

# **POLYGAMY IN ISLAMIC FEMINISM PERSPECTIVE**

*(Analysis Study of Fazlur Rahman's Thought)*

## **A GRADUATING PAPER**

Submitted to the board of examiners in partial fulfilment of the requirement for the degree of Sarjana Pendidikan Islam (S.Pd.I) In the English in Education Department State Islamic Studies Institute of Salatiga



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**1426 H/2005 M**



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ATTENTIVE COUNSELOR'S NOTE

Salatiga. March 04<sup>th</sup> 2005

Case : Ichsan's  
Thesis

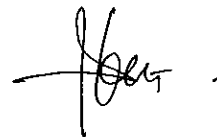
Dear  
The Head of State Islamic  
Studies Institute Salatiga

*Assalamu'alaikum, Wr. Wb.*

After reading and correcting Ichsan's thesis entitled **POLYGAMY IN ISLAMIC FEMINISM PERSPECTIVE (Study Analysis Fazlur Rahman's Thought)**, I have decided and would like to propose that it could be accepted by educational faculty, I hope it would be examined as soon as possible.

*Wassalamu'alaikum, Wr. Wb.*

Consultant,



**Drs. Woro Retnaningsih, M.Pd**  
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## STATEMENT OF CERTIFICATION

### POLYGAMY IN ISLAMIC FEMINISM PERSPECTIVE (Analysis Study of Fazlur Rahman's Thought)

**I C H S A N**  
**NIM : 113 99 024**

Has been brought to the board of examiners in March, 12<sup>th</sup>  
2005 M / Shafar, 02<sup>nd</sup> 1426 H and hereby considered to  
completely fulfill the requirement of Sarjana degree in the English  
Department of Educational Faculty.

Salatiga, March, 12<sup>th</sup> 2005 M  
Shafar, 02<sup>nd</sup> 1426H

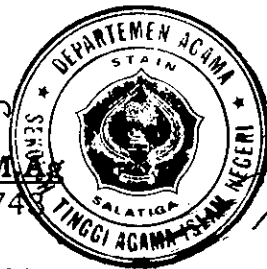
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**MOTTO**

Live is easy if we make it easy

## **DEDICATION**

The thesis dedicated to:

1. My beloved parents
2. Big boss Margosari village
3. My good friend, Pentol, Jakfar
4. My friend and teacher Amsa, David and Sugiman
5. My big Family
6. Some one in Karang Anyar village
7. The big family of FPPI organization

## ACK NOWLEDGEMENT

In the name of Allah, the compassionate, blesses and praises always go to greet Prophet Mohammad. Alhamdulillah, everlasting thanks to Allah. The writer must be deeply gratefully to Allah for his blessing, whose without help the writer would have not been able to finish this thesis. Those who ask help to Allah will never feel disappointment.

This thesis presented to, English department of State Islamic studies institute in partial fulfillment of the requirement for the sarjana degree. It is the utmost important the writer should thanks the important people behind the making of this thesis. Thus the writer would like to thanks to:

1. Drs. Badwan M.Ag. As the head of State Islamic Studies Institute of Salatiga (STAIN Salatiga)
  2. Drs. Sa'adi, M.Ag., As the chief of English Department Programic
  3. Dra. Woro R. M.Pd., as her consultant who is always ready to give help in solving her problem concerning her writing of this graduating paper. Thanks you very much for his patience and his guidance.
  4. All students of TBI and all my friends, especially to some one for giving support.
- And the finishing statement thanks to my parent.

The writer

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# CHAPTER I

## INTRODUCTION

### A. The Background of the Study

The increasing nervousness is at a peak in the circle of the Muslim intellectual especially in the case of the gender relations male female relation in Islam indeed is not without the fundamental reason, both dogmatically and paradigmatically. Look how each woman (Islam) in any hemisphere could not slip off her from the web of patriarchies that claim the Islamic teaching. Tragically, what in descriptions of Islam obviously only contained the photograph of the woman that, *submitted* and *obedient* to the man (the husband). In fact, there are many cases in sexual relation although a wife is not in the *mood* to have sex, she must always be ready for sexual satisfaction of the husband. The problem now, is it right that Islam want to show such the woman's?. True Islam that authentic, as that is stated in *Al-Qur'an* and *hadist* position woman to be inferior to that of man.<sup>1</sup>

Islamic *Syari'at* holds the very important role, in fact becomes the main key in the implementation of religious duties. Ironically *Syari'at* was often regarded as some that can not be change by the Moslems people, because the law is shaped like a godliness, the difference of the look method against an object of the law in Islam

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<sup>1</sup> Asghar Ali Engineer, *MATINYA PEREMPUAN Transforms al-Qur'an, women and people Modern*. Translation from the book is *The Qur'an Women and Modern Society*. Sterling Publishers New Delhi private Limited, 1999. Yogyakarta : IRCiSoD Ed.I Februari 2003, page 7-8.

caused the special debate, and showed various interpretation sorts as well as *Mazhab* that for the length of its history trip it has the small possibility to be united.

Islam with its teaching equipment (*Syari'at*) manage each aspect of the woman life, from the problem *Ubudiyah*, *Mu'amalah* etc, therefore *Syari'at* Islam is the comprehensive concept of the life, because it includes all the dimension of the life of humankind, one of the Islamic teachings is to declare that marriage aims at composing harmonious relations, peace, *Mawaddah Warahmah* between the man and the woman in one forum, in one association of the husband and of the wife, one of protection Islamic *Syari'at*. And the marriage is a mean of bringing about the spirit's peace and heart peace, guarded the holiness from the shameful action (adultery) as also guard the enjoyment, of the happy life marriage mean husband and wife in order not to fall in the depths of misery as well as the cause received by the valid descendants and *shaleh* that will take humankind achieve the happy life in the world and the hereafter. As Allah says, in the Letter Al-Ruum the article 21 that meaning:

**"And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect".<sup>2</sup>**

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<sup>2</sup> Departemen Agama (Depag) RI *Al-Qur'an and Translation*. Semarang : CV. Wicaksana, 1994, page. 644

However, in its development, Islamic *Syari'at* often experiences a gap with social reality that always developed fast, there are social conditions it is different and changed when passed and from by Qur'anic to the Prophet's time of until now.<sup>3</sup>

For example, there are problem of polygamy law in the marriage, If we look a textual manner the polygamy law its permitted, the Muslim scholars and could be said *ijma'* (agreed) in permitting the polygamy law, its based on the meaning of the text Al-Qur'an at letter an-Nisa that mean:

**If ye fear that ye shall not be able to deal justly with the orphans, Marry women of your choice, Two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one, or (a captive) that your right hands possess, that will be more suitable, to prevent you from doing injustice. (Q. S. an-Nisa; 3).**<sup>4</sup>

Seen from the text above *Allah* permitted polygamy and gave its limitation only four wives<sup>5</sup>. The Muslim scholars agreed, because of the law Quranic its clear (*qoth'i*), they just stressed on the importance about the husband of handle to be current justice for his wives.

However, according to feminism interpretation, the Muslim scholar about case polygamy, its very *permissive*<sup>6</sup> and viewed as *superiority* as the man of the woman and this position can be make

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<sup>3</sup> Nawal El Sadawi, *Women and the Patriarchy Culture*, Translation. Zuhilmiyasri, Bandung : Pustaka, Cet. 1, 2001, page 391

<sup>4</sup> Depag, *op.cit.*, page. 115

<sup>5</sup> Sayyid Sabiq, *Fiqh Summah.*, Translation., Moh. Thalib, Bandung : PT al-Ma'arif, 1984, page. 149

<sup>6</sup> Neng Dara Alfiah, *Gender in Islam*, page. 2

*subordinate* woman its implication for injustice gender.<sup>7</sup> This interpretation even (*with did not consider social structure reality of politics as available at that time*) became justification about the existence of discrimination.<sup>8</sup>

Al-Qur'an descend 14 last century and in the period 23 years, but the Qur'anic revealed to Muhammad gradually one with the social response, its to answer various question, criticism, and the warning towards the social situation in Muhammad's prophetic periods.

The Arabian community culture during the descend of Al-Qur'an its the *patriarchy* system or *andocentric*,<sup>9</sup> there is a system that place the man as first humankind and can be made Norm standard, as the woman was view as accessories and will be appreciated if she has the function value of religion, especially in the aspect *reproduction*.<sup>10</sup> The implications Arabian patriarchy cultures can influential in the language that using by Arabian people is Arabic. Al-Qur'an is a book that made use of this language not off the language that the draught with this patriarchy cargo.

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<sup>7</sup> Yunahar Ilyas. *Feminism In the Tafsir al-Qur'an Studies classic and contemporary*, Yogyakarta : Pustaka Pelajar. Edition. II 1998, page 42-43

<sup>8</sup> Mansour Fakih (ed), *Discourse Feminism In Islamic Perspective*, Surabaya : Risalah Gusti, 1996, page. v

<sup>9</sup> Nasaruddin Umar, "Metod of Research Gender about Literature of Islamic Perspective" in Siti Ruhaini Dzuhayatin, *Rekonstruksi of Metodology and Gender Equivalente*, Yogyakarta: Pustaka Pelajar, Cet. I, 2002, page 85. *Study of Women development*, Jakarta : Yayasan Obor Indonesia, Cet. I, 1995, page 137

<sup>10</sup> Neng Dara Alfiah, *op. cit.*, Page 2

This is influential strong in various interpretations that were by the group *Mufassirin* and the *Muslim Scholar law* in seeing the article about this polygamy and his determining of law, another polygamy also still was having the other legal product that apparently discredited the woman and the ray gender,<sup>11</sup> that is the stipulation about the family of law, like the marriage, that gave the male right bigger than the woman, the law heir that gave the portion of the man bigger from the woman, *Fiqh Mu'amalah* in the female testimony, as well as fiqh limiting politics of the rights had a career in the world of politics.<sup>12</sup>

Scrutinized the provisions of law not justice for woman and the gender, Zainab al-Ma'adi (*one of the figures Moslem Feminism*) said in his book that was entitled *Al-Mar'ah bayn al-Tsaqawy wa al-Qudsi* considered that ideas about the suppression of the woman, marginalization of the woman, injustice for woman, because the understanding of the texts Al-Qur'an in the community just *normatively-interpretatively*.<sup>13</sup>

As the religion Islam transformed values, in this case values word "*keperempuanan*" that always pointed and was based in the mission "*kerahmatan*". This mission provided a basis for the vitality of

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<sup>11</sup> Look in Leela Gandhi, *Postcolonial Theory: Strategic of west hegemony*, tranlatiob, Yuwan Wahyutri dan Nur Hamidah, Yogyakarta : Penerbit Qalam, 2001, page xii)

<sup>12</sup> Nasaruddin Umar, *Argumentasi Kesetaraan Gender Perspektif al-Qur'an*, Jakarta : Paramadina, Cet. I, 1999, page 295

<sup>13</sup> Leela Gandhi, *op. cit.*, page xii

"*Risalah Islam*" that was brought by Rasulullah Saw, through him *Syari'at* that just, wise and touched the deepest vehicle of humankind.<sup>14</sup>

Fazlur Rahman's, one figures Islamic Neo- Modernism that was regard as controversial idea. He consider that legality of polygamy, there are contradictory problem when understanding Al-Qur'an articles, an of the article permitted of polygamy with the condition could be current justice (QS. IV: 3) while having the other provisions that being current just (against several wives) can be not done by a husband (QS. IV. 129). Then Fazlur Rahman's tried to develop thought reflection of the meaning and the message in Al-Qur'an, with stressing the importance of the step in distinction between the *formal legality* and *ideal morality* in Al-Qur'an.

Fazlur Rahman's tried to correct again traditionalist perspective about polygamy, because according to him that *ideal morality* as the *ratio legist* was substance a formal legality, so as the law must be taken if not relevance with the *ratio legist*.<sup>15</sup> As the Neo-Modernism figure, Rahman's tried to limited the number of wives just four, because according to him still was the mystery with the existence of the condition for justice. Fazlur Rahman's saw that apparently had the conflict in the provisions Al-Qur'an about this marriage, took of giving of the concession against a man to marry as for as four wives the loading

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<sup>14</sup> Mansour Fakih, *op. cit.*, page v

<sup>15</sup> Fazlur Rahman's. "*Major Themes of The Qur'an*" Translation. Anas Mahyudin, *Tema Pokok Al-Qur'an*. Bandung : Pustaka, Cet. II, 1996, page 70

of the implementation of justice, while having a declaration categorically that justice impossible to be able carried out. <sup>16</sup> As logical consequences were justice must be paid attention to more basic as ideal moral him than legal specific that permitted polygamy. <sup>17</sup>

The existence of polygamy, showed the position of the woman still very weak. In fact, the position of humankind (*the man and the woman*) in the law was the same that distinguished on his faith (QS 49: 13). This problem is very relations with milieu for several centuries that still influenced the traditional style of the interpretation. Temporary teachings Al-Qur'an in his social reform about the woman tried to increase position and to reinforce the woman condition to be better<sup>18</sup>.

Thinking like the explanation above, by Rahman is very attended especially social reforms Al-Qur'an, to understanding must be distinguished between legal regulations and orders in moral sector, in order to be able to understand the orientation that actually from the teaching Al-Qur'an and could solve complicated problems.<sup>19</sup> In addition, here Rahman was regarded as the mistake that most fatalist from the tradition of Muslims law that considered Al-Qur'an as the regulations book but not as the source religious from the law. <sup>20</sup>

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<sup>16</sup> Fazlur Rahman, "*Menafsirkan al-Qur'an*" Taufik Adnan Amal, *Method and Alternative Neomodernisme Islam Fazlur Rahman*, Bandung : Mizan, 1987, page 63.

<sup>17</sup> *Ibid.*

<sup>18</sup> See Fazlur Rahman, *Tema-Tema Pokok al-Qur'an*, *op. cit.*, page 68

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*



From Rahman's thought, it will be explained how Islam Feminism considered the refusal as Rahman's towards polygamy the method of use its. Therefore, with the analysis problem, the writer hope recovered the answer towards the testing towards the validity for thought Fazlur Rahman's with the title: **POLYGAMY IN ISLAMIC FEMINISM PERSPECTIVE** (*Analysis Study of Fazlur Rahman's Thought*).

