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Islam and Gender In The Perspective of Nurcholish Madjid

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***Abstract*--- In religious teachings, a subordination to women always existed due to the misinterpretation of religious texts that resulted in the deviation of religious practices among religion adherents. The religious texts that are gender biased can lead to discrimination against women and the position of women in religion as subordinates of men. As it is very interesting issue to discuss, some Muslim scholars, like Nircholish Madjid, have articulated their ideas sourcing from Al-Quran and Hadith. Related to this issue, the study aimed to find out Nurcholish Madjid's ideas and opinion on gender issues scattered in his works. It was a content analysis that made use of his books, journal articles, and other written documents as the primary data. The data were qualitatively analyzed to identify his thoughts. The study revealed that his thought on gender issues came from the teachings of monotheism (tawhid). Tawhid generated a self-liberation and social liberation that upheld egalitarianism. It would work well in a democratic social system based on deliberation rather than absolutism among human beings. He placed women as equal to men in the public sphere as a pure form of the teaching of monotheism. His views on gender issues covered three aspects, namely the notion of human equality, the view of the marriage institution, and the hijab.**

***Keywords*--Tawhid, gender justice, marriage institution, hijab**

I. INTRODUCTION

The issue of women's rights - which is popularly known as gender issues - is one of the six main agenda of Liberal Islamic thought in the contemporary Islamic world today. Another agenda is about the resistance to theocracy, the problem of democracy, the rights of non-Muslims, the freedom of thought and religious understanding. Gender issues become an important agenda to be raised, because so far, the problems of women's lives in social politics and religion have always been refracted, and the existence of women in the sacred text seems dichotomous so that it raises a sense of injustice towards women. This is due to partial interpretation.

The gender pioneers are scheduled to raise the awareness of gender issues, and criticize the culture and ideology that want to curb women's freedom. Some gender pioneers that fought in the international level were, such as, Iffat Hasan, Fatimah Mernissi, Amina Wadud Muhsin, and Asghar Ali Engineer, while in Indonesia there were figures, such as Quraish Shihab, Jalaludin Rahmat, Husein Muhammad, Masdar Masudi, Siti Musdah Mulia, and Budi Munawwar Rachman. They were the gender fighters who were competent in fighting for women's rights experiencing the protection. They critically sued for the establishment of women's *fiqh* formulas considered to continue to perpetuate discrimination against women. There was also a figure named Nurcholish Madjid (hereinafter referred to as Cak Nur) considered worthy of being an Islamic feminist. Although not explicitly mentioning the matter of gender equality, from all of his ideas and perspectives, Cak Nur had a great interest in the gender equality which can be seen from his books.

I was motivated to explore the gender thinking of Cak Nur who claimed to be the puller of the Indonesian Islamic thought reformers. He seemed to be an independent thinker who always criticized radically the establishment of the status quo in religious understanding which was non-substantial, constative and Indonesian. Cak Nur began to be trained with Gontor education which taught to think critically and openly, not to be fanatical in one of the schools of thought. Cak Nur's thoughts increasingly found momentum in the formation of scientific attitudes and the breadth of knowledge due to getting Western education which was rich in epistemology of knowledge coupled with scientific interaction when working as a researcher in Indonesian Institute of Sciences (IIS).

The advantage gained at IIS was his activity with the tradition of scientific research and his association with scientists who were relatively loyal to scientific ethics. His scientific profession, educational background, work at Muslim Students' Association (MSA), as well as his other social activities had a strong influence on his character building and vision that tended to initiate assimilation in refreshing and enlightening Islamic thought in the Islamic, Indonesian and modernity context.

II. METHOD

Related to this issue, the study aimed to find out Nurcholish Madjid's ideas and opinion on gender issues scattered in his works. It was a qualitative research in the form of a content analysis because it tried to gather and reconstruct his thoughts which he built intentionally or unintentionally in his various works. Therefore, the study made use of his books, journal articles, and other written documents as the primary data. The pro and contra figures' thought were taken into consideration to complete the information. The data were qualitatively analyzed to identify his thoughts using social theory and Al-Quran and

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Hadith perspective. In addition, the study also used his three forms of social thought, namely rational Islam, Islamic civilization, and transformative Islam to enrich the analysis. Rational Islam concerns with efforts to gain a solid belief in Islam; Islamic civilization with the manifestation of the Qur'an in Muslim life; and transformative Islam with the Quranic vision and criticism on the idea of modernity [1].

