (Yogyakarta: SAMHA, IAIN Suka and McGill, 2003), p. xii.

¹⁸ Naṣr Ḥāmid Abū Zayd, *Dawā'ir al-Khauf*, p. 64-65.

¹⁹ Riffat Hassan and Fatima Mernissi, *Setara Di Hadapan Allah* (Yogyakarta: LSPPA Yayasan Prakasa and The Global Fund for Women, 1995), p. 44-62.

²⁰ Siti Musdah Mulia, *Muslimah Reformis; Perempuan Pembaharu Keagamaan* (Bandung: Mizan, 2005), p. 7.

Engineer²¹, Nasaruddin Umar²² and Abū Zayd always base their feminist interpretations on it.

This research describes Abū Zayd's Qur'anic Principles of Gender Equality, analyze them in the light of feminist discourse and reveal their implications in Islamic laws. To have a more complete reading on this topic, this thesis will analyze Abū Zayd's interpretations on women's inheritance because: 1) he has discussed this issue in his *Dawā'ir al-Khauf* beside other issues of polygamy and 'Awrāh; 2) his interpretation on verses on women's inheritance represents well the use of his Qur'anic principle of gender equality; 3) discourse of women's inheritance is related with relation between male and female in domestic area which becomes foundation of their relation in wider social contact.

B. Research Questions

1. What are Abū Zayd's Thoughts on "Liberating Women"?
2. What is Abū Zayd's Qur'anic Principle of Gender Equality and its influence to Islamic Laws ?
3. What is Abū Zayd's interpretation of Qur'anic verses on women's inheritance and its implications?
4. What is the relevance of Abū Zayd's interpretations on women's inheritance in the Muslim-Indonesian's current context?

²¹ Ashgar Ali Engineer, *Pembebasan Perempuan*, translation by Agus Nuryatno (Yogyakarta: Lkis, 2007), p. 66-67.

²² Nasaruddin Umar, *Argumentasi Kesetaraan Jender Perspektif al-Qur'an* (Jakarta: Paramadina, 2010), p. 229-244.

C. Objectives

1. To describe Abū Zayd's Thoughts on "Liberating Women;
2. To know Abū Zayd's Qur'anic Principle of Gender Equality and its influence to Islamic Laws;
3. To know Abū Zayd's interpretation of Qur'anic verses on women's inheritance and its implications; and
4. To know the relevance of Abū Zayd's interpretations on women's inheritance in the Muslim-Indonesian's current context.

D. Prior Researchs

There were a large number of writings discussed Abū Zayd's theory of interpretation. Most of them devoted to his "famous controversial case" and his hermeneutical theory²³. Generally, these writings can be divided into four categories: *First* is works that focuss on discribing Abū Zayd's biography, experiences and intellectual journey such as Hilman Lathief's *Naṣr Ḥāmid Abū Zayd*. Kilian Bälz has discussed the legal reasonings of the courts in charging

²³ The word *hermeneutics* has its origins in the Greek verb *hermēneuēin* and its corresponding noun *hermēneia* which have three basic tendencies of meaning: to express (expression), to explain (explanation), and to translate (translation). Whether in The Islamic history, the word "Hermeneutic" could not be found, practically Muslim scholars had made many efforts to interpret the Qur'an, using all of expression, explanation and translation. Some main principles of modern Hermeneutic seem to have been done by Muslim scholars. The consciousness of social horizons of interpreter, which becomes contemporary hermeneutic's major principle, i.e. also existed in the Islamic history of exegesis. It can be seen in scholarly categorization of interpretations into something like *Tafsīr Sunnī*, *Tafsīr Mu'tazilī*, *Tafsīr Ahkām*, *Tafsīr Falsafī*, etc. In theological interpretation, the convention is to differentiate between hermeneutic and exegesis. The former is used to denote the rules, methods, or theory of interpretation while the latter is the actual commentary. The word *Ta'wīl* might be the most equivalent to the notion of hermeneutics. "Hermeneutical theory" may be understood as "theory of interpretation". See: Richard E. Palmer, *Hermeneutics: Interpretation Theory in Scheleiermacher, Dilthey, Heidegger, and Gadamer* (Evanston: Northwestern University Press, 1969), p. 13; Farid Essack, *Qur'an: Pluralism and Liberation* (Oxford: OneWorld Publisher, 1997), p. 161. Compare with: Yusuf Rahman, *The Hermeneutical Theory of Naṣr Ḥāmid Abū Zayd: An Analytical Study of Interpreting the Qur'an* (Montreal: McGill University, 2001), p. 3.