### **B. The Statement of The Problem**

From the understanding of the background above, it will be untangled in thesis that is entitled: "POLYGAMY IN ISLAMIC FEMINISM PERSPECTIVE (*Analysis Study of Fazlur Rahman's Thought*)" so the subject of the problem is:

1. How is Fazlur Rahman's thought of polygamy?
2. How is the method of interpretation employed by Fazlur Rahman's?
3. How is the Islamic Feminism perspective towards Fazlur Rahman's thought about polygamy?

### **C. The Objectives and Significances of the Study**

The aim and the benefit from this thesis including being:

1. To reveal Fazlur Rahman's thought of polygamy?
2. To find how is the method of interpretation employed by Fazlur Rahman's?

3. To reveal how is the Islamic feminism perspective towards Fazlur Rahman's thought about polygamy?

#### **D. The Literature Review**

The historical aspect, practice of polygamy not only in Islam. This form of polygamy was known Medes peoples, Babylon, Abbasinia and Persia. The prophet Muhammad Saw. allowed polygamy to his community because of polygamy to be practiced by previously prophet's but also by Greek that among them in fact a wife not only could be bartered, but also could trade in usually among them. He then was the habit among ethnic groups in Africa, Australia as well as Mormon in America. <sup>21</sup>

The Muslim intellectual, the expert of *fiqih*, the expert hadits, and the expert in the law, the historian, in the Islamic study of the law or in the other perspective like the marriage law in Indonesia, analyzed discussions of the problem of polygamy often. Murtadha Muthahari, in his book of "*The Right of Women in. Islam*", in sub his chapter discussed polygamy from various perspectives, from the historic analysis and the form or polygamy sorts in various corners of the world to in the problem of polygamy in the Islam perspective.

While Fazlur Rahman in the interpretation of his book "*Tema pokok Al-Qur'an*" considered, that having the problem contradiction the

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<sup>21</sup> Abdurrahman I. Doi, *Perkawinan Dalam Syari'at Islam*, terj. H. Basri Iba Asghary and H. Wadi Masturi, Jakarta : Rineka Cipta, 1992, page 43

contradiction the understanding articles Al-Quran. A where having the article that stated the ability of polygamy with the condition can be justice (QS. IV: 3) while having the other provisions that being current just (among several wives) can be not done by a husband (QS. IV. 129). Fazlur Rahman's then tried to develop a thought about the meaning and the message Al-Qur'an. With raised the importance of the step in the distinction between the *formal legality* and *moral ideality* Al-Qur'an.<sup>22</sup> Because of that was suitable apparently, the writer promoted this title as the study material that will be compiled in the form of thesis, that eventually it was hoped can give the contribution of the discourse in Islam.

## **E. Research Methodology**

### **1. The Collecting Date**

This thesis use of the *Library Research*<sup>23</sup> method, that is the scientific method for the data collection that was received from articles that his source Fazlur Raman's personally about some of polygamy thought, the other article that his theme was in contact with the theme thesis that the writer did from works Fazlur Rahman's and the work of the another intellectual.

### **2. The Source Date**

The source of the data in this research was:

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<sup>22</sup> Fazlur Rahman's. Tema Pokok al-Qur'an. *op. cit.*, page 69

<sup>23</sup> Sutrisno Hadi. *Metodologi Research*, Yogyakarta : Andi Offset, 1997, page 9

**a. The source of the Data Primery**

The direct data from the article Fazlur Rahman's about the problem that was revealed by the writer, that simply this data was acknowledged as the original data.<sup>24</sup> The data in part: Fazlur Rahman's, *Mayor Themes of The Qur'an*, the translation Anas Mahyudin (Tema pokok Al-Qur'an), Bandung the Book: 1996; *Islam and Modernity, Transformation of an Intellectual Tradition*, the translated is Ahsin Mohammad (Islam and the Modernity about the Transformation of the Intellectual), Bandung the Book: Edition 1, 2000; translated by Ahsin Muhammad, Bandung the Book: Edition .IV, 2000; and various other Rahman thought.

**b. His Secondary source of the Date**

The data that quoted from the other source, meaning that the data that was written by the other person about the view of Fazlur Rahman to be not original because of being received from the second or third hands, as well as books and the supporting article that had the theme polygamy. The next therefore a data it is acknowledged as the unoriginal data.<sup>25</sup> The writer also took the supportive source from the writing of the theme thesis above, that his source could be accounted for like: the Yunahar Ilyas work, *Feminism in the Study of the Interpretation of Classic and*

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<sup>24</sup> Saifuddin Azwar. *Metodologi Penelitian*, Yogyakarta : Pustaka Pelajar, 1997, page 91

<sup>25</sup> *Ibid.*

*Contemporary Al-Qur'an*, the Student's Book, its ed I Yogyakarta: Pustaka pelajar 1997, the work Asghar Ali Engineer, *The Female Rights In Islam*, translated by Farid Wajdi and Cici Farkha Assegaf, Yogyakarta: the Foundation Bentang the Culture, its ed 1, 2000 as well as the Nasaruddin Umar book, the *Equality Argument of Gender Perspective al-Qur'an*, Jakarta, Paramadina. 1999 et cetera.

### 3. The Analysis Date Method

From the data, that once the writer received then to compile and analyze the data was used by methods as follows:

#### a. The method of content analysis

In analyzing the writer's data made use the analysis of the contents (*Content Analysis*) that is the analysis towards the meaning that was contained in the idea of the view of Fazlur Rahman including how the idea or the idea emerged, whether his background and why the idea was shown.<sup>26</sup> This analysis of the contents also focused on the descriptive analysis method that is by means of analyzing the problem that was being discussed in an orderly fashion concerning all of the view conception of the relevant leading figure.<sup>27</sup> This method was used as the approach to untangle and describe

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<sup>26</sup> Sumadi Suryabrata. *Metodologi Penelitian*, Jakarta : PT Raja Grafindo Persada, page 85

<sup>27</sup> Anton Bakker and Achmad Charris Zubair. *Metodologi Penelitian Filsafat*. Yogyakarta : Kanisius. 1990. page 65

the view of the leading figure as the existence in order to obtain the picture that was contained in this view of the leading figure and to explain a fact (the view) that is true or wrong. Because of that, in this stage not more than the research that had discovery nature facts an existence (fact-finding).<sup>28</sup> This analysis stemmed to hermeneutical in other words how the text that was being studied had the current meaning and here.

#### **b. The method of phenomenology**

That is an intact method and that more fundamental about the phenomenon that was in contact with the some situation. So that in understanding the previous view of the period not only stop at technical terms but also expressed his philosophical base. To achieve the aim thesis this philosophical analysis towards the view of the leading figure in specific long time past in a methodologies manner will use the historical approach. This remembered the research biographies, that is the research into the someone life in his relations with the community, the character and his idea of the influence of the view of the characteristics as well as formed this character of the leading figure for his life.<sup>29</sup>

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<sup>28</sup> Saifuddin Azwar. *op. cit.*, page 91

<sup>29</sup> Moh. Nazir. *Metode Penelitian*. Jakarta : Ghalia Indonesia, 1998, page 62

## **F. The System of Thesis Writing**

To facilitate discussions, the clear understanding in read thesis then it will be compiled systematically the writing thesis in broad outline as follows:

CHAPTER I: In this chapter will be explained the background of problem, formulation of the problem, the aim of the research, the study of the book, the writing thesis method and systematical the writing thesis.

CHAPTER II: This was the general theory that studied about Feminism (*the understanding, the history of the movement of feminism, currents in feminism issue*) and Islamic Feminism.

CHAPTER III: In the chapter three, this will be discussed Fazlur Rahman's thought of polygamy. Discussions were begun from the Fazlur Rahman's biography, the method of the interpretation of the law of Fazlur Rahman's thought of polygamy.

CHAPTER IV: This chapter will be analyzed from the data above, that covers the analysis of the various Fazlur Rahman's thought of polygamy, and afterwards it is inspected from the Islamic feminism perspective.

CHAPTER V: Was the last chapter consisting of the conclusion, suggestions and the implication of findings.

## CHAPTER II

### THE GENERAL PERCEPTION OF FEMINISME

#### A. Feminisme Termenology

The Feminism Term came from the language Latin (femina = women), it means “has” the ‘female’<sup>1</sup> character. Feminism usually referred to point out a theory of the gender equality (sexual equality) between the man and the woman and to point out the movement of the woman rights. This term was used as the substitute from womanize that was born during 1890. The feminism term was used for the first time was utilized during 1985 and then increasing wide is this usage.<sup>2</sup>

In his development, feminism often was interpreted as the defense of the female rights that were based on the conviction would the similarity of gender that the next one was mentioned with the movement gender equality. In Women’s Studies Encyclopedia was explained that gender was an intent cultural concept made the distinction in the matter of the role, the behaviors, bounced and the emotional characteristics between the man and the developing woman in the community.<sup>3</sup>

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<sup>1</sup> See Ahmad Baso, *Ke Arah Feminisme Post – Traditional*, Majalah Srintil, Vol. I No. I Mei, 2002, page. 38

<sup>2</sup> Lisa Tuttle, *Encyclopedia of Feminism*, New York : fact of Fice Pub, 1986, page. 107

<sup>3</sup> Hellen Tremey (ed), *Women’s Studies Encyclopedia*, Vol. 5. New Yok : Green Wood Press, Page. 153



Whereas in a sense that the area, feminism also pointed to anyone who had the awareness towards the subordination of the woman and tried to end him with various methods and the reason.<sup>4</sup> With the meaning variety that was reconciled this, apparently was difficult to obtain the definition of feminism that could be accepted by Feminism generally in all time and the place. This because of feminism did not take the concept and the single theory of the foundation. But he adapted with the sociocultural condition that formed the background of the understanding emergence as well as the existence, the perception and the action of the difference of the level of the awareness that doing by feminism.<sup>5</sup>

Although being realized that the definition that could be received widely very useful, however as far as this is concerned did not yet have the agreement around the group feminism personally. Each one made the definition is based on the theory that was followed by him. Kamla Bahsin and Nighat, for example, defined feminism as “as the awareness would the suppression and extortion against the woman in the community, the workplace and the family as well as the action realized by the woman and the man to change as that the situation”.<sup>6</sup> In this case, feminism not only the belief system, but an invitation to take measures without the existence of the action, feminism only will become rhetoric, in fact will eliminate his existence.<sup>7</sup>

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<sup>4</sup> Lisa Tuttle, *op. cit.*, Page. 107

<sup>5</sup> Kamla Bhasin dan Nighat Said Khan, *Persoalan Pokok Mengenai Feminisme dan Relevansinya*, terj. S. Herlina, Jakarta : Gramedia Pustaka Utama, 1995, Page. 4

<sup>6</sup> *Ibid.*, Page. 5

<sup>7</sup> :Look in Manneke Budiman, *Feminisme Multikultural : Seperti Apa ?*, Majalah Srintil Vol. 1, No 1, Mei, 2002, page. 34

The movement of Feminism, according to Mansour Fakih, emerged because of the existence of the view that in a community was received by a mistake in treating the woman as the realization from injustice gender, that covered: (1) the marginalization of the woman in various family life fields, the work and the community, (2) the subordination of the woman as resulting from the existence of the view that the woman was irrational, (3) stereotype that caused a loss to the woman, (4) various violence against the woman, both physically and in a mental manner, was caused by the existence of the view that the woman was weak, (5) demystification the woman in housework as resulting from the existence of the view that the woman was hard-working, the breeder et cetera. <sup>8</sup> Because of injustice gender, feminism tried to analyze reasons for the occurrence of the suppression of the woman as well as to try to obtain the freedom for the woman and to receive social equality with the man in all the life fields.

In an effort to this, the movement of feminism was colored by his refusal of the patriarchy system in the community. <sup>9</sup> The patriarchy ideology was viewed as some that the negative by the group feminism because of placing the woman in the position of the subordinate, that is being supervised by the position of the man. So as efforts to destroy the patriarchy system, the movement of feminism followed two patterns, <sup>10</sup> that is:

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<sup>8</sup> Lis Tutle, *op. cit.*, Page. 107

<sup>9</sup> Ratna Megawangi, *Membincang Feminisme Diskursus Gender perspektif Islam*, Surabaya : Risalah Gusti, Cet. I, 1996, Page. 209

<sup>10</sup> *Ibid.*, Page. 209 - 210

*Firstly* did the social transformation with the revolutionary external change. The group feminism that made use of this pattern believing that so that the position and the status of the woman are equal to the man. So necessary socialization to the woman to try to have the characteristics like the man. In the view feminism this group, basically the existence of humankind because in a manner disposition did not have the difference between the man and the woman. The available difference until now happened because of the social construction of the culture. In the connection with this pattern, several theories were developed by the group feminism, like Liberal feminism, the Marxist, the Radical, Socialist et cetera.

*Secondly*, with the pattern of the change in an evolutionary manner. Was different to the group firstly this movement of feminism carried out the social transformation slowly but definitely and natural. In their view, naturally the man and the woman had the difference, not only biologically but also the character, so as to emerge the masculine quality and the feminine quality. Therefore, to destroy the patriarchy system must not be done by means of changing the feminine quality became masculine, but by means of more featured his feminine quality. By this means, was believed in that the patriarchy system that hierarchies and dominative will become the system matriarchies and egalitarian.

## B. Current's History In Feminism Movement

Feminism, as a social movement that was supported by many people with the aim of increasing the position and the role of the woman, as well as fighting for his rights that more just, present in the XVIII age, in France. That was pushed by the Enlightenment ideology (Aufklärung) that stated that humankind was given by the capacity to look for the truth with made use of the ratio (the mind).<sup>11</sup> And they demanded equality the right between the woman and the man (equality) politics sector, the opportunity received education, the improvement in the marriage law,<sup>12</sup> and so on.