III. Findings and Discussion

A. Islam and Gender

The subordination the women often met in religious teachings was caused by three things: a) the existence of religious texts that were basically gender biased; b) the misinterpretation of religious teachings; and c) the existence of deviated practices of individuals who have vested interests behind religious institutions. Religious texts that are gender biased could lead to discrimination against women whose position was as subordinates of men. According to Yakin, sociologists and religious leaders, who had more positive thinking saw religious texts as interpretable cultural and historical documents, meaning that they more or less depend largely on interpreters. If the interpreters were religiously inclusive, then they would study them contextually and openly. Conversely, if they were exclusive, they would interpret them literally and textually [2].

The information above made it clear that the interpretation of classical scholars tended to be literalistic-scripturalist in understanding the texts of the Qur'an. They often understood the verses of affirming male superiority over women in a textual manner rather than historically - contextually. Hasan's criticism of the patriarchal commentators was why the word *qawwam* was always interpreted as leaders and rulers, not as a support or protector, so that the verse could mean that men are the support or protector of women. By inserting the meaning of supporting or protective into the word *qawwam*, we indirectly voiced the laws of God in the *Qur'an* that wanted to equalize women and men as servants of God on this earth [3].

According to Mulia there are at least three factors that cause the emergence of gender-biased religious understanding. First, in general, Islamic knowledge about the teachings of religion was very limited, especially religious teachings related to the position of women. In addition, people understood religion more dogmatically, not based on critical reasoning. Secondly, people's religious knowledge was generally obtained through lectures delivered by the majority of male scholars, not based on an in-depth study of the original sources. Third, many people did not understand that basic Islamic teachings and non-basics come from Allah and His Messenger as read in the *Qur'an* and *Sunnah*. For example, the interpretation of *ijtihad* was also the result of ulama thought. The first is absolute, and does not change, while the second is *ijtihadi*, relative, not eternal, and changes along with the development of community dynamics and the times [4].

In this context, most of Islamic teachings address the issue of gender relations, such as marriages, inheritance, women's clothing, and women's leadership problems in the category of basic teachings that were more *ijtihadi*. For this reason, re-reading was needed and constructed on the old interpretation which was considered gender biased in the terms of Patriarchic values. A new interpretation of fundamental religious texts was carried out to rediscover universal Islamic messages, such as equality, brotherhood, freedom, equality and justice, including gender equality and justice.

B. Cak Nur's View of Islam and Gender

Talking about Cak Nur's ideas and opinions, I know they did not touch the issues of gender equality, but were more about religion and its implementation with Politics, socio-culture, democracy and the state. However, a number of his ideas and views supported strongly for gender equality. Following this idea, I raised Mulia's research on Cak Nur's thoughts about human equality, marriage institutions, headscarves and *hijab* [4] [5].

1) Ideas Regarding Human Equality

Cak Nur's thought of gender equality was initially demonstrated through the idea of equality among humans which he claimed came from the teachings of monotheism (*tawhid*). He said it was the effect of self-liberation and social liberation producing egalitarianism. Therefore, monotheism requires a democratic social system that does not justify the existence of absolutism among human beings [5]. He added all religious teachings concerning the human equality should give rise to a solid conclusion that a higher orientation of life, which is more acceptable to God should focus more on the qualitative rather than quantitative aspects of life. This means that a valuable life does not rely on the number of children and wealth, but should be beneficial for fellow humans and all beings (righteous deeds in the broadest sense) with the ultimate goal getting God's blessing to do the truth (*al-Haq*) [6].

The most obvious impact of the emancipation as monotheistic reflection or faith in God is the realization of the human relations in the spirit of egalitarianism. Because every human is as valuable as other creatures of God to whom they directly responsible, none of them is justified to deny other personal rights. Therefore, faith and human dignity underlie democracy that it is impossible to support a totalitarian, authoritarian and tyrannical system (QS. *al-Nahl*, 16:36) [5]. Although in his writings, Cak Nur did not always explicitly mention the similarities of men and women, he still emphasized the necessity of equality of humans without distinguishing gender in the life of nation and state. It must be interpreted that there is no democracy without women participation because the community was made up of men and women. Democracy should emphasize the participation of both men and women.