Abū Zayd with apostasy. He does not deny that the “case of Abū Zayd” constitutes yet another step in the Islamist’s efforts²⁴ to islamize the Egyptian legal system through the implementation of Islamic laws. Dupret and Jean-Noël Ferrie analyze Abū Zayd’s case from social-political perspective. They see that the Islamist’s reaction to Abū Zayd as a sign of their will to be fully involved in the power structure that sets public norms. Another scholar, Rotraud Wielandt sees that Abū Zayd’s case was caused by the personal conflict of Abū Zayd and ‘Abd al-Shabūr Syāhin, chief of committee, of the scandal of Islamic investment companies, the hidden conflict between Dār al-‘Ulūm College of Cairo University with the Arabic Department in The Faculty of Arts, the monopoly of the ‘ulamā’ over the interpretation of Islamic texts and Abū Zayd’s lack of qualifications to write on and teach Islamic issues.²⁵

Second is works which concern on Abū Zayd’s methods of interpretation as a whole. There were two undergraduate thesis entitled “Hermeneutika Naṣr Ḥāmid Abū Zayd” and “Hermeneutika al-Qur’an Kontemporer”. The former, by flattening Abū Zayd’s literary interpretation, concludes that Abū Zayd’s method of interpretation is the most ideal method, while the later tries to compare his method of interpretation with Hasan Hanafi’s. M. Nur Ichwan wrote his M.A.

²⁴ In Egypt, there are two main group of Muslim scholars: The Islamist (*al-Islāmiyyūn*) which was divided into the radical-Islamist (*al-Mutaḥarrifūn*) and the moderate-Islamist (*al-Mu’tadilūn*) and the secularist (*al-‘Almānīyūn*). Organization of “*al-Jihād*” and “*al-Jamā’ah al-Islāmiyah*” were included in radical-Islamist, while *al-Ikhwān al-Muslimūn* in moderate-Islamist because it opposed use of violence in Islamic proselytizing. The secularist consisted of independent intellects, writers, and academicians who refused the use of Islamic laws as state laws. See: Moch Nur Ichwan, *Meretas Kesarjanaaan Kritis al-Qur’ān* (Jakarta : TERAJU, 2003), p. 26.

²⁵ Yusuf Rahman summarized and classified them dealing with their legal, socio-political, or historical perspectives. See: Yusuf Rahman, *The Hermeneutical Theory of Naṣr Ḥāmid Abū Zayd*, p.23-26.

thesis entitled “*A New Horizon in Qur’anic Hermeneutic: Naṣr Ḥāmid Abū Zayd’s Contribution to Critical Scholarship*” which has been translated into Indonesian language entitled “*Meretas Kesarjanaan Kritis al-Qur’an*”. Nur Ichwan explains Abū Zayd’s theoretical framework well. He is successful in making some tables and lists to draw Abū Zayd’s scheme of interpretation. But, as a pupil who studied from Abū Zayd directly, Nur Ichwān’s writing seems to be an uncritical work.

In 2001, Another Indonesian Scholar, Yusuf Rahman also wrote “The Hermeneutical Theory of Naṣr Ḥāmid Abū Zayd: An Analytical Study of Interpreting the Qur’an” for his doctoral dissertation at the Institute of Islamic Studies, McGill University, Montreal. He attempts to analyze Abū Zayd’s ideas and theory of interpretation in the light of hermeneutics and modern interpretation of the Qur’an. Rahman concludes that there were three great contributions of Abū Zayd in Qur’anic studies: the concept of revelation, the re-introduction of the rational theology of Islam, and the modern methodologies of interpretation. According to Rahman, Abū Zayd’s theory falls within the category of modernism rather than postmodernism. A critical study against Abū Zayd’s thought had been done by Muḥammad ‘Imārah. In 1996, he wrote *al-Tafsīr al-Markāsī Li al-Islām*. Adian Husaini with his *Wajah Peradaban Barat; Dari Hegemoni Kristen ke Dominasi Sekuler Barat* also assumes that Abū Zayd’s thought imitated Christian tradition in Biblical studies.

Third is works which discuss certain part of Abū Zayd’s thought. There was undergraduate thesis entitled “Menutup Aurat bagi Perempuan (Studi

Komparatif tentang Penafsiran Muḥammad Shahrūr dan Naṣr Ḥāmid Abū Zayd)”. This research reveals similarities and differences between the two scholars. Munzilin wrote “Naṣr Ḥāmid Abū Zayd’s Thoughts of Women’s Rights (Study of His Thoughts of Womens Rights in *Dawā’ir al-Khauf*). He concludes there, that Naṣr’s views about women’s right are much influent by western custom, therefore, they are not relevant to be considered as the part of Islamic views. Unfortunately, in criticizing Abū Zayd’s theory, Munzilin does not start from Abū Zayd’s perspective. Munzilin seems to judge Abū Zayd without strong argumentations.