In England also had the struggle to obtain justice for the woman, that is Mary Wollstonecraft with his book that was influential *A Vindication of the Rights of Women* (1792), John Stuart Mill that his book *The Subjection of Women* (1869).<sup>13</sup> In the struggle, they connected the movement of the woman (that afterwards was mentioned with the movement of feminism) with liberalism thinking. Liberalism considered the existence of the competition as free that will be useful for the community, because that wisest will reach the place above and that bad as well as lazy will live in low. Education must revere moral and the mind; the rational behaviors must be based on discipline himself and the religious teaching. And his movement at that time gave priority to the struggle to receive the right to vote that experienced the hard challenge, so as to demand many sacrifices.<sup>14</sup>

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<sup>11</sup> Sukanti Suryochondro, *Kajian Wanita dalam Pembangunan*, Jakarta : Yayasan Obor Indonesia, Page. 31

<sup>12</sup> *Ibid.*, Page. 31

<sup>13</sup> *Ibid.*, Page. 32

<sup>14</sup> *Ibid.*, page. 32 - 33

After wards in America, the birth of the movement of the woman was begun with the emergence of the role of the woman in the movement anti slavery (1830) and his summit with the holding of the Convention of the female rights in the Seneca Falls city (1848).<sup>15</sup> Their demand concerning the equality of the right in all the life fields. In central Attention three matters, that is: the right had his income of results of the work personally, the upper right the child after the divorce, and the right to vote. (The Right To Vote just was given to the woman during 1920 for all the United States or 70 years after being fought for).<sup>16</sup>

At the end the XIX age in various West countries also emerged with the term of the movement of the group "suffrage", that is a movement to promote the good woman concerning his condition for the life and about the status and his role. His core of the struggle was the group's socialist upheaval that realized that in his community had a group of humankind that was not yet thought about his fate (the group of the woman). Concerning this, Kartini in Indonesia adopted this movement that was known by him through the article of an Indian woman who was named Pandita Rambai.<sup>17</sup> The further development emerged organizations of the woman with his current were their respective. Good in the era pra independence in fact through to at this time.

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<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> Saparinah Sadli, *Kajian Wanita dalam Pembangunan*, Jakarta : Yayasan Obor Indonesia, 1995., Page. 14 – 15

In the Islam world at the end the XIX age also knew injustice gender that was experienced by women, who could be known through the work wrote the writers of Muslim in the form of poetry, the short story, the novel, essay, article, the book, and in the form of the person's memory or the collection of letters. Several that were known to be 'Aisyah Taimuriyah, Huda Sya'rawi, Nabawiyah Musa, and Hifni Nashif from Egypt, Zainab Fawwaz from Lebanon, Rokeya Sakhawat Hossain and the Sajjad Haydar Eagle from India, Raden Ajeng Kartini, from Java, Emile Ruete from Zanzibar, Taj USA-Salthanah from Iran, and Fatme Aliye from Turki,<sup>18</sup> and so on.

Although Feminism had the same awareness about the existence of injustice gender, however they differed in analyzing these reasons for the occurrence of injustice but also differed about the theory that was used, the form and purpose that will be reached by their struggle, however basically aimed at helping understood the condition and the problem that were faced by the community as well as the possibility for his solution. This difference of the perspective produced several Feminism currents and the feature as well as his strategy that in part:

### **1. Liberal Feminism**

Liberal Feminism was born in the XVIII age in England that was formulated by Mary Wollstonecraft in writing him *A Vindication of the Rights of Women* (1792)<sup>19</sup> that afterwards was followed by John Stuart

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<sup>18</sup> Yanuar Ilyas, *Feminisme dalam Kajian Tafsir Al-Qur'an Klasik dan Kontemporer*, Yogyakarta : Pustaka Pelajar, 1998, Page. 53 - 58

<sup>19</sup> Hidayati Amal, *Kajian Wanita dalam Pembangunan*, Jakarta : Yayasan Obor Indonesia, 1995, Page. 86 – 87

Mill with his book of *The Subjection of Women*.<sup>20</sup> The philosophical foundation of his movement was liberalism<sup>21</sup> that is that everyone was created with the same rights, between the man and the woman<sup>22</sup> and anyone must have the same opportunity to promote itself.<sup>23</sup> Therefore, this movement demanded that this principle immediately was carried out. Liberal feminism believing that the system patriarchal could be destroyed by means of changing respectively the individual, especially the attitude of women in his relations with the man. The woman must realized and demand these rights. This demand will make the man aware, and if the awareness has been smooth, then with this new awareness, humankind will form a new community where the man and the woman co-operated on the basis of equality.<sup>24</sup>

For Liberal Feminism had two methods of achieving this aim. First was to do the psychological approach by means of generating the awareness individual in part through discussions that discussed female experiences to the community that was controlled by the man. Second was with demanded legal reforms that did not benefit the woman, and changed this law to peraturan-regulation just that treated the woman was equal to the man.<sup>25</sup>

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<sup>20</sup> *Ibid.*, page. 87

<sup>21</sup> Yunahar Ilyas, *op. cit.*, Page. 47

<sup>22</sup> Mansour Fakhri, *Membincang Feminisme Diskursus Gender Perspektif Islam*, Surabaya : Risalah Gusti, Cet. I, 196, Page. 39

<sup>23</sup> Yanuar Ilyas, *op. cit.*, Page. 47

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

The change in regulations that succeeded in being fought for example to be the implementation no fault divorce in the United States where the wife might separate his husband without seeing who that wrong, and the taking effect marriage contract where each couple who married might make his contract term personally, without following the law of the current marriage.<sup>26</sup>

## 2. Marxist Feminism

Marxist Feminism emerged as the upper reaction of liberal feminism thinking about how increased the status and the role of the woman, Marxist Feminism believe that ketertinggalan that was experienced by the woman not was caused by the individual action deliberately but resulting from the social structure, politics and close economics of his connection with the capitalism system. According to them, was not possible for the woman to be able to receive the same opportunity like the man if they still were continuing to live in the class community.<sup>27</sup>

According to Marxist Feminism, before capitalism developed, the family was unity of the production. All the requirements for humankind to maintain his life was done by all of the family's members including the woman. But after the expansion of industrial capitalism, the family did not become unity of the production. The activity of the production of things of the requirement for humankind changed from the

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<sup>26</sup> Ratna Megawati, *Perkembangan Teori Feminisme*, *op. cit.*, Page. 229

<sup>27</sup> Siti Hidayati Amal, *op. cit.*, Page. 88 - 89



house to the factory. The woman still does not go along in the activity of the production. Afterwards happened the distribution of the work sexually, where the man worked dissector public that was productive and was valuable economical, whereas the woman worked in sector domestic that unproductive and was not valuable economical. Because ownership of material determined the value of the existence someone then as a result, the woman that was in the domestic sector that unproductive was considered lower compared with the man that was in the productive public sector.<sup>28</sup>

According to Engel's in his book of *Origins of the Family, Private Property, and the State* (1884), developed further the theory of materialism of Karl Marx about the family; the husband was the reflection from the bourgeois group and the wife as proletarians who were oppressed.<sup>29</sup> To release the woman from the suppression in the family, Engel's urged the woman to enter the sector of public that could make the woman also become productive (produced material or money), so as the domestic concept of the work the woman did not be again.<sup>30</sup> In fact efforts to eliminate the existence of the family's institution must be carried out, because the family was regarded as the institution that produced capitalism. As his substitute, created the collective family

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<sup>28</sup> Yunahar Ilyas, *op. cit.*, page. Page. 48 – 49

<sup>29</sup> *Ibid.*, page. 49

<sup>30</sup> Ratna Megawati, *op. cit.*, Page. 224

where housework do' it collectively, including care and the child's education and caring.<sup>31</sup>

### 3. Radical Feminism

The Radical's Feminism emerged as the reaction from the Liberal movement of Feminism and with the book emergence philosophy the female existentialist, Simone de Beauvoir (1949) that wrote a book spoke France, was translated to the second sex during 1953. According to Simone, apparently the woman to not marry, if is wanting to achieve the success in his career. The marriage not his difference as the enslavement of the woman that will obstruct his freedom. Started from sisnilah encouraged many career woman sprang up this era.<sup>32</sup>

The believing movement of the Radical's Feminism that the occurrence of the suppression of the woman because of the existence of the distribution of the work sexually as resulting from the patriarchy system and the distribution of the work sexually that had implications in the biological condition for the woman that is her reproduction function,<sup>33</sup> so as the marriage agency according to them was to be the formalization agency to oppress the woman, and the main task Feminism the Radical was to refuse the family's institution, both the theory order and the practice.<sup>34</sup>

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<sup>31</sup> *Ibid.*

<sup>32</sup> Mazhar Ul-Haq, *Wanita Islam Korban Patologi Sosial*, Translation, Lukman Hakim, Bandung : Pustaka, 1994, Page. viii

<sup>33</sup> Mansour fakih, *Posisi Kaum Perempuan dalam Islam*, *op. cit.*, Page. 40

<sup>34</sup> Ratna Megawangi, *op. cit.*, page. 226

The movement of the Radical's Feminism also could be defined as the movement of the fighting woman in sexual reality, and less in other realities. Therefore, this movement especially discussed how he destroyed patriarchy as the system thought that melembaga in the community. The group that most extreme from the movement of the group feminism the radical in fact tried to decide his relations with the man,<sup>35</sup> this was mentioned with Feminism the lesbian. Afterwards Martha Shelley (1970) said, the lesbian's woman must be made the model as the autonomous woman.<sup>36</sup>

So as Elsa Gidlow (1977) theorized that becoming the lesbian was to be freest from the domination of the man. The next one, along the woman continued his relations with the man, said the lesbian's Feminism, really will be difficult, in fact to be not possible to fight to oppose the man.

So the woman must separate his life from the man. At least few separations of the feeling by means of developing the ability to be independent, including in the matter received sexual satisfaction. After that, the woman and the man must study again how mutually knew in one new form, that was colored by the co-operation, mutual trust, mutually was opened, mutually gave and received. Briefly relations that was based on the love that actually.<sup>37</sup>

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<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

<sup>37</sup> Yunahar Ilyas, *op. cit.*, page. 51 - 52

#### 4. Socialist Feminism

This Movement was the synthesis from the Radical's Feminism and Marxist Feminism. Socialist feminism refused the assumption that capitalism the only cause of retardation and ketertindasan the woman, was proven in the socialist country of many women who have been autonomous economically (because of entering in the productive field), but obviously still was oppressed because of being dominated by the patriarchy system.<sup>38</sup> According to them, the suppression of the woman was in any class. They refused Marxism Classic, and did not regard the exploitation of economics as more essential than the suppression gender.<sup>39</sup>

Socialist feminism criticized the public's assumption, that having relations between female participation in the production and the status of the woman. Female participation in economics quite necessary, but always did not increase the status of the woman. Indeed had the correlation between the level of participation and the status of the woman; however the involvement of the woman precisely plunged, because they were made the slave. For them the increase in female participation in economics more brought in sexual antagonism compared with increasing their status. Because of that was critical towards capitalism must be accompanied by upper criticism of the domination of the man of the woman.

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<sup>38</sup> *Ibid.*, Page. 52

<sup>39</sup> *Ibid.*

For Socialist Feminism, to remove the domination of the man must be anticipated by means of the awareness of the woman about their position that was crushed. According to them many women that not be aware that they were the group that was oppressed by the patriarchy system.<sup>40</sup> For example, with featured issues how the woman was treated not humane, was imprisoned in the gold cage, till issue why the woman that must make coffee for the husbands et cetera. And this awareness emergence diasumsikan will make women raise his emotions, and in a manner the group it was hoped held the direct conflict with the dominant group (the man). It was increasingly high that the level of the conflict between the female class and the dominant class, it was hoped could destroy the patriarchy system.<sup>41</sup> These premises came from the dialectical concept that was developed by Hegel that was adopted by Marx.

From the four patterns and the model of the movement of the group feminism this, could be seen that the feature and the struggle for feminism fully were not able to be accepted by all the circles. At the beginning of the 1980's, issues modern feminism began to subside, because in fact many ideas that was compatible with the value and the moral value of the religion that was current in the community. As his substitute emerged the concept of feminism that in perspektif multicultural and based religious

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<sup>40</sup> Ratna Megawangi, *op. cit.*, page. 223

<sup>41</sup> *Ibid.*

### C. Islamic Feminism

The Movement of beginning Feminism from developed countries in his development also was followed by the similar movement in Islam countries, although the intensity, the feature, and his success differed in accordance with the social condition respectively. The main aim this movement, as the aim of feminism generally, is to erode treatment injustice towards the woman in the social structure as well as to fight for equality gender.

They considered that in fact the social life the Muslim community, the woman still was being treated unjust, where the woman did not yet obtain the position that was equal to the man in relations gender.<sup>42</sup> Therefore, this group tried to fight for the realization of equality gender in the social structure, in accordance with the Islam principle of the foundation of the teaching, namely justice. This group that in this research was mentioned with Feminism Muslim, while the movement and their theory were acknowledged as Islam Feminism.

Despite as a movement, Islam Feminism just was bright in several *dasa warsa* finally this. The awareness about the existence of injustice gender in the Muslim community has emerged since last century. This was seen from works that were written by the writers of the Muslim woman in the form of poetry, the article, the book, the novel, etc.<sup>43</sup> This awareness increasingly increased, in line with the development of the community

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<sup>42</sup> *op. cit.*, page. 37

<sup>43</sup> Yunahar Ilyas, *op. cit.*, page. 53

globally, especially in the period paroh the two XX centuries, with did the lawsuit in the suppression of the woman in the community that still was continuing to follow the patriarchy system. This movement was carried out, both individually and in an organizational manner, both the national and international level. In fact only was not done by the woman, but also by the man, as well as not only that lived in countries that the majority had a population of Muslim but also that his inhabitants of Muslim the minority.

In this period of the equality fighter's gender this connected their efforts with feminism. Nevertheless, not all feminism in the Islam community connected their struggle with questioned the Islam teaching, both normative and historic, but connected with liberal theories of feminism, the Radical, Socialist, et cetera that not be based on in the Islam teaching.<sup>44</sup>

Feminism like this, although being religious Islam, could not be categorized as Feminism Muslim Around Feminism Muslim that quite big his influence in Indonesia today is Riffat Handsome (Pakistan), Amina Wadud Muhsin (Malaysia), Fatima Mernissi (Morocco), Asghar Ali Engineer (India). His feminism thinking that was poured in their works became main reconciliation and became the subject of the study in the Islam Feminism discourse in Indonesia. By them, still many Feminism Muslim, especially from Indonesia, that seriously menekuni the movement of feminism like Masdar F. Mas'udi, Mansour Fakih, Wardah Hafizh, Nurul Agustina, the Megawangi Gem, Siti Ruhaini Zuhayatin, Nasaruddin Umar et

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<sup>44</sup> *Ibid.*, page. 56

cetera. Nevertheless, their influence in this discourse was not yet able to match the group that was acknowledged as previous. This because of their work that was linked with feminism, that was published widely, more incomprehensive and deep so as apparently as the scientific study popular, at least if compared with the work of the first group above. Besides this, still many cendikiawan Muslim, although being not known as feminism, however had consent that quite big against issu-issu feminism, like Quraysh Shihab, Nur Kholis Majid, Djalaluddin rahmat.