2) View of Marriage Institution

Cak Nur was interested in reviewing the marriage institution because talking about marriage meant talking about family law. It was interesting that among the various Islamic laws described in the Qur'an there is nothing more detailed than family law which manages marriages and everything else concerning male-female relationships in family life. The family is a central element in the teachings of Islam, and at the same time is the

main joint of society because the healthy family units will build up a healthy community building [6].

Cak Nur's progressive idea of marriage was discussed in his book Religious Society. He began to explain the meaning of marriage as a lifelong bond between man and woman that was determined by God. Marriage requires something more than just "caring," "self-fulfillment," and "commitment." Marriage needs an awareness of God's presence in humans, the presence of the Creator who will guide us to the right path, true and eternal happiness. Marriage obligates each of us to be honest with ourselves, our soul mates, and our God [6]. A Quranic verse reads. *"O believers. Praise God, and say in the right words. So God corrects for you in the right words, and will forgive all your sins. Whosoever is obedient to Allah and His Messenger, indeed has great fortune"* (QS.*al-Ahzab*, 30: 70-71).

It is interesting to note that Cak Nur's main idea about marriage was honesty. He said, "Be honest with yourself, be honest with your spouse, and be honest with God. Be honest with your spouse because your spouse is clothes." As clothes one for the other, husband and wife need mutual help, mutual support, mutual protection and matching each other as clothes fit the body. Moreover, the purpose we dress is for body adornment and protection. As an adornment, a husband or wife shows a sense of courtesy, love, and happiness, and as a protection, each husband or wife is obliged to take care of their prestige, honor and personal rights. Of course, this "mutual" relationship can only be realized in the form of an equal and balanced role, not in unequal role where one party dominates the other. Therefore, there must be an effort to eliminate domination, both the dominance of the husband and wife in marriage because every form of domination always leads to devotion and even denial of human rights [6].

Furthermore, Cak Nur formulated a number of divine guidance concerning women's rights or the obligations of men to women. It was forbidden to treat women rudely as those that happened in Arabia at the time of *Jahiliyyah*. It was forbidden to behave rudely to women just because of a matter of wealth, but treat them friendly and politely. If a husband happened to find his wife's weaknesses that he hated, he should not be hasty in making a bad decision, because it was possible that in things that seem bad, God provided goodness. If you were forced to divorce your wife (in the right way, valid and fulfill the above conditions), you should not ask her to return the dowry and other property that had been given because they were their rights. The relationship between men and women in a marriage is an agreement because it cannot be taken lightly and recklessly. It was explained to whom a man or woman should marry. Basically, this provision is universal. The relationship between men and women must be based on the marriage that is legitimate and known to the public, among others through marriage agreements [6].

Furthermore, Cak Nur explained that noble goals of marriage were protecting human rights, as well as protecting the dignity of women. Because the Qur'an descended in the Arab nation with the socio-cultural background of *jahili,* the approach to the divine teaching differed extremely, from a society that oppressed women to a new order that upheld and protected their honor [6].

Another important opinion related to the marriage was Cak Nur's view on the possibility of interfaith marriages, including Muslim women with non-Muslim men. The possibility of Muslim men to marry non-Muslim women or *Ahlul Kitab* was widely accepted in various Islamic worlds [7]. It referred to the verse that reads. *"Today has been legalized to you all good things, the food of the People of the Book, and you are also lawful for the Expert of the Kitab. Likewise the widows of believers and the People of the Book before you"* (QS. Al-Maidah, 5: 5).