The *fourth* is works that give prime attention to Abū Zayd’s foundation of thought. Aris Subagyo i.e. wrote “Komparasi Hermeneutis Konsep Ta’wīl menurut Muḥammad Shahrūr dan Naṣr Ḥāmid dalam Perspektif *al-Ta’wīl al-ilmī*”. He renders high contribution in describing both perspective and method which must be had by readers before they make studies on Abū Zayd’s interpretations. He concludes that Abū Zayd was included into critical-literary school of hermeneutic. This Research is different with these works because this will study on Abū Zayd’s thoughts of “liberating women” and his Qur’anic principle of gender equality. Furthermore, this research will go further to see his interpretation on Qur’anic verses of women’s inheritance because of reasons I’ve mentioned. This will also see the relevance of his interpretation to Indonesian-Muslim’s current context.

E. Research Methodology

1. Research Design

This qualitative research is a library research. Its subjects and data are from written works including books, journals, encyclopedias, and articles.²⁶ This uses a descriptive-analytical method. It will explore what Abū Zayd says about methods of previous exegetes, as well as about his own method and its application, and analyze the outcomes of his exegesis. Comparative analysis is also employed in order to understand comprehensively his position among other Muslim exegetes. This analysis is important in helping us understand several special characteristics of his method which differentiated him from others.

2. Data Sources

The main subject of this research is Abū Zayd's *Dawā'ir al-Khauf: Qirā'ah Fī khithāb al-Mar'ah*. This book becomes primary source of this thesis because Abū Zayd had done the re-interpretation towards al-Qur'an's verses about some issues such as marriage, divorcement, hereditary laws, and the problem of woman's *'awrah*. The secondary sources of this thesis include works which related to Abū Zayd's biography and theory of Ma'nā –Maghzā written by him, such as *Isykāliyyāt al-Qur'ān wa 'Aliyyāt al-Tafsīr*, *Naqd al-Khithāb al-Dīnī*, *Mafhūm al-Nash*, and *al-Imām al-Syāfi' wa Ta'sīs al-Idiyūjyāt al-Wasaḥīyah*.

²⁶ Winarno Surahmat, *Pengantar Penelitian Ilmiah* (Bandung: Tarsito, 1994), p. 251-263.

3. Data Accumulation Techniques

In the process of library research, gathering data is done by documentation²⁷ in order to get explanations and propositions and elaborate the complete thought of Abū Zayd²⁸. In this case, this thesis purposes to describe Abū Zayd's Qur'anic principle of gender equality and his interpretation on Qur'anic verses of women's inheritance. Data on contemporary condition of Indonesian-Muslim's life will also be collected.

4. Data Analysis Techniques

The process of data analysis is the process of organizing and sorting the data into patterns, categories, and descriptions in order to discover themes. Working hypotheses can be formulated as suggested by the data.²⁹ The Data analyses include:

- a. Data reduction. The collected Data will be reduced and summerized in accordance with the pattern and map research.³⁰

²⁷ It is looking for many data about matters, cases or *variables* from notes, inscriptions or any sources which are related with a certain topic. Suharsimi Arikunto, *Prosedur Penelitian : Suatu Pendekatan Praktek* (Jakarta : Reneka Cipta, 1993), p. 202. Compare with: Arief Furchan and Agus Maimun, *Studi Tokoh Metode Penelitian Mengenai Tokoh* (Yogyakarta: Pustaka Pelajar, 2005), p. 54.

²⁸ Anton Bakker and A. Charles Zubair, *Metodologi Penelitian Filsafat* (Yogyakarta: Kanisius, 1990), p. 65.

²⁹ Lexi J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT Remaja Rosdakarya, 2002), p. 103.

³⁰ Kaelan, *Metode Penelitian Agama Kualitatif Interdisipliner* (Yogyakarta: Paradigma, 2010), p. 160-163.

- b. Taxonomic analysis. This analysis is focused on a specific theme which serves to illustrate the problems that become the target of study, then explain it deeply.³¹
- c. Interpretation. It is done to understand Abū Zayd's thoughts, especially his Qur'anic principle of gender equality.

5. Chapter Organization

This thesis will be divided into five chapters. First chapter is an introduction, including research background, problems and objectives and techniques to gather and analyze data. Second chapter talks about biography of Abū Zayd and his theory of interpretation. Chapter three traces the feminine thought of Abu Zayd and his qur'anic principle of equality. Chapter four analyzes the application of this principle in his interpretation of verses on women's inheritance, and chapter five contains conclusion of this research.

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³¹ Arif Furchan and Agus Maimun, *Studi Tokoh, Metode Penelitian Mengenai Tokoh* (Yogyakarta: Pustaka Pelajar, 2005), p. 65-67.