As general Feminism, Islamic Feminism was not a theoretical thinking and uniformed movement.<sup>45</sup> Nevertheless, the movement or their theory of feminism emerged from the same awareness, namely their concern towards the fact that the woman in the Muslim community still was not yet receiving the position that was equal to the man in the social structure.

They have the view that the worrying situation this not dikarenakan by the Islam basic teaching that indeed placed the woman was supervised by the man in the social structure, but because of “bias laki-laki” in understanding Islam sources of the teaching that his application in the life of the community formed the Islam tradition.<sup>46</sup> The understanding that this ray deviated from the spirit of the foundation Al-Qur'an so as to have the real

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<sup>45</sup> Mansour Fakih, *Membincang Feminisme Diskursus Gender Perspektif Islam*, Surabaya : Risalah Gusti, Cet. I, 1996, page. 181

<sup>46</sup> Read Falima Mernissi dan Rifat Hasan, *Setara di Hadapan Allah : Relasi Laki-Laki dan Perempuan dalam Tradisi Islam Pasca Patriarki*, terj. Tim LSPPA, Yogyakarta : LSPPA, 1995, page. 67 68



impact in giving the rights to the woman in the life of the community.<sup>47</sup> This condition like this, in his development was regarded as the teaching that must be received and maintained

Therefore, in the struggle to release the woman from relations injustice gender, Feminism Muslim tried to unload the historicity of the problem root that caused injustice et cetera to expand the new understanding about relations gender this was based on the Islam source of the teaching that main, that is Al-Qur'an and Hadits.<sup>48</sup> This was done with “dialog that intensive between principles of justice and kesederajatan available in the texts of piety, for example Al-Qur'an, Hadits and the tradition piety-and treatment reality of the available woman or the life in the Muslim community”.<sup>49</sup> In the form of concrete him, these efforts were carried out by means of interpreting again these texts with considered the historical context of the text personally and the Islam principle of the foundation, namely justice.

Around Feminism Muslim that reviewed the texts of piety, especially Al-Qur'an that was linked with relations gender was Aminia Wadud Muhsin, Feminism Muslim from Malaysia. He believes that the repeated interpretation against articles Al-Qur'an was needed in the framework of guarding his relevance with the life of human life.<sup>50</sup> Because

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<sup>47</sup> Asghar Ali Engineer, *Hak-Hak Perempuan dalam Islam*, terj. Farid Wajid dan Cici Farkha Asssegaf, Yogyakarta : Yayasan Bentang Budaya, Ed. II, 2000, page. 63

<sup>48</sup> Yunahar Ilyas, *op. cit.*, page. 56

<sup>49</sup> Budi Munawar Rahman, *op. cit.*, page. 190

<sup>50</sup> Amina Wadud Muhsin, *Wanita di dalam Al-Quran*, translation, Raziar Radianti, Bandung : Pustaka, 1994, page. xxi

of studies about the woman that until now were carried out, more based to the texts of results of the understanding of Al-Qur'an than studied Al-Qur'annya personally in depth and produced the gap between the contents harfiyah articles Al-Qur'an and the intention that was contained inside.

Was not different fare from Amina Wadud Muhsin, Riffat Handsome, Feminism of the Pakistani origin, also tried to review articles Al-Qur'an that was linked with the woman. The study came back this he carry out, according to him, because of happening the error and the male ray in the interpretation, so as results put the woman in the position in a corner that lower than the man, as that was understood until now.<sup>51</sup> This caused no relevance that striking between the Islam goal and his practice of group, especially yang related and the woman. So Riffat tried to study the theological base of arguments that put this woman, especially in a corner available in Al-Qur'an and Hadits. Therefore, this study entered Feminism<sup>52</sup> Theology in the Islam context.

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<sup>51</sup> Fatima Mernissi and Riffat Hasan, *op. cit.*, page. 42

<sup>52</sup> *Ibid.*, page. 43

**CHAPTER III**  
**FAZLUR AND HIS VIEW**  
**ABOUT POLYGAMY**

**A. The Background of Fazlur Rahman**

Fazlur Rahman was the Islamic figure of Neo- Modernism. He was born in 1919 in the south west area of Pakistan and died on July 26<sup>th</sup> of 1988. <sup>1</sup> Rahman grow in the family with the tradition of mazhab Hanafi, <sup>2</sup> as other Muslim community is custom at the time, Rahman studied Islamic knowledge formally in the religious school. Moreover, he also accepted the lesson from his father, a Muslim scholar from Deoband. After graduating Islamic senior high school, Rahman continued his study in the Eastern Department of Punjab University. <sup>3</sup>

In Punjab education, Rahman took Arabian Literature and received the MA degree on 1942. Although Rahman was educated in traditional education, the critical sense took his identity as a thinker who was different from most alumni of the religious school. The critical sense that depicted dissatisfaction towards the traditional education system, was seen with his decision to continue the study to the western, Oxford University of England in 1946 and succeeded in obtaining the degree of

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<sup>1</sup> Tafsir dkk., *Moralitas al-Qur'an dan Tantangan Modernitas*, Yogyakarta: Gama Media, Cet. I, 2002, page. 65

<sup>2</sup> Muhammad Azhar. *Fiqh Kontemporer dalam Pandangan Neomodernisme Islam*. Yogyakarta: Pustaka Pelajar. 1996, page. 30.

<sup>3</sup> Ghufron A. Mas'adi, *Pemikiran Fazlur Rahman Tentang Metodologi Pembaharuan Hukum Islam*. Jakarta: Raja Grafindo Persada, 1998, page.15

the philosophy doctor from this university in 1951.<sup>4</sup> Rahman's decision was the beginning of his controversy attitude against Pakistani Muslim scholars at that time. Because, it was considered to be odd by Pakistani Muslim scholars, if a person studying Islam to the west. Moreover, whatever attitude that related to the west Manner was negative by the Pakistani Muslim scholars,<sup>5</sup> although this attitude was followed for the sake of goodness and the progress of Moslems. Rahman was not the first person accept criticism of the reason for his critical, thinking, Sayyid Akhmad Khan, long before Rahman had accepted the similar for his compromise attitude towards English politics in India, and his rational thinking, he was accused by the Muslim scholars as an infidel.<sup>6</sup>

After graduating his education in Oxford, he taught for several times in Durham University, England,<sup>7</sup> afterwards in Institute of Islamic Studies, McGill University, Canada, and hold the office of *Associate Professor of Philosophy*. In the beginning of the 1960 's, Rahman returned to his country, Pakistan, and hold the office for several times as one of the senior of the *Institute of Islamic Research*.<sup>8</sup> In August 1962 Rahman was pointed out as the director research. Besides this, he

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<sup>4</sup> Ghufiron A. Mas'adi, *Ibid.*, page.16-17

<sup>5</sup> Taufik Adnan Amal, "*Fazlur Rahman dan Usaha-usaha Neomodernisme Islam Dewasa Ini*", and *Metode dan Alternatif Neomodernisme Islam Fazlur Rahman*, Bandung: Mizan, Cet. I, 1987, page. 15

<sup>6</sup> *Ibid.*

<sup>7</sup> Taufik Adnan Amal. *Islam dan Tantangan Modernitas: Studi atas Pemikiran Hukum Fazlur Rahman*, Bandung: Mizan, Ed. VI, 1996, page. 82

<sup>8</sup> Taufik Adnan Amal, *Fazlur Rahman dan Usaha-usaha Neomodernisme Islam Dewasa ini. Op. Cit.*, hlm 13

also was appointed as the member of Advisory Council of Islamic Ideology of the Pakistani Government (1964).<sup>9</sup>

For the length of his intellectual's career, Rahman produced five books, beside his Doctoral dissertation. Rahman magnum opus apparently like, *Prophesy in Islam: Philosophy and Orthodoxy* (1958), *Islamic Methodology and History (opened the Ijtihad Door)* (1965), *Islam* (1968), *Islam and Modernity: Intellectual Transformation Of An Tradition (Islam and Modernity: a Transformation of the Intellectual)* (1978), *Mayor Themes of the Qur'an (the Subject theme of Al-Qur'an)* (1980). Besides, he compose (wrote) the book, Rahman also active in the writings of the article. And not less than fifty (50) articles that were contained in some international journals.<sup>10</sup>

## B. Al-Qur'an and The Revelation Process

In defining Al-Qur'an, <sup>11</sup> Rahman still referred Muslims generally, that is acknowledged and believing Al-Qur'an as "Kalam Allah" (the word of God) which was revealed to Muhammad saw., additionally, each Muslim was obliged to trust it. This is very important although they are in the limit as nominal Muslim (only in the term), <sup>12</sup>

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<sup>9</sup> *Ibid*, page.13. and Look Muhammad Azhar, *Op. Cit.*, page 30-31

<sup>10</sup> Ghufroon A. Mas'adi, *Op. Cit.*, page 19-24

<sup>11</sup> Ahmad Warson Munawwir, *Kamus Arab-Indonesia "Al-Munawwir"*, Surabaya: Pustaka Progressif, Cet. IV, 1997, page. 1101-1102.

<sup>12</sup> Fazlur Rahman. "*Wahyu Ilahi dan Nabi*", dalam Taufik Adnan Amal (ed), *Metode dan Alternatif Neomodernisme Islam Fazlur Rahman*, Bandung: Mizan, Ed. I, 1987, page 35

that in Indonesia was known as Islam KTP. Al-Qur'an is revelation that literally was revealed to Prophet Muhammad (between the 710 and 732 AC), and as the most complete guidance for human life, that included the previous revelation and at the same time as its justifiable (QS. 12: 111, 10: 37, 6: 114).<sup>13</sup>

For Rahman, the belief about "Al-Qur'an, its source from Allah" was very important to be explained adequately. Afterwards to prove it, Rahman raised the psychological explanation as follows:

"For Al-Qur'an, and his consequences for Muslims, Al-Qur'an was the Lords Decree (Kalam Allah)." Prophet Muhammad also really believed that he was the message receiver from Allah, the Substance that completely was other, in such a way as he refused, with this consciousness strength, some of the historic claims that most fundamental from the Judea-Christian tradition about Ibrahim and other prophets. This other substance, through one way dictated Al-Qur'an with the ultimate authority. The voice comes from basic of the depth of life to speak very clearly, could not be misled and urgent. It was not only the word of Qur'anic, that means "reading material", clearly pointed out this, but the text Al-Qur'an it self, in several places say that Al-Qur'an was revealed verbally, not only in its meaning and ideas. The term Al-Qur'an for the opening (of the secret) was revelation which adjacent meaning with the "inspiration", by the condition that second had no need to set aside the verbal model. (With "Firman", of course that we mean is not the voice).<sup>14</sup>

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<sup>13</sup> Fazlur Rahman, *"Islam and Modernity, Transformation of an Intellectual Tradition"*, Bandung: Pustaka, 2000, page 2

<sup>14</sup> Fazlur Rahman, *Islam*, terj. Ahsin Muhammad, Bandung: Pustaka, Cet. IV, 2000, page.32, and Fazlur Rahman, *"Wahyu Ilahi dan Nabi"*, *Op.Cit.* page. 40

This view by Rahman was based on QS. 51-52, that was interpreted by him as follows: "Allah did not speak to a humankind (that is with speaking words) except through wahy (that is with the inspiration of word idea) or from over the curtain, or he delegated an envoy (the angel) that spoke through, and so was given by us the inspiration to you with some of our orders."<sup>15</sup>

However in the further development, the term (definition) of Al-Qur'an according to Rahman, was confusing and caused controversy, especially in Moslem's Pakistani circle at the time. As a result emerged the hard protest emerged and ended with the Rahman resignation from his position as Director of Institute of Islamic Research.<sup>16</sup>

This controversy started from the Al-Qur'an definition that he expanded and its connection with the revelations process that more psychological formed incident than physical. In this quotation Rahman tried to explain that Al-Qur'an was come from Allah in the form of the "word idea" not in the form of "speaking words". Further more Rahman concluded that Al-Qur'an completely was Lord "words" (the word of God), but at the same time also was "Prophet Muhammad's words" (the word of Muhammad). This conclusion, by Rahman not only be based on to the article above, but also the statement Al-Qur'an that says: the "trustful spirit brought it descended to your heart so that you become one of people who gave the warning" (QS. 26:194), but also, "...Say :

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<sup>15</sup> Fazlur Rahman, *Islam, Ibid.*, page. 32

<sup>16</sup> Tafsir dkk., *Op.Cit.*, page. 69.and *Op. Cit.*, page. 37

Anyone who competed against Jibril then Jibril delivered Al-Qur'an in your heart with a Allah's permission ...." (QS. 22:97).<sup>17</sup> These verses according to Rahman supported his conclusion that Al-Qur'an was revealed in the heart through *wahyu* (inspiration), was not revealed in ears through the voice. Therefore, Al-Qur'an texts were Muhammad's words Dualism of Al-Qur'an as Allah's "words" (*wahyu*) and Muhammad's words with QS. (53:3-4) that stressed: "and not what was pronounced by Muhammad (Al-Qur'an) was according to his wish personally, but this statement was *wahyu* that was revealed to him was"<sup>18</sup>

Further more Rahman added his psychological explanation:

"Further, even by viewing viewed the normal awareness, it was a false thinking to say that ideas and feelings inside and could mechanically be wrapped" in words. Really, it had mechanical relations between feeling, idea and words. In the inspiration, even the poetic inspiration, these relations was so complete so that the word idea feeling was the whole complex that had its own life personally.<sup>19</sup>

"Rahman's view about revelation essence of Al-Qur'an above showed that the origin creative source of the process was located out of the normal achievement (agency) of humankind, but the process emerged as an integral part of the Prophet's idea." In the same time, its ideas and words were born inside and could be returned to the Prophet's idea, but its source from Allah. This showed Rahman refusal of the orthodox

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<sup>17</sup> Fazlur Rahman, *Islam, Op. Cit.*, page 33

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.* page. 35



drafting that made use of several weak stories, that *wahyu* "came through" Prophet Muhammad's "ears" (mechanical), through the external process, and refused the view that said that the angel or the spirit (*ruh*) which came in to Prophet's heart as the agency that completely was external.<sup>20</sup> This drafting usually was symbolized as the mechanical process of the voice recording.