It was a verse of Medina revealed after a verse which forbade a marriage to polytheists. This verse can be called "the verse of the revolution" because it explicitly answered some doubts for the Muslim community at that time to marry non-Muslims. The first verse uses the term *mushrik* whose meaning includes all non-Muslims, while this second verse opens a space for Christian and Jew women (People of the Book) to marry Muslims. The verse functions two things at once, as the eraser and the specialization of the previous verse which prohibited marriage with polytheists. A *fiqh* rule explains that the later verse was considered to cancel the law of the previous verse. Cak Nur even gave historical evidence when Muslim were allowed to marry with non-Muslims. There were several companions of the Prophet who married Christian and Jewish women, including Hudzaifah and Talha. At that time the Caliph Umar was worried that at any time they could defect and gather with the non-Muslim community. a question arises, if Muslim men were allowed to marry non-Muslim women, could Muslim women marry non-Muslim men? In general, the ulama held the opinion that the verse only allowed Muslim men to marry non-Muslim women. Cak Nur violated the mainstream view saying there was a serious problem in this matter because there was no sacred text, both Al-Qur'an and hadith, or even *fiqh* books with no restrictions on the *Sharih*. In fact, there were hadiths with the unclear position. The Messenger of Allah as narrated by Caliph Umar ibn Khattab said, *"A Muslim man may marry a Christian woman, but Christian men must not marry Muslim women* [8].

Responding to Umar's hadith, Shudqi Jamil al-Aththar said that the hadith was not valid. Such hadith was classified as *mawquf* whose *sanad* was cut off until Jabir as explained by Imam Shafi'i in his book al-Um [9]. The statement of Umar ibn Khattab was an expression of concern, that was if Muslim women were married to non-Muslim men, they would convert, while Islam at that time needed more faithful adherents. Cak Nur assumed for its legal status was resulted from the ijtihad process, there should be possible to raise a new opinion that interfaith marriage was permissible whatever their religion was [8].

Cak Nur's opinion according to Mulia refers to the Quranic spirits. a) A religion's plurality is a sunnah that Allah explicitly mentioned that gender and ethnic differences were the driving force to unite and know each other, and the interfaith marriage can be one of its media. b) The essential purpose of marriage is to glue the rope of love and affection. c) The spirit brought by Islam is liberation [4]. The stages carried out by the Qur'an of

banning on marriage with polytheists to permitting marriage with the People of the Book was evolutionary liberation. Nowadays, we must look at other religion's adherents as partners [8].

As Cak Nur's view of interfaith marriage was considered as very revolutionary and deviant, it reaped many criticisms and widespread resistance. This was understandable that family institution in almost all religions is always seen as sacred regions that were very sensitive. Many laws regulating communities in Islamic countries can easily change but the family law does not. Most Muslims according to Mulia believe that changing the marriage law means changing Islamic law. Marriage law is considered identical to the heart of the Shari'a that maintaining the existing marriage law was the effort to defend religion. Therefore to change the family law is always intended as an attempt to disobey Islamic teaching [4].

3) The View of Hijab

When discussing the hijab and its issues, Cak Nur began with his criticism thought of the West. Cak Nur quoted Armstrong's view that it was very common to consider hijab as degrading practices for women [10]. The Western misconception must be corrected. Wearing the hijab is a command of the Qur'an. However, Armstrong indicated, the wearing of the hijab was established for the Prophet's wives because of the necessity of protecting them from the insults and insinuations from the hypocrites in Medina [4]. Furthermore, hijabs are set for them as a symbol of their dignity and their high position as mothers of believers [11].

Cak Nur wanted to emphasize that initially, the hijab was intended as a symbol of respect for the prophets' wives and became an indication for their high social status. Mulia explained the initial purpose of wearing the hijab for the wives became clearer after his death when they appeared in the public as figures who had power and influence, both religiously, culturally and even politically. Cak Nur quoted Amstrong's view that hijabs and veils were not intended as oppression. The Hijab was designed to protect the emergence of scandalous situations from the enemies of the Prophet Muhammad used to discredit him [4].

The issue of hijab tradition in Muslim community needs to be understood more wisely. In Western countries, the wearing of the hijab is often considered a symbol of the oppression of men against women. Meanwhile, in the Qur'an, the wearing of the hijab is considered as a part of Islamic ethics applied only to the wives of the Prophet. Muslim women are required, as well as men, to dress modestly and simply, but they are not required to cover themselves from the view of others, and to isolate themselves from men in separate houses. This condition according to Mulia took place in the early periods of Islam until three or four generations after the death of the Prophet Muhammad. It seems that the hijab tradition had penetrated the Islamic world from Persia and Buzantium where women had been long treated in this way [4].