CHAPTER V

CONCLUSION

A. Conclusion

1. As a feminist Muslims Abū Zayd is successful in producing just views in gender discourse and use holistic method of interpretation. His project of “liberating women” is begun by his efforts to resuscitate Muslims that in Islamic world, especially the Middle-East, discriminations against women still exist. These discriminations are done not only by the conservative scholars but also by the moderate ones. He sees that since 1967 crisis, Arab become paranoid to Western Advancement and begun to wreak their disappointment and perdition on women. To solve this crisis, a discourse of renaissance (*Khithāb al-Nahdhah*) must be obtained. It is done by eliminating all conservative stigmas against women, and opening Islamic discourses for changes. It is no necessary to avoid Western developed sciences. Abū Zayd struggles to convince Muslims that in Islamic world, especially the Middle-East, discriminations against women from both the conservative and moderate scholars still exist. According to Abū Zayd, 1967 crisis has made religious discourse ignores many social considerations when discussing women. Abū Zayd asserts the necessity western developed social sciences to solve the current women’s problems in Islamic world.

2. Abū Zayd built his feminist exegesis on two important points: differentiation between dialogical context and legislative context and determining Qur'anic principle of gender equality. al-Nahl: 97, al-Nisā': 124, Ghāfir: 40, Alu 'Imrān: 195 and al-Taubah: 71-72 are considered by him as the basic verses of the Qur'an. All of them assert that God does the same treatment to both male and female, in the sense that both will be rewarded if they do good deed and punished when they do the opposite. Since male and female were created by God from the same entity, and have same obligation and right as creatures of God, they are supposed to be equal in all religious laws and all aspects of life. This research found that the equality in every verse above is determined historically. It means that it is related to the objective conditions in the time when it is revealed. Therefore, to actualize this concept on the relation between male and female, an interpreter should have many objective considerations and should not take the concept of equality for granted. Abū Zayd's Qur'anic principle of gender equality changes several laws that are related with the discussion of relation between men and women. Such as (1) women's witness, (2) sacrificing animal (*'aqīqah*) for son and daughter, (3) women's leadership, (4) and women's portion in inheritance. In real life, equality must be obtained in both domestic and public area, women and men must be given a same access to education or work.
3. In the matter of women's inheritance, Abū Zayd sees that al-Nisā': 7-8 bring a principle of justice which was not recognized by Pre-Islam Arab, notices

that the *'aṣabīyah* (relationship between a father and his sons) was not the most important among the other family relationships and asserts that The Qur'an emphasizes charity and *Ṣadaqah* to keep the property unoccupied only by rich people. Legitimizing female's share was the main content of the inheritance's verses and not the 2:1 formula. In other word, Islam gave limitation for male's share. It must not be more than share of two females. It was the "meaning" of Qur'anic verses of inheritance (*al-Ma'nā*), and its significance (*al-Maghzā*) was the legalized principle of balance (*tawāzun*) between male and female. There are two implications of applying Abū Zayd's theory of interpretation on verses of inheritance. *First* is the necessity of formulating general guidance for people who will divide the inherited wealth and *second* is the obligation to all of couple married to develop a concept of partnership in their relation with multiple female-male roles.

4. Abū Zayd's interpretation on verses of women's inheritance can be applied in Muslim-Indonesian's current context because whether Indonesia is different with Egypt. In the matter of women employment, they are same. In both of them, patriarchal paradigm still exists. It is proven from: 1) the unequal involvement of both men and women in social political, educational or economic business; 2) the male-dominated society that dichotomizes parental role into domestic-public role; 3) less-education for girls, especially in rural areas; 4) lack of leadership roles for women in both countries. Working women in Indonesia also have the same problems with working women in many developing countries. Their role may be invisible and they

may not be recognized as workers. Therefore, they are certainly not given access to the training, credit and technology of modernizing society. To solve this problem, the feminist's concept of partnership of wife-husband must be implemented.

B. RECOMMENDATION

1. Religious nature is one of determinant factor of why discriminations against women still exist. It had shaped a kind of well-structured paradigmatic understanding which legalizes the discriminations in our society. Therefore, this paradigm cannot be eliminated revolutionary but the changes must be done continuously. In this matter, Abū Zayd's struggles to develop the more egaliter interpretation need to be continued.
2. In order to solve many contemporary problems, a Muslim scholar who interprets al-Qur'an and Hadith *must* not take a new exegetical theory for granted and ignore the Islamic *Turāths*. But he/ she should be able to combine both of them.
3. Since a feminist interpretation is hoped to be problem solver of in contemporary eras, he/she should master many social sciences beside religious exegetical sciences.

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