For Rahman, the bearer's of revelation was spiritual creature, supernatural, was impossible able to be concrete person that spoke to the Prophet as speaking minister speaks to the president's secretary. Therefore, the revelations process was tend to the psychological, spiritual incident, than communication two people physically.<sup>21</sup> Psychologically, the idea and words were the organist's entity and were born in the Prophet's idea simultaneously. However, because the root of idea and feeling complexities of these words were located apart from the Prophet's control as *fi'il* creative (creative act), They must be viewed as a source that was laid the Prophet.<sup>22</sup> Afterwards Rahman gave the alternative to the explanation concerning the revelation process as he said below:

Anyone cognitive perception strength was different, these difference stages were unlimited, totaling the humankind themselves. So also, the moral and religious perception ... The variation was not only between the different individual, but the

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<sup>20</sup> *Ibid*, page 33

<sup>21</sup> Tafsir dkk., *Op. Cit.*, page. 70

<sup>22</sup> *Ibid*, page 71, and Look in Fazlur Rahman, *Wahyu Ilahi*, *Op. Cit.*, page. 39

spiritual life of an individual also varying from time to time ...<sup>23</sup> So, a Prophet was a person with whole character and actual behavior are higher than human generally. He was an *ab initio* person (from the beginning) impatient to humankind and even their major idealities, He wanted to create the history. Therefore, Islam orthodoxy took a conclusion was exact logically that prophets must be considered to be immune from serious mistakes (the doctrine about ismah/ma'shum). Muhammad was the certain humankind, and in fact the only certain humankind who was known by the history. That was why all of his behaviors the Muslims recognize as Sunnah or the "perfect model" his behavior. Consequently, there were moments where he, as it had happened, "exceeded himself" and his cognitive of perception moral became so sharp until his awareness became identical with the moral law personally. "So was inspired by us you with one Spirit from we ordered: you did not know (beforehand) what the Book, but (now) we made him the light" (42:52). But the moral law and religious values were the Lord order, although both of them not completely identical with the Lord, but a part of him. That was why Al-Qur'an was really pure the God.<sup>24</sup>

This explanation showed that actually Rahman, still maintained the Islam orthodoxy conviction about verbal revelation of Al-Qur'an. However, Rahman was disagree with the standard formula of orthodoxy about revelation which put forward a mechanical and external description concerning relations between Muhammad and Al-Qur'an. Therefore, it was not surprising if Rahman considered this orthodoxy

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<sup>23</sup> Fazlur Rahman, *Islam, Op. Cit.*, page. 34

<sup>24</sup> *Ibid.* page. 35

doctrine "intellectually appeared to be not yet ripe", in the other opportunity, Rahman the doctrine said: "Jibril came and delivered *wahyu* of the Lord to Muhammad Saw." As the postal Person.<sup>25</sup>

Further consequences from Rahman's view about *wahyu* of Al-Qur'an reflected clearly in his interpretation methodology. His efforts to distinguish idea and character of the Ilahiyah permanence of Al-Qur'an from the permanence idea of its specific content a legal, through the tight historic approach about *wahyu* Al-Qur'an.<sup>26</sup> The aim of Al-Qur'an was to uphold a just and egalitarian social order as well as could remain in front of the earth.<sup>27</sup>

### C. The Interpretation Model of Al-Qur'an

Rahman began from his perception that Al-Qur'an and the originated community of Islam emerged in history and faced with the historically background in interpreting Al-Qur'an. Al-Qur'an was response of this situation most of it consisted of moral, religious and social statements that responded to specific problems and pointed to it in the concrete situation. Al-Qur'an occasionally only gave an answer for a question or a problem, usually is stated in limitations some ratio legist that explicit or an explicit noodles, occasionally also had the public's

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<sup>25</sup> Taufik Adnan Amal, *Islam dan Tantangan Modernitas*, Op. Cit., page. 100 and page 154

<sup>26</sup> *Ibid*, page 156

<sup>27</sup> *Ibid*, page 157

certain laws that were understood from time to time.<sup>28</sup> Even occasionally Al-Qur'an only gave simple answers that to understand reasons and to concludes laws generally with studying its materials background, that mostly was served in a quite clear manner by the interpreters of Al-Qur'an.<sup>29</sup>

However, Muslims did not discuss the basic problem concerning method and the interpretation way justly. Islam legal system in the middle time partly has wrought enough successes, because of realism was showed by general early Muslims, who took raw materials for the Islam law from the habit tradition and institutions of conquered countries, was modified in teaching Al-Qur'an and integrated with this teaching. On the other hand, where commentators of Al-Qur'an tried to conclude the law from Al-Qur'an in a manner of in abstract to, the results did not so satisfactory.<sup>30</sup>

The views above clearly showed how Rahman's conception about Al-Qur'an as the source of Islamic law and his dissatisfaction towards the available interpretation of Al-Qur'an. Afterwards Rahman considered that "Al-Qur'an especially was a book of religious calls and principles as well as moral, not a legal document (the law)".<sup>31</sup> So, the Islam source of the law, in the Rahman's view, were principles, values

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<sup>28</sup> Fazlur Rahman, *Islam and Modernitas*, *Op. Cit.*, page. 6

<sup>29</sup> *Ibid.*, page 6-7

<sup>30</sup> *Ibid.*, page 2

<sup>31</sup> Taufik Adnan Amal *Islam dan Tantangan Modernitas*, *Op. Cit.*, page. 159

and moral aims of Al-Qur'an. Because the foundation principles of Al-Qur'an. Stressed socio-economic justice and the essential equality of humankind, all the legislation of Al-Qur'an in the individual life and community life, even "five pillars" of Islam that is taken for granted was viewed as Islam teachings that had a purpose in social justice and the egalitarian development of the community.<sup>32</sup>

Therefore, what was done Rahman done, actually was based on Muslims need for an adequate theory in interpreting Al-Qur'an, specially gave the characteristics to the social teaching of Al-Qur'an.<sup>33</sup> Rahman criticized the interpretation method of Al-Qur'an that was carried out by classic and middle age mufassirs, whose hat his interpretation by means of taking and explaining the verse to verse, unsystematic, tendentious, defended the certain point of view and failed in raising the view Al-Qur'an about the nature and the life<sup>34</sup> or did not produce some *weltanschauung* (the view of the world) that cohesive (solidest) and were significant for the life on the whole.<sup>35</sup> However, Rahman still had the same opinion as the principle of the Muslim Scholar (mufassir) about *Al-Qur'an yufassir ba'dhuhu ba'dha* (the part of Al-Qur'an interpreted the other parts). In the Fazlur Rahman's discussion

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<sup>32</sup> Fazlur Rahman. *Islam dan Modernitas, Op. Cit.*, page 21

<sup>33</sup> Fazlur Rahman, "Menafsirkan al-Qur'an", and Taufik Adnan Amal (ed). *Metode dan Alternatif Neomodernisme Islam Fazlur Rahman*, Bandung: Mizan, Ed. I, 1987 page 54

<sup>34</sup> Fazlur Rahman, "Major Themes of The Qur'an", translation Anas Mahyuddin, Bandung: Pustaka, Ed. II, 1996, page ix

<sup>35</sup> Fazlur Rahman, *Menafsirkan al-Qur'an, Op. Cit.*, page. 54

Al-Qur'an interpreted the other parts). In the Fazlur Rahman's discussion that he said: ... the Qur'an has been moved to speak for it self.<sup>36</sup> As could be seen in the maudhu'i interpretation<sup>37</sup> (thematic) was entitled "Major Themes of the Quran". Further more, Rahman's offered his theory of the interpretation as follows:

### 1. The Moral Ideal Theory

Fazlur stressed that the foundation spirits of Al-Qur'an were as the moral spirit, social justice and economics grew from the foundation spirit of Al-Qur'an that was unconditional as long as involving humankind and his fate. Temporary, Al-Qur'an little by little outlined its view of the world with more complete, then orderly moral order of humankind up the center point of the interest of God in a full from an order-cosmic description that did not only contain the high religious sensitivity, but also showed the level and astonishing of coherence and consistency.<sup>38</sup> Because, Al-Qur'an emerged as a document from the beginning till finally always gave all the moral pressures, which necessary for the action of creative humankind.<sup>39</sup> Al-Qur'an was a book and moral calls of principles, not a legal document, although it contained

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<sup>36</sup> Fazlur Rahman's, *Teme Pokok al-Qur'an, Op. Cit.*, page x

<sup>37</sup> Dr. Ali Hasan al-Aridl, *Sejarah dan Metodologi Tafsir*, translations Ahmad Akron, Jakarta: Grafika Persada, 1994, page. 78. and Look, DR. Nasaruddin Umar, *Argumen Kesetaraan Gender Perspektif al-Qur'an*, Jakarta: Paramadina, Ed. I, 1999, page. 281-282

<sup>38</sup> Fazlur Rahman's, *Islam, Op. Cit.*, page 36

<sup>39</sup> *Ibid*, page 39-40

several statements of the important law, which was dismissed for the process of the management of the country's community in Madina.<sup>40</sup>

Afterwards Rahman explained, the social sector from Al-Qur'an orders had a situational background, as Al-Qur'an revelation which had the very concrete religion-social background in polytheism and the equilibrium sosio-economical the Makkah's community at the beginning of Islam; Al-Qur'an orders emerged not in some vacuum; but always descended as solution of actual problems. This situational background was acknowledged as "reasons of revelation" (*sha'an annuzul*), that was recorded in interpretations of Al-Qur'an.<sup>41</sup> Al-Qur'an usually also mentioned, both explicitly and implicitly, reasons for a statement that contained decisions or moral and legal principles. The understanding towards these reasons was very important for an understanding of legal statements or quasi-legal Al-Qur'an.<sup>42</sup> Therefore, various aims and principle of Al-Qur'an must be combined to produce a solid and comprehend sosio-moral theory that was based exactly to Al-Qur'an and Sunnah.<sup>43</sup>

So, Rahman, gave firm emphasis towards importance of historic approach or actual understanding of the Arabian community pre Islam condition and the Prophet's period in interpreting legal statements

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<sup>40</sup> *Ibid*, page 43

<sup>41</sup> Fazlur Rahman, and Taufik Adnan Amal. *Metode dan Alternatif Neomodernisme Islam*, Bandung: Mizan, Ed. I 1987 page 49

<sup>42</sup> *Ibid*, page 49

<sup>43</sup> *Ibid*

and sosio-economic of Al-Qur'an. He considered this approach as the only method that could be accepted and balancing intellectual demand or moral integrity. "Only by these ways a true appreciation towards the aims of Al-Qur'an and Sunnah could be reached". Afterwards Rahman's, stressed has aimed importance of the distinction between "ideal moral" Al-Qur'an from its legal specific provisions. According to him, "ideal moral more appropriate to be applied then its specific legal provisions."<sup>44</sup>

That very interesting in this Rahman's thinking was "Moral" principles "Al-Qur'an" which contains' implications law concept in Islam was "all the laws that were not compatible with moral principles of Al-Qur'an". The impact of this thinking, Rahman's tended to contextual progressive interpretation.<sup>45</sup>

Afterwards Rahman's gave statement "insisting in the literal implementation from rules of Al-Qur'an, closing eyes towards the real social change around us, is ingoring the aims (the goal) of its moral-social".<sup>46</sup>

## 2. The Double Movement Theory

The next Method Rahman's proposed was the double movement. In this Double Movement method he saw the current situation to the period which Al-Qur'an was unloaded, and again to the

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<sup>44</sup> Taufik Adnan Amal, *Islam dan Tantangan Modernitas, Op. Cit.*, page 189-190

<sup>45</sup> Ghufroon A. Masadi, *Op. Cit.*, page. 126.

<sup>46</sup> Fazlur Rahman's, *Islan dan Modernitas, Op. Cit.*, page 21



to the current period.<sup>47</sup> Rahman considered importance of viewing the social-historic condition of the Arabian community as the background of revelation of Al-Qur'an,<sup>48</sup> because Al-Qur'an is God's response, through prophet's memory and idea toward, to the Arabian moral-social situation in the Prophet's period, especially problems of the trade of the community in Makkah at that time. Moreover, in the early chapter of Al-Qur'an, it was clear that acute problems in the polytheistic Arabian community (worshipping the idols), exploitation of the poor, the win game in the trade, and lack of public's responsibility to the community (where there was strong reason to believe that Al-Qur'an considered those problems have each other relationship).<sup>49</sup> But Al-Qur'an, explicitly and implicitly, always provided reasons over solutions and these stipulations, which general principles could be deducted. These principles, according to Rahman, must be generalized to be used in formulating to day Islamic institutions.