Mulia explained Cak Nur quoted Armstrong's opinion revealing, "substantively, the hijab and veil were not designed to degrade the wives of the Prophet Muhammad, but instead they became a symbol of their high status. After the Prophet died, his wives became powerful figures as the referents of religious matters and the Prophet's practices and statements (Sunnah). The Prophet's wife, for example, Aisha, even became an important figure in the political field and in 656 AD led a revolution against Ali (the fourth caliph). Some women became jealous of the status of the Prophet's wife and demanded that they were also allowed to wear the hijab. As Islamic culture was very egalitarian that there were no differences among Muslim women, they were allowed to wear the hijab. They considered their clothes as a symbol of power and influence, not a symbol of the oppression of men to women [4].

By studying the reason of the revelation of hijab verses, Cak Nur held that hijab was a culture-nuanced practice rather than religious ones. He explained if the hijab was indeed set for protection or to increase the prestige of women from the elite groups, then it could be considered as a culture-nuanced practice. It is challenging for Muslim women to understand the essential things of the symbolic hijab culture [5]. About this opinion, Ali said that the rules of social ethics are very important to be taught in the present as did by the Prophet [12]. Social ethics including a respect for women may differ contextually. However, it is a fundamental principle of civilized society to show a high respect for women [4].

Cak Nur quoted the view of Asad that hijab denotatively refers to anything that is between two things covering or protecting one thing from another [13]. Connotatively, this term can refer to anything according to its existing context, as an obstacle, a barrier, a separator, a layer, a curtain, a veil, etc. The prohibition of approaching the prophet's wives directly was interpreted metaphorically by most of the prophet's companions, signifying extraordinary respect for Aisha the mother of believers [11].

From the above information, for Cak Nur the hijab was not an obligation for Muslim women. It was only the Qur'anic provision for the prophet's wives and daughters. All women who believed to cover parts of their bodies in such a way that they did not invite hypocrites to insult them. So, the legal reason was a protection for women. If the protection was no longer needed, of course, women could choose intelligently and freely whether they still used the hijab or not. In Mulia's view, there were many ways that could be done to make women respectable, for example by improving their education quality, empowering their skills, or fulfilling their reproductive rights. In sociological reality in the society the hijab does not symbolize anything; not a symbol of piety and devotion. There is no guarantee that women who do not wear hijab are not pious; it is not identical with one's piety and devotion [4].

Cak Nur's view was not new in the Islamic world, a similar view had been raised by Sheikh Muhammad Ali As-Sais, a lecturer of the Faculty of Sharia and law, Al-Azhar University. In one narration of Imam Abu Hanifah (767 AD), it is believed that women might not use hijab, even both feet were naked. Imam Hanafi's argument was that the feet were more difficult to cover rather than hands, especially for rural poor women who often run barefoot to meet the needs of their lives. Abu Yusuf

(798 AD), a friend of Imam Abu Hanifah even made a more progress. He considered that the obligation of women to cover their hands made it difficult for them to work as hands were not parts of their genitals. Furthermore, As-sais said the above opinion was the result of ta'wil in understanding the verse [14]. The women were forbidden to unveil their body except what was necessary that became their tradition at the time when Qur'an was descended [15].

IV. Conclusion

From the discussion above, there were several important issues concerning the Islamic and gender relations of Cak Nur's thought. First, positioning women and men as equal was a pure form of monotheism. Second, Cak Nur criticized the views of Western scientists judging negatively the concept of marriage law in Islamic teachings, especially woman's rights. Cak Nur's view on gender equality as illustrated in the issue of equality,marriage, and hijab shows that Cak Nur has very strong gender sensitivity. Gender relation in Islam according to his view was built on the foundation of the idea of equality and values of humanity as a form of monotheist human beings by desacralization and liberation from worship to others and all forms or attributes of all false Gods

The implementation of an equal gender relationship must start from a family institution because it will uphold democracy in the life of the nation and state. The position of women in Cak Nur's view was not only their equality to men, but they also deserved to be respected. As humans, women had the freedom to choose. they were eligible to have choices in their life, such as wearing a hijab or not. The choice of wearing hijab should be appreciated because it is not a symbol of women's self-restraint but the symbol of freedom and power.

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