From the Double Movement theory he proposed above, which consisted of two steps, *firstly* we must understand the meaning or the interpretation of a statement by analyzing situation or historic problem where the statement of Al-Qur'an was the answer. In other words, understand the meaning of Al-Qur'an wholly, besides in the limits of specific teachings as response of special situations. *The second step*

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<sup>47</sup> *Ibid*, page 6

<sup>48</sup> *Ibid*

<sup>49</sup> *Ibid*

was generalizing these specific answers and stating them as general moral-social aims statements that could be "refined" from specific verses sosio-historic and rations legist background.<sup>50</sup> Further more Rahman revealed:

"To built a set (equipment) of the law and Islamic institution, whatever that true and could remain (viable) must have a dual movement; *firstly* we must move from the handlings concrete of the concrete case by Al-Qur'an – by considering the relevance of social conditions at that time (that is when Al-Qur'an was revealed) - to general principles where the teaching of the whole Al-Qur'an was concentrated." *Secondly*, from this general level we must do the re-movement (returned) to the specific legislation, by considering the relevance of social conditions in the current period.<sup>51</sup>

Rahman suggested that the historic study<sup>52</sup> of Al-Qur'an has been done since a long time ago in the Islamic history. Muslims, according to Rahman, from a long time has realized how the importance of historical context understanding of Al-Qur'an the meaning of its message. This awareness was pointing in the arising of various literature *asbab Al-nuzul*, that was historic materials to understand parts and orders of Al-Qur'an. The compilation of literature *asbab Al-nuzul* by the beginning Muslim, in Rahman's view, was not intended to restrict the

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<sup>50</sup> *Ibid*, page 7

<sup>51</sup> *Ibid*, page 22-23

<sup>52</sup> Ahmad Hasan. "The Early Development of Islamic Jurisprudence", Translations. Agah: Garnadi, *Pintu Ijtihad Sebelum Tertutup*, Bandung: Pustaka, Ed. II, 1994, page. xvii

message of Al-Qur'an, but helped to understand the real meaning of this holy book. "Therefore, the objection (occasionally was revealed) that Al-Qur'an - through the raised method - will be limited to in place and period, absolutely did not have the space. On the other hand, without efforts to understand Al-Qur'an in historical context, it was impossible to catch the actual meaning."<sup>53</sup>

#### D. Fazlur Rahman's View About Polygamy

Rahman's as Islamic neomodernism very was strict in viewing Islamic law problems. Although he was not an expert fiqh, his view was different from previous to Muslim scholars of fiqh, and even seemed controversial. It could be seen in veining principles in marriage law in Indonesian:

*Firstly* Rahman's clearly refused polygamy and gave more priority on monogamy principle. This was based on the Rahman's understanding of QS. An-Nisa, third verse:

**"If ye fear that ye shall not be able to deal justly with the orphans, Marry women of your choice, Two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one, or (a captive) that your right hands possess, that will be more suitable, to prevent you from doing injustice".<sup>54</sup>**

From this verse, Rahman's saw the existence of contradiction between permission to have wives and four (polygamy) with the

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<sup>53</sup> Fazlur Rahman's, *Menafsirkan al-Qur'an, Op. Cit.*, hlm. 57

<sup>54</sup> Depag RI, *al-Qur'an dan Terjemahnya*, Semarang: CV. Wicaksana, 1994. page 115.

condition to do justice to the wives. Rahman's said the contradiction based Al-Qur'an that doing justice these wives was impossible. Al-Qur'an, chapter An-Nisa 129<sup>th</sup> verse:

**"Ye are never able to be fair and just as between women, even if it is your ardent desire: But turn not away (from a woman) altogether, so as to leave her (as it were) hanging (in the air). If ye come to a friendly understanding, and practice self-restraint, Allah is Oft-forgiving, most Merciful."<sup>55</sup>**

*Secondly* Rahman's in the traditional interpretation, permission to do polygamy had strength of the law, and the obligation did justice to the wives was surrendered to the husbands windiness, (although the traditional Islamic law gave the right to women to ask for help or divorce if they were tortured or treated cruelly by the husband), for Rahman's that still being refused. In this case, Rahman's considered that it should performed re-analysis of the polygamy permission, because polygamy will make dichotomy between the husband's right and the wife.<sup>56</sup>

*Thirdly* Rahman's said, understanding as the view above from the law aspect, justice had the negative position because it was only depended on the husband's kindness that will must be violated practically.<sup>57</sup> So, the obligation to do justice was not only in the physical treatment because it was impossible to say it is impossible to be carried out. During justice was only interpreted as love, Al-Qur'an points out at

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<sup>55</sup> *Ibid.*, page 143-144.

<sup>56</sup> QS. *an-Nisa'* ayat 129 and Fazlur Rahman's, *Tema Pokok al-Qur'an, Op. Cit.*, page .69).

<sup>57</sup> *Ibid.*, page. 69

Ar-Ruum 21<sup>st</sup> chapter. <sup>58</sup> So, justice that was demanded in the implementation of polygamy was the equality in obtaining the rights of husband of wife like distribution of the livelihood and rotating. Whereas, feeling of love to someone was humankind character that was not in contact with demand to do justice. This implementation of justice was returned to the husband's policy.

Why justice was needed and must be filled as ultimate requirement? According to Rahman's from historic guidance that Islamic reformation in the marriage law close related to the maintenance of orphan children and woman emancipation (equality of gender). For Rahman, social reformation of Al-Qur'an wholly aimed to strengthen the community's weak parts, so this reform should be understood by giving differences between law regulations and moral orders. <sup>59</sup>

Some fact showed child's discrimination, both of male or female orphan child. So after cursing this deed, Al-Qur'an allowed to marry the other woman until four by doing justice as it was required. Therefore, the great aim of implementation of justice was to protect the weak group. <sup>60</sup>

So, in analyzing Islamic marriage principles, Rahman raised formulation of the problem which based on:

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<sup>58</sup> Depag RI, *Op. Cit.*, page. 644.

<sup>59</sup> Fazlur Rahman, *Tema Pokok al-Qur'an, Op. Cit.*, page.68

<sup>60</sup> QS. 3:2 and QS. 8:41; 59: 7).

1. There was permission to marry until four wives.
2. There was the demand to carry out justice.
3. There was categorical declaration, that justice was impossible to be applied.<sup>61</sup>

Rahman's view above, was reinforced by Muslim modernist who tended to give priority that the obligation to do justice was impossible, they said that permission to apply polygamy was just for certain time, and for certain aims too. It seems true that permission to apply polygamy was to reach ideal moral of Al-Qur'an that must be fought for by the community. Because the polygamy could not be eliminated at all, as we also could find the similar phenomenon in connection with slavery.<sup>62</sup>

In Muslim Modernist conception based on the historic aspect of polygamy in Islam with four wives for justice requirement was the step in order to restrict the Arabian before Islam level polygamy. On the other hand, the guidance of Al-Qur'an wanted relations between husband and wife based on love and affection. Therefore, when Al-Qur'an appointed the impossibility for humankind to carry out justice among several wives, that was the guidance of impossibility in loved to more than a woman by the same means.<sup>63</sup>

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<sup>61</sup> Fazlur Rahman, *Menafsirkan al-Qur'an*, Op. Cit. page. 63

<sup>62</sup> Fazlur Rahman, *Tema Pokok al-Qur'an*, Op. Cit., page.70)

<sup>63</sup> Taufik Adnan Amal, *Islam dan Tantangan Modernitas*, Op. Cit., page. 89.

So, this Muslim Modernist group stated, justice in this case was the general principle that was not only made recommendation material because it was basic principle to be carried out firstly. This law enforcement with moral approaching was because Al-Qur'an was addressed to a community with the special social structure at first, it was only aimed the certain purposes of doing justice. If the Prophet wanted, then the Prophet could make the very pompous moral formulations at all. But, the Prophet cannot uphold the community's order as the moral goal in Al-Qur'an. Therefore, both of the moral and the law were needed.<sup>64</sup> The same case was the marriage, Al-Qur'an acceptance of polygamy was marked by the restriction of the wives number as well as the moral plan submission. Therefore, the acceptance was only tentative because the Arabian status quo that still did not yet enable, whereas the moral plan that was put forward by the community in stages (gradual) was expected to be able to head in monogamy.<sup>65</sup>

Fazlur Rahmian said, both of monogamy and polygamy could not be viewed as the unique originating arrangement from Allah that was allocated for each community to each period, and the agency and from both of them could be applied related to the communities condition, despite in the exact condition, monogamy was the ideal form,<sup>66</sup> but

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<sup>64</sup> Fazlur Rahman, Islam, *Op. Cit.*, page 340-341.

<sup>65</sup> Taufiq Adnan Amal, *Islam dan Tantangan Modernitas*, *Op. Cit.* page. 90. and Fazlur Rahman, Islam, page. 29

<sup>66</sup> Fazlur Rahman, Islam, *Ibid*, page, 29

legally polygamy was admitted as a protracted agency "with the provisions", when the social situation permitted, monogamy was upheld.<sup>67</sup>

Therefore, from the "ideal moral a double movement" theory Fazlur Rahman had developed was based on the statement of Al-Qur'an about the marriage principles on the whole; it was the banning of polygamy in the normal situation.

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<sup>67</sup> *ibid.*



## CHAPTER IV

### FAZLUR RAHMAN'S VIEW ABOUT POLYGAMY AND ITS RELATION TO ISLAMIC FEMINISM PERSPECTIVE

#### A. The Thinking Feature of Fazlur Rahman's

The Methodology, according to an expert, was interpreted as theoretical concept discussions of various related methods in a knowledge system. If Islamic law was viewed as a knowledge system, then what were intended of methodology in Islamic law was the discussions of the basic concept of Islamic law and how this Islamic law was studied and formulated.<sup>1</sup>

In the preface of *Islamic Methodology In. History*, Rahman's hoped:

"I only could ask so that they study studied this important problem with the objective attitude and honesty towards the history." I myself as a Muslim was convinced that both Islam and Muslims will not run at a loss because of considering history facts as actual; in fact was the reverse as the other truths of the truth of the history will strengthen Islam.<sup>2</sup>

Therefore, Rahman's viewed the importance of understanding the actual condition of pre Islamic Arabian community and the Prophet's period in the framework of interpreting legal statements and socioeconomic of Al-Qur'an. This historical approach in fact has been

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<sup>1</sup> Ghufroon A. Mas'adi, *Pemikiran Fazlur Rahman's tentang Metodologi Pembaharuan Hukum Islam*, Jakarta: Raja Grafindo Persada, Ed. II, 1998, Page. 2

<sup>2</sup> Fazlur Rahman's, "*Islamic Methodology In History*", Translate. Anas Mahyuddin, *Membuka Pintu Ijtihad*, Bandung: Pustaka, 1995, Page. xi.

considered as the only method that could be accepted and could be current just to the demand of the intellectual or the moral integrity: "Only by this way a true appreciation towards the aims (the goal) of moral Al-Qur'an and Sunnah could be reached."<sup>3</sup>

"According to Hasan Ahmad if seeing the Islamic picture of jurisprudence in the beginning period that emerging from works then, was actually also the results of the development of the history". Therefore the exact method was by doing critical analysis on the problems of the law personally and his discussions on the books of the early law, and taking the conclusion from this analysis.<sup>4</sup>

What was meant by Hasan Ahmad with the critical analysis, according to the Ghufron A. Mas'adi analysis that, also used by Rahman. In his books, Rahman often mentioned historic-critical method and hermeneutic method. Historico-critical method (the critical history method) was a historical approach that in principle aimed at finding objective facts intact and looking for the certain value that was contained inside. So, that what was stressed by this method is the expression of the values that was contained in several historical data, not the history it self.

<sup>5</sup> The critical historic method is different to sociohistoric, although the two methods together tried to answer the question "why". Historico-

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<sup>3</sup> Taufiq Adnan Amal, *Islam dan Tantangan Madernitas, Studi Atas Pemikiran Fazlur Rahman*, Bandung: Mizan, Ed. VI, 1996, Page. 189.

<sup>4</sup> Ahmad Hasan, "*The Early Development of Islamic Jurisprudence*", Terj. Agah Garnadi, *Pintu Ijtihad Sebelum Tertutup*, Bandung: Pustaka, Ed. I 1984, Page. xvii

<sup>5</sup> Ghufron A. Mas'adi, *Op.Cit.*, Page. 62-63

critical method look for his answer in the value (values) that dominant in the history data, while the sosio-historic method look for his answer in the context and the background of the history incident.<sup>6</sup>

The excavation towards this historic aspect, very important for the development of the Islamic law, so as in the context of Islamic thinking of legal reform, concrete problems today could be found by an answer, if referring in two steps. *Firstly* someone must understand the meaning or the meaning of a certain statement with studied the situation or the historic problem where this statement was the answer. Of course, before studying the specific texts in his specific situation radiation, a study of the public concerning the macro situation that in his community's limitations, the religion, the customs and traditions, institutions in fact about the life comprehensively in Arabia at the time of the Islam presence could not be set aside. *Secondly*, generalized specific answers of Al-Qur'an from sosio-historic background and the ratio-legis. Afterwards could be found an answer to concrete problems today.<sup>7</sup> And with the historic study, Rahman tried to find the roots that cause the Islam intellectualism impasse generally, and the roots of the cause of the impasse of legal thinking specially and at the same time formulated in the methodical concepts.<sup>8</sup>

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<sup>6</sup> *Ibid*, hlm 63

<sup>7</sup> Ahmad Rofiq, "Pendekatan Historis-Sosiologis dalam Formulasi Hukum Islam, Studi terhadap Pemikiran Hukum Fazlur Rahman", *Majalah Jurnal Justisia*, Ed.19 th. IX 2001, Page. 61

<sup>8</sup> Ghufroon A. Mas'adi, *Op. Cit.*, Page. 6

Further the second method that is *Hermeneutics method*,<sup>9</sup> was the method of understanding and interpreting the old texts like the text of the holy book, the history, the law. The operation of this method was used to receive the conclusion of the meaning of a text (the article), and the hermeneutic method always related with three aspects from the text, that is: a). In what context the text was written (in what context the article was revealed); b). How the composition of text grammar (the article) (how was the expression, what was said); and c). How the whole text (the article) the *Weltanschauungs* or the philosophy of life. Often the difference of opinion could be traced from the variation in the emphasis of the three aspects.<sup>10</sup>

The texts of the holy book were the God's inspiration, like Qur'an, Taurat, the Psalm etc in order to be able to be understood, it was needed an interpretation efforts. The historical text that was written in several centuries with complicated language, could not be understood in the certain period without the exact interpretation. The body of the dense law also needed interpretation efforts, because the provisions of the law contained several aspects, that is that explicit or implied, or between the legal sound and the spirit of the law.<sup>11</sup>

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<sup>9</sup> E. Sumaryono, *Hermeneutik Sebuah Metode Filsafat*, Yogyakarta: Kanisius, 1999, Page. 23

Aristoteles *Peri Hermenias* or *De Interpretatione* or *Ibid*, Page 24

Menurut F.D.E. Schleiermacher (1768-1834) or Look in E. Sumaryono, *Ibid*, Page. 41

<sup>10</sup> Amína Wadud Muhsin, *Wanita di dalam al-Qur'an*, Terj. Yaziar Radianti, Bandung: Pustaka, Cet. I, 1992, hlm. 4.

<sup>11</sup> Ghufron A. Mas'adi, *Op. Cit.*, Page.68-69

In this matter of the method, Rahman used to interpret Islam Normative, that is Al-Qur'an, along concerning principles hermeneutic: understood the text on the whole not in a manner piece by piece, understood the text according to his creator's desire, turn on came back in the subject situation that interpreted him.

Concerning the important meaning and the use of the hermeneutic method to understand Al-Qur'an, it was stressed by Rahman in one of his articles he said:

"beside interpretation books, Muslims formulated a large number of works concerning methods or principles of the interpretation of Al-Qur'an that was mentioned "*ushul Al-tafsir*", they carried out a big service for understanding efforts Al-Qur'an, his literal and metaphorical use of the language, also in distinction between articles that had the understanding of the public and especially, etc." These efforts in fact very important for the understanding of the text in Al-Qur'an. Nevertheless was received by an urgent requirement for the theory hermeneutic that will help we in understanding the meaning Al-Qur'an intact. So, as theological ethical and legal parts Al-Qur'an became a comprehensive unity and solid".<sup>12</sup>

In the Rahman thinking, the two scientific methods that was delivered above, was two closely connected methods. The critical history method functioned as efforts to deconstruct the methodology, whereas the hermeneutic method was function etc as reconstruction efforts.<sup>13</sup> Temporary in the normative study (the implementation of the hermeneutic method in interpreted Al-Qur'an) Rahman used the socio-historic method as means in finding the related social context.

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<sup>12</sup> Fazlur Rahman. "*Interpreting The Qur'an*", Inquiry (Mei, 1986), Page.45 interpretations Ghufron A. Mas'adi, *Ibid.*, Page.72

<sup>13</sup> Ghufron A. Mas'adi, *Ibid*, 73

Therefore, of the interpretation methodology that was offered by Fazlur Rahman was in the framework of avoiding the growth of *Ijtihad* that arbitrarily. This methodology was also needed for the scientific accuracy criterion, and to avoid the opinion that arbitrarily, so that *ijtihad* could be placed in the exact foundations as far as possible.<sup>14</sup>

From this analysis, apparently here that Fazlur Rahman appeared as the noose that revered the freedom to think argumentative and constructive, with the transduction against Al-Qur'an (Qur'an oriented) that increasingly strong and his effort not trapped in dogmatization of his preceding though. Rahman wanted to see Islam in the historical and moral norm context. And he wanted to point out his own thinking originality.<sup>15</sup>

#### **B. Fazlur Rahman's Thought On Polygamy And It's Relevance With The Islamic Law In Indonesia**

As that was revealed beforehand, Fazlur Rahman believe that Al-Qur'an in accepting polygamy only temporary and making the improvement through legal plans. Essentially of the moral goal Al-Qur'an headed in the concept of monogamy.<sup>16</sup> This opinion, Rahman's suggest was based on the Qur'anic argumentation personally that included in the

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<sup>14</sup> Fazlur Rahman, "*Islam: Challenges and Opportunities*", Trans. "*Gerakan Pembaharuan Dalam Islam Di Tengah Tantangan Dewasa Ini*" dalam *Perkembangan Modern Dalam Islam*, Harun Nasution dan Azyumardi Azra, Jakarta: Yayasan Obor Indonesia, 1985, Page. 36

<sup>15</sup> Tafsir dkk., *Moralitas al-Qur'an dan Tantangan Modernitas*, Yogyakarta: Gama Media, Ed. I, 2001, Page.76

<sup>16</sup> Taufiq Adnan Amal dalam *Metode dan Alternatif: Neo Modernisme Islam Fazlur Rahman, Op. Cit.*, Pge, 90.

letter Al-Fathir: 11 and the letter Al-Dzariyaat: 49. In one of the interviews at the time of his visit to Indonesia, Rahman raised his opinion about polygamy, as follows:

"Some countries, including Indonesia, dismissed the ban on polygamy, if not receiving permission from his first wife." I did not ban polygamy, but did not facilitate him. What was easy to do just against the wife?<sup>17</sup>

Rahman also revealed that Al-Qur'an clearly revealed about the impossibility for the husband could done justice to his wives although he really wanted as included in the letter an-Nisa: 129.

Based on this article Rahman believe that clearly the holy book said that it is impossible to love more than a woman in the same agenda.<sup>18</sup> Further Rahman said, in the article of 3 letters of An-Nisa justified the existence of polygamy, but that was to receive temporary the Arabian social structure about the living habit of polygamy, but in it's essence, ideal moral Al-Qur'an was monogamy.<sup>19</sup>

In spite of that in the Islamic Law in Indonesia, was based on available regulations, like regulations of No. 1/1974 about the marriage that stated the marriage principle followed was monogamy, the Article 3 (1) mentioned that the principle in a marriage of a man only might have a wife.

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<sup>17</sup> Dikutip dari Muhammad Azhar, "*Fiqh Kontemporer dalam Pandangan Neomodernisme Islam*", Yogyakarta: Pustaka Pelajar, Ed. I, 1996, Page. 7b.

<sup>18</sup> Fazlur Rahman, *Islam, Op. Cit.*, Page. 69.

<sup>19</sup> Fazlur Rahman, Tema Pokok al-Qur'an, *Op. Cit.*, Page. 68.

Although in these regulations still accommodate the existence of polygamy. The article 3 (2) UU No. 1/1974 mentioned that the "court could give permission to a person if someone was desired by relevant teams". However the husband must put forward the request and obtained permission from the court.

And the court could give permission to someone to be able to carry out polygamy when filling all the conditions that were determined by regulations, both alternative condition and the cumulative condition.<sup>20</sup>

From the two explanations above, there was a similarity between the Fazlur Rahman's opinion and the provisions that were contained in regulations in Indonesia that could be analyzed by the writer, that is:

### **1. The Monogamy Principle in the Marriage Law in Indonesia**

Fazlur Rahman's said that Islam with the Qur'anic moral goal in the marriage law was the monogamy principle. In spite of that in the Islamic law in Indonesia, through marriage regulations No. 1/1974 article 3 (1) mentioned that in principle a marriage of a man only have a wife or in other words the marriage principle followed was monogamy.<sup>21</sup>

Actually if we paid attention on conditions of being to able polygamy, quite difficult with the aim so that a man not in any way did

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<sup>20</sup> UU No I/ 1974, Look in KHI, PP. RI. no. 9/1975 for PNS there are rule PP. RI. No. 10/1983.

<sup>21</sup> Look UU No.1/1974



polygamy including also was married separated. Where as when being researched further formally, many men that did not fill the condition in polygamy, but only was encouraged by the lust desire. Therefore when compared with adultery and prostitution, polygamy was the way out or the alternative for the man who wanted to distribute his sexual desire to the other woman outside his first wife. But the problem was not limited on this matter, in polygamy could be related to the other problem.

Husband that was not able to carry out polygamy then carried out its risky action, so the woman that became casualties, both the young wife and his old wife, also how their children, life, education, welfare and their also future.

Fazlur Rahman said that be based on in the provisions of QS. An-Nisa 129 that is meant in the Islam marriage was monogamy, whereas the existence of polygamy according to him only temporary. That was the policy of Al-Qur'an to receive temporary the Arabian social structure that in a manner of tradition lived polygamy. Therefore could be concluded that between Fazlur Rahman opinion and the provisions of Islamic law in Indonesia basically was the same that is the marriage principle meant was monogamy, but based on the further regulation still gave tolerance for polygamy with conditions that is appointed tightly.

## 2. The Condition for Polygamy in the Marriage Law in Indonesia

Rahman's stressed that just as the condition in polygamy like that was stressed by Al-Qur'an was very impossible. Because according to him just to the wife was unlimited in the livelihood and the turn, but was related to the heart and the love. This opinion when being connected with the compilation of Islamic law in Indonesia about "had More Than one Person as a wife", "the" article" 55 letter 2 said that the main condition married more than a person; the husband had to be able to conduct justice against the wives and his child.<sup>22</sup> Though this article explicitly permitted of polygamy, but in this article was not explained about criteria of doing just attitude against the wife. So, here needed the explanation about the meaning of the husband's justice against his wives. Then in the article 3 explained that if the main condition that was mentioned to the article (2) was not possible to be filled, the husband was banned married more than someone.

Nevertheless, could be concluded that the justice principles appropriate stated by Rahman's and was poured in Islamic Law in Indonesia, really was difficult to do. So the writer concluded that the problem of polygamy was not the problem of justice, but because of the certain factor.

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<sup>22</sup> H. AbdurRahman's, SH. MH., *Kompilasi Hukum Islam Di Indonesia*, Jakarta: Akademika Pessindo, Ed. II, 1995. Page.126

### C. Fazlur Rahman's View About Polygamy in the Islamic Feminism Perspective

#### 1. The Thinking of the Islamic Feminism Movement Its Principle with Polygamy

As that was discussed before, Feminism Muslim have the view that the worrying situation that was experienced by the woman not caused by the Islam basic teaching (the Islam concept) that placed the woman under the man in the social structure (as that was accused by West), but caused patriarchy hegemony in the world (Arabian) Islam<sup>23</sup> and the "male ray" in understanding Islamic sources of the teaching that application in the community life formed the Islamic tradition.<sup>24</sup> The bias understanding deviated from the spirit of the foundation of Al-Qur'an so if has real impact in giving the rights to the woman in the community life.<sup>25</sup> The condition like this, in development was regarded as the teaching that must be received and maintained.

Muslim's Feminism effort to end this situation and to obtain justice and equality in relations between the man and the woman was done and reviewed Islam sources of the teaching.<sup>26</sup> In their study, they

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<sup>23</sup> Sidiq, "Gender dan Reformasi Ketentuan Poligami dalam Hukum Keluarga Islam", *Jurnal Ilmu Syari'ah, al-Ahkam*, Ed. 1, No.1, Maret 2003, Page. 54

<sup>24</sup> Fatima Mernissi and Rifat Hasan, *Setara di Hadapan Allah: Relasi Laki-laki dan Perempuan dalam Tradisi Islam Pasca Patriarki*, Trans. Tim LSPPA, Yogyakarta: LSPPA, 1995, Page. 67-68

<sup>25</sup> Asghar Ali Engineer, *Hak-hak Perempuan Dalam Islam*, terj. Farid Wajdi dan Cici Farkha Assegaf, Yogyakarta: Yayasan Bentang Budaya, Ed. II, 2000, Page. 63, and Look in Zakiyuddin Baidhaw, *Wacana Teologi Feminis*, Yogyakarta: Pustaka Pelajar, Ed. I, 1997, Page. viii

<sup>26</sup> See Zainab al-Ma'adi "Al-Mar'ah bayan al-Tsaqowi wa al-Qudsi" and Leela Gandhi, In Introduction *Teori Poskolonial: Upaya Meruntuhkan Hegemoni Barat*, Translate. Yuyun Wahyutri and Nur Hamidah, Yogyakarta: Qalam, 2001, Page. xii

made use of the gender analysis approach towards rumors or the related topic with the position of the woman in the social structure.<sup>27</sup> These results of the study reflected their view of rumors that they adopted, that generally was the opposite with the previous results and also the practice the Muslim community life connecting. With the aim of this research, the discussion will be restricted only to the problem of polygamy. However before serving their view about polygamy, the writer at first will discuss the method that was used by them in studying the sources of the Islamic Law.

Although having the same aim that is to obtain the understanding of justice and equal, the study method that used by Muslim Feminis was not the same. In the study about the position of the woman in Al-Qur'an for example, Amina Wadud Muhsin used hermeneutic interpretation method.<sup>28</sup> Basically this method considered that articles of Al-Qur'an was revealed when of certain history as well as the common and special situation that accompanied an also use of the expression that relatively concerning with a situation.<sup>29</sup> Nevertheless, the message that was contained was unlimited only for one condition. The understanding of this condition was used to comprehend the idea or the

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<sup>27</sup> Mansour Fakih, "Posisi Perempuan Dalam Islam: Tinjauan Dari Analisis Gender", in Mansour Fakih dkk. (ed), *Membincang Feminisme Diskursus Gender Perspektif Islam*, Surabaya: Risalah Gusti, 1996, Ed. 1, Page. 45-48

<sup>28</sup> Amina Wadud Muhsin, *Op. Cit.*, Page. 4-5

<sup>29</sup> *Ibid*, Page. 5

spirit of the article, that further in the practical application, this idea was reflected in the new environment.

In interpreting articles that mentioned about the woman, both alone and was separated from the man, Amina interpreted Al-Qur'an with Al-Qur'an, that is analyzing the meaning of the article with the method as follows: 1. According to the context; 2. According to the context of study about the same topic in Al-Qur'an; 3. From language and structure of the same syntax that was used in another place in Al-Qur'an; 4. From the principle of Al-Qur'an that refused him; and 5. According to the context weltanschauung Al-Qur'an its his view of the world.<sup>30</sup> Concerning this, often the different opinion could be traced from the variation of the aspect emphasis.

Despite not as explicit Amina, Apparently Riffat Hasan use method that was not far different in interpreting the article of Al-Qur'an. More than that, Riffat also tested the authenticity from the internal and external aspect of hadits-hadits that related with the position of the woman, which he considered as the main source of the deviation understanding that man based and cause male supremely against woman.<sup>31</sup> With this method, Riffat hoped could show that the woman and the man had the position that was equal.

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<sup>30</sup> Look Amina Wadud, *Qur'an Menurut Perempuan: Meluruskan Bias Gender Dalam Tradisi Tafsir*, Jakarta: PT. Serambi Ilmu Semesta, 2001, Page. 38

<sup>31</sup> Look Fatima Mernissi dan Riffat Hasan, *Op. Cit.*, Page. 35

Afterwards Asghar Ali Engineer although with different expression, but also use the similar method. In his view, the texts of the source of the teaching contained the normative and contextual meaning. Therefore, to fill if, the related text with the woman must be seen in connection with the historical context to obtain the normative understanding. With the understanding, the next Asghar reformulated the understanding in the current context.<sup>32</sup>

Not as the Classic Muslim Scholar, the study method that was used by Muslim Feminis, was unlimited only to understand related articles with the law, but also in all of the studies that were related to the relations of gender. This could be understood because their concern not motionless only to the certain field studies, but rather directed in related rumors with gender equality as far as the Islamic passage of the field study. Nevertheless, on the following study will be restricted only to the problem of polygamy.

In the problem of polygamy, as the statement of Al-Qur'an (QS. 4:3) Muslim Feminist considered that literally gave the guidance about the existence of the dissimilarity of the right between the man and the woman. In this case, the man might have the valid couple (through married) more than one maximally four women, while the woman only might have the valid couple of a man. From this statement, not Islam

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<sup>32</sup> Look in Asghar Ali Engineer, *Op. Cit.*, Page. 64

taught polygamy, but indeed the polygamy institution was there before Islam, in fact without the limitation of the number of female couples.<sup>33</sup>

In the Amina Wadud Muhsin view, basically the form of the marriage that was desired by Al-Qur'an was monogamy.<sup>34</sup> This because he really stressed the main principle in social relations, especially against the wife, namely justice, some that really difficult to be reached. He based his opinion to Al-Qur'an (4:129) "*Wa lan tastathiu an ta'dilu bainan nisaa'i although harostum.....*". This article was supported by the article (2:187) "*Hunna Libasun Lakum wa antum libasun lahun...;*", that pointed out equality, as the reflection from justice." Even so the article (30:21) that stressed about the aim of the marriage, namely the formation of the "peace" family that be full of "*mawaddah wa rahmah*", according to him will not be possible to be reached if the husband that at the same time as the father, divided his love to more than one family.

Further, although giving the opportunity for the man to have wives until maximal four people, Al-Qur'an demanded the heavy condition, that almost impossible to be filled. In the Qur'anic interpretation (4:3), that also became the foundation for the supporter of polygamy, Amina said that this article, firstly was linked with the order to the guardian to treat the child, the woman that was under his responsible justly in the wealth management as named in the article

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<sup>33</sup> Abdur Rahman I. Doi, "*Shari'ah The Islamic Law*", Translation. Basri Iba Asghary dan Wadi Masturi, *Perkawinan Dalam Syari'at Islam*, Jakarta: Rineka Cipta, Ed. 1, 1992, Page. 43

<sup>34</sup> Amina Wadud Muhsin, *Wanita di dalam al-Qur'an, Op. Cit.*, Page. 112

beforehand. Secondly, as the way out to prevent the mistake in caring the child {yatim}. This article recommended to the guardian to marry the child yatim justly.<sup>35</sup>

Further, Amina also criticized the reason that was raised by the supporters of polygamy, what he said did not have foundation in Al-Qur'an, that is financial (the adequacy of the wealth to give the livelihood of more than one wife), the wife could not give birth to the child, and supported the sexual desire that was not controlled from the man who was not fulfilled with only one wife.<sup>36</sup> These reasons according to him only were sought and completely did not reflect justice, which became the spirit of Al-Qur'an.

Different from Amina, **Asghar Ali Engineer** believes that Al-Qur'an indeed permitted the man to marry more than a woman. According to him, the understanding of the article (4:3), that permitted polygamy, must be read intact and contextually in Connection with the previous article.<sup>37</sup>

Further **Nasaruddin Umar**, considered that the article 3 in the Letter an-Nisa used *shighah* the public, that is making use of the ordinary pronoun (*khiftum, tuqsithuu, fankihuu, aimaanukum, and ta'uulu*), and this article descended to respond to some because especially

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<sup>35</sup> *Ibid*, Page. 111-112

<sup>36</sup> *Ibid*, Page. 113-114

<sup>37</sup> Asghar Ali Engineer, *Op. Cit.*, 153-154



that is the case of **Urwah bin Zubair**.<sup>38</sup> For the Vulture, with made use of the method *maudlu'i*, and these provisions was docked with QS. 4: 129, that as if no relevance the just condition could be carried out by humankind, pointed out the refusal polygamy or most more did not tighten the implementation of polygamy.<sup>39</sup>

So also Nawal EL Saadawi, stated that Islam forbade polygamy, because of the man to be not permitted to marry more than one woman except for he could be current just as well as not differentiate between they in the smallest level although and Al-Qur'an personally also stated his impossibility as QS. 4: 129. Afterwards, the mind believe that married many women, this means that a preference for the wife who just was upper the wife beforehand. This comlauded has been enough to make the equality and justice became something that impossible although the man a prophet although.<sup>40</sup> The fact is Rasulullah personally could not treat his wives with the unconditional equality. As for example to be the distribution of the night that must be finished by him with them in a same manner so as to enjoy the same opportunity to be accompanied, for the love and the happiness. However, the Prophet more chose Aisyah than his wife that other as well as loved him more in.<sup>41</sup>

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<sup>38</sup> Look in Nasaruddin Umar, *Argumen Kesetaraan Gender Perspektif Al-Qur'an*, Jakarta: Paramadina, Edition. I, 1999, Page. 282-283

<sup>39</sup> *Ibid*, Page. 283-284

<sup>40</sup> Look in Nawal El Saadawi, "*The Hidden Face Of Eva*", terj. Zuhilmiyasri, *Perempuan Dalam Budaya Patriarkhi*, Yogyakarta: Pustaka Pelajar, Edition. I, 2001, Page. 396-397

<sup>41</sup> Lebih lanjut lihat dalam *Ibid*.

From the analysis above, visible clear that in the view Feminist Muslim, polygamy not the right that all of a sudden could be owned by the man. But, polygamy was regarded as the method that very wise to restrict the practice that was carried out by the current Arabian community before Islam. The emphasis in justice apparently was the road that very soft from Al-Qur'an to stress the principle of monogamy.

Further Feminis Muslim believes that polygamy that was permitted by Al-Qur'an not the unconditional right that was owned by the man. This determining of polygamy they, the look as the process of heading the monogamy stipulation. This because of the restriction on the wife maximum four people when being seen from the context of the fall wahyu this has been the Islam revolution towards the culture and the practice of the life at that time, the condition justice that almost was not possible to be fulfilled, gave the guidance that in principle the marriage that was supported by Al-Qur'an was monogamy.

## **2. The Islamic Feminism perspective to wards his Idea Fazlur Rahman's about Polygamy.**

From Thinking Fazlur Rahman's about his refusal was upper polygamy in the normal situation was one with the struggle Feminis Muslim that will search fiqh the new woman, that was based by an action realized to change the condition injustice that was experienced by the woman.

Could be seen in a research about polygamy, that was carried out by the Advocacy Agency and the Legal Aid (LABH) in Yogyakarta, showed that most men agreed polygamy. According to the data that was received from 1000 re-polls 800. 52,5 percent him said agreed. Halimah Ginting (this Director LABH) concluded, this figure showed arrogance the excessive man. Because of this poll also showed, the man that agreed polygamy did not know conditions that must be filled by the man so that might polygamy.<sup>42</sup>

So also Roger M. Keesing (the cultural Anthropologist), considered that polygamy only was carried out by the rich man or was located just high, or by each man in the community. Generally polygamy formed couples that his age was not equal, because the second or following wife was received when a man received the authority and the prestige in the middle-aged age.<sup>43</sup> Further in the structure of the polygamy family, dealt with various structural problems that were difficult that be related to about matters as the use, the authority and the impact of resources delivered the interest (conflict of interest)<sup>44</sup> in relations with children and sexual jealousy.

Towards discussions concerning polygamy, which became part of the relations discussion gender in this community was to be the problem of the religion that dimension social, Al-Maraghi, a moderate

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<sup>42</sup> Look in *Jawa Pos*, minggu 17 November 2002, Page.17

<sup>43</sup> Roger M. Keesing, *Antropologi Budaya Suatu Perspektif Kontemporer*, Translation. R.G. Soekadijo, Jakarta: Airlangga, 1992, Edition II, Page. 16

<sup>44</sup> *Ibid.*

interpretation expert, said that his regulation must relevance with the development of the community.<sup>45</sup> Especially Al-Haitami said that the assumption about the superiority of the man against the woman only was the generalization completely. The fact showed that many women had the comparable capacity and were equal.<sup>46</sup>

Therefore from thinking Fazlur, could be known that actually Merciful very interested to build again his awareness of Moslems of history responsibility with the strong moral foundation towards the formation "*fikih Islami*" that just between man and the woman.

Therefore, Riffat Handsome said, "Although everything has proceeded wrong in the life of the Muslim woman that was not counted on for centuries this, I really was convinced, still had hope in the future, because of the increase in the amount of Moslems (both the man and the woman) that began to carry out dreams that increasingly deep towards the teaching Al-Qur'an." In Al-Qur'an was seen clear that the highest task that was entrusted the Lord to humankind as the representative of the Lord in front of the earth, only could be completed with left views and the values that the ray against the woman."<sup>47</sup>

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<sup>45</sup> Siti Ruhaini Dzuhayatin, "*Agama dan Budaya Perempuan: Mempertanyakan Posisi Perempuan Dalam Islam*", Interpretation Ahmad Mustafa al-Maraghi, "*Tafsir al-Maraghi*" dalam Irwan Abdullah (ed), *Sangkan Paran Gender*, Yogyakarta: Pustaka Pelajar, Edition 1. 1997, Page. 78

<sup>46</sup> Al-Haitami, "*Tafsir al-Haitami*", In the *Ibid*.

<sup>47</sup> Budhy Munawar-Rahman, "*Islam dan Feminisme: Dari Sentralisme Kepada Kesetaraan*", and Look Mansour Fakhri (ed), *Membincang Feminisme: Diskursus Gender Perspektif Islam*, Surabaya: Risalah Gusti, 1996, Edition. 1, Page. 206

That finally, that is the "change" in this context of the theme became very important, because the "change" was the key word most decisive and was the aim of all the ideas that was delivered by Rahman's and the movement of "Feminism Islam" that struggled to *fiqih* that just - came face to face with the trend to maintain the status quo, like patriarchy" that by many mufassir Muslim today - that for with ideas of the group feminist - was regarded as the origin from all over the trend misogynist (hatred against the woman) in the Islam interpretation about the woman.<sup>48</sup> As the implement deconstruction, clear feminism had the relevance that very important, in fact could become the study agenda about equality gender that really could be regarded in reconstructed *fiqih*,<sup>49</sup> did the liberation from the social structure and the view of piety that unjust as well as the re-enforcement of the female rights, actual it was guaranteed by Al-Qur'an.<sup>50</sup> For example the upper right of equality and justice, the right to build individual as the woman through to personal matters or the family of the law Islam-marriage or the divorce.

In harmony with the opinion above was Abdul's idea Ahmed an-Na'im about the transformation towards the Islam provisions was an obligation for the sake of to receive the formulation of the adequate law for the "Islamic life contemporary".<sup>51</sup> In the middle of the increase and

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<sup>48</sup> *Ibid.*, Page. 191

<sup>49</sup> *Ibid.*, Page. 192

<sup>50</sup> *Ibid.*, Page. 205-206

<sup>51</sup> Abdulllah Ahmad an-Na'im, "Toward an Islamic Reformation". Interpretation by Siti Ruhaini Dzuhayatin, *Op. Cit.* Page. 79

teams in the awareness of the "price of" female "humanity" that were crushed then the classic formulation of the law traditional and partial must have been left. By that means, Islam could appear to the teaching that stayed dynamic, equality and brought welfare of the universal.

## CHAPTER V

### CLOSURE

#### A. Conclusion

The purpose of this research was to reveal the background of the view of Fazlur Rahman and Islam feminism in connection with the problem as well as factors of polygamy that influenced the similarity between both of them. Chapters beforehand discussed the answer to the related problem with this aim of being based on the analysis against materials of the relevant book. From these discussions could be concluded as follows:

1. The view of Fazlur Rahman concerning polygamy very relevant and placed the position that was equal to the man. It was based on the ideal moral and double movement theory (in interpreted Al-Qur'an) that has he proposed, showed that Rahman refused the implementation of polygamy in the normal situation.
2. Fazlur Rahman and moslem feminitis stetemnt about Qur'anic verses which are related to poligamy, did not support male's supremacy to ward female. They believe that the requerements of the permission of poligamy in Al-Qur'an, which requers for justice (and its almost imposible to be fulfilled), are the wise ways that lead to monogamy that meet the fundamental spirit of Al-Qur'an, namely justice and equality. This view was received through this understanding of articles that only did not see

what was explicit in the text, but also considered the context of the article in his relations with the spirit of the foundation of Al-Qur'an namely justice gender equality. With made use of the understanding method like this, results pointed out the upper nonexistence of male supremacy of the woman but justice and equality between the man and the woman.

3. Beside the factor methodologies as being named above, the social similarity of the context the culture that covered between Fazlur Rahman and Feminist Muslim had the contribution that quite big in influencing the emergence of the same view. With the conviction that the spirit of the foundation Al-Qur'an was justice and equality, they tried to see the comprehensive context in understanding articles that apparently sexist. The consequence, they are considered that these articles did not point out the upper existence of male supremacy of the woman because actually they were to be equal.

## **B. Suggestions**

1. Sometimes an idea or thinking just is born in this way enchanted, so as to emerge the attitude to do the review towards the concept that has so many long was believed in by his truth. However that was part of the skeptical attitude that was aimed at this new thinking. Apparently this skeptical attitude not the wrong attitude if by him could be built by an understanding accuracy as well as coherence than the long values of



understanding accuracy as well as coherence than the long values of the understanding will function as balance in dealing with thinking that apparently reasonable.

2. There was both him the wise reader followed research discussions (the thesis) this, tried to not receive in an apriority manner towards morphologies and the explicit study. The writer realized, still many lacks in this thesis, both that was linked with the capture of the idea from the leading figure that was researched, the data, the method, systematical and dictions. This articles not a reference so that free from the possibility of criticism. Straightforwardness in reading him was the opportunity of seeing this study in the form of criticism.

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3	Seminar Sehari PTAI Jateng	3 Juli '01	Panitia	4
4	OPSPEK	30 Agust. '01	Peserta	3
5	English Friendship Meeting	10 Okt. '99	Peserta	3
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7	OPSPEK	22 Agust. '02	Pemateri	6
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14	Seminar Nasional dalam rangka Pekan Apresiasi Mahasiswa BEM UIS Sudan Malang	29 Okt. '03	Peserta	4
15	Semiloka Dema IAIN Suka Jogja	8 Nop. '03	Peserta	4
16	Dies Natalis VI STAIN	23 Maret '03	Panitia	4
17	Seminar Sehari Remaja se-Kab. Semarang	25 Mei '03	Peserta	4
18	Seminar Nasional sehari Yayasan Bina Dharma	14 Juni '03	Peserta	4
19	OPSPEK	28 Agust. '04	Panitia + Pemateri	4
20	KANDAS III	17 Feb. '04	Panitia	4

21	Pelatihan Advokasi Mahasiswa	15 Maret '04	Pemateri	6
22	Seminar Nasional dan Silaturahmi BEM PT se-Jateng	15 Jan. '04	Panitia	4
23	Temu Nasional mahasiswa se-Nusantara UIN Jakarta	4 Maret '04	Panitia	4
24	Seminar dan Bedah Film	30 Juli '04	Peserta	4
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