MUSLIM ELITES' PERCEPTION ON WOMEN
A General Survey

Pradana Boy ZTF
Fakultas Agama Islam
Universitas Muhammadiyah Malang

Abstrak

Perdebatan tentang status dan posisi wanita dalam Islam merupakan salah satu topik yang selalu hangat dibahas. Karena hal ini, persepsi elit Muslim terhadap posisi wanita sangat beragam dan tidak dapat diidentifikasi dalam clear-cut dichotomy. Umumnya, persepsi elit Muslim terhadap perempuan bisa dibedakan menjadi tiga kategori yang cukup luas yaitu moderat, liberal dan fundamentalis. Tetapi dalam masing-masing kategori besar ini, masih bisa dimunculkan derivasi-derivasi yang menjadikan spektrum persepsi elit of Muslim tentang perempuan ini menjadi semakin menarik. Kaum moderat meyakini adanya kesetraan posisi antara laki-laki dan perempuan, tetapi mereka memainkan peran pada bidang-bidang yang berbeda. Pandangan moderat bisa dianggap sebagai contoh yang cukup baik perpaduan nilai hibrid antara Islam dan tradisi lokal. Kelompok liberal, di sisi lain, banyak dipengaruhi oleh pandangan feminis liberal Barat yang melihat perempuan dan laki-laki memiliki persamaan dalam berbagai bidang kehidupan. Bahkan dalam banyak konteks, kelompok feminis liberal sering memperlawankan laki-laki dan perempuan. Karena itu, kelompok liberal memandang wanita juga bisa memainkan peran yang dimainkan oleh laki-laki. Di antara ketiga posisi ini, kelompok fundamentalis memliki pandangan yang paling kaku tentang posisi perempuan dalam Islam. Mereka memandang perempuan dan laki-laki dalam konteks dikotomi yang tajam: publik-domestik, kuat-lemah, ordinat-subordinat. Artikel ini akan mengungkap beragam persepsi elit Muslim tentang perempuan dan menganalisa faktor-faktor yang membentuk opini itu, metode yang mereka gunakan dalam memahami teks-teks keagamaan menyangkut perempuan.

INTRODUCTION

In the mid October 2009, a grand mufti of al-Azhar University, Cairo, Egypt, Seikh Muhammad Tantawi, issued a fatawa on the ban of *burqa* for women in Egyptian female schools. The fatawa soon aroused controversy among Muslims clerics not only in Egypt, but almost in the entire Muslim world.

Tantawi based his fatawa on conviction that wearing *burqa* for Muslim women is not part of Islamic teachings. Rather, it is an Arabic culture; and for this reason it is not compulsory for Muslim women. Responding Tantawi's fatawa, a number of female student of al-Azhar University were reported protesting against the fatawa and being committed of not obeying such a fatawa.

Apart from this controversy, most Muslims also still freshly remember when in 2005, a female Muslim scholar Amina Wadud led a Friday prayer in New York. The controversy triggered by Amina's brave action simultaneously resonated in every corner of Muslim countries. In Indonesia, a country with largest Muslim population, the same situation prevailed. More than a dozen discussions were held to respond the debate. Most of them condemned Amina. Unavoidably, overwhelming criticism has been addressed to Amina Wadud; although a limited number of supports was also attributed to her. Amina Wadud is perceived by majority of Muslim as breaking Islamic rule by leading a mixture prayer of men and women. Majority Muslims believe that it is highly forbidden that a woman acts an *Imam* (leader) in a praying where men are also part of *ma'mum* (followers) of the prayer.

The above-mentioned examples are only a small portrait of how debate over women position in Islam is running among Muslims in contemporary setting. Therefore, it should be noted that among the most heated debate in the context of contemporary Muslim society is the status and position of women in Islam. The debate is intensified since social changes in respective Muslim societies also contribute to the need of transforming and shifting traditional view of women position in the context of particular society. Interestingly, in this debate, religion is often viewed as having played very ambiguous role. On the one hand, religion is presented as a liberating power of women. According to this view, religion encourages women to have equal position to that of men and to participate in all fields of life as men do. However, this view cannot be easily implemented in Muslim societies since another group see Islam has set its rule toward women position, on the other hand. It is not surprising, consequently, when this group tends to see religion as a set of doctrine that will save women by keeping them being second to those of man. In other words, religion in understanding of this group constitutes oppression for women.

Topic of women's position or status within Islamic system of teachings is a very broad topic. Unsurprisingly, when it is presented, many things would come up as the part of the topics. Debate of women role, position and status

in Islam includes a wide spectrum of topics ranging from the right of women in marriage, their duties in private life, women inheritance rights, women and human rights, women's leadership to women's participation in public life. Being aware of this situation, in this paper, I will not engage myself in the whole complexities of those topics. Rather, I will examine general perception of Muslim elites on women issues. By doing so, I should also note from the initial stage on what I mean by elites in the context of this paper. By saying Muslim elites what I mean are religious leaders, clerics as well as Muslim scholars. Although in the rest of the paper I cannot avoid taking Indonesian cases as an example of theoretical formulation under discussion, what I actually do in the paper is draw a map of general response of Muslim elite on women status in Islam from various Muslim elites around Muslim world. However, in order to gain clear focus and locus of this paper, I will limit myself on modern and contemporary Muslim elites.

Technically, this paper is organized in three sections. Firstly, it will engage with general mapping of Muslim response to contemporary issues, or in general, typologies of Muslims thought when Islam is in contact with "foreign" values from various part of Muslim world. Discussion of this classification will then followed by deep examination of respectivegroups' position regarding women position in Islam. This section constitutes second part of this paper. I am fully aware that bringing theoretical formulation is not always easy without factual example of how that theoretical construction empirically practised. In this context, I will spend some space in the third section of m paper to take Indonesian experience of women participation in public life as an example.

THEOTECAL MAPPING

I argue that Muslim elites' position toward women status in Islam cannot be identified in cut-clear terminologies and classifications. This partly relates to the facts that one Islam can actually arouse many interpretation and perceived truth, on the one hand; and that Muslim societies have their own unique cases and challenges, on the other hand. Ahmad Syafii Maarif, a leading Indonesian Muslim scholar, believes that when Qur'an is read by many people from many background and orientations, it is natural that from one Qur'an that literally is the same, a number of different and to some extent opposite understandings will emerge (Maarif, 2006). This is exactly the case with Muslim elites' reading and interpretation of religious text whether in the Qur'an or Hadith related to women position in Islam. Not only regarding Qur'anic

reading; Muslims' response toward modernisation is also not single. William Shepard (2004: 61-103) rightly describes those positions in three categories of secularist, Islamist and traditionalist tendencies. Secularist tendency tends to reject view that Islam is a total way of life that covers almost all fields of life. In contrast, Islamist's position diametrically opposes that view by convincing that Islam covers all aspect of life from private to public. Islamists also call for Muslim to come back to the true interpretation of Islam that will bring Muslim into dignity of worldly and hereafter life. Sephard argues that both tendencies are modern, since they cannot deny their involvement and encounter with modernity. Traditionalists, as opposed to modernist, in almost cases show their loyalty to tradition and believe that Muslims should not reject the wisdom that embodied in traditions and past consensus (Shepard, 2004: 61-103).

When Maarif and Sephard discuss this divergence, they are actually acknowledging that there always been dialectical relation between text and context or relation of revelation and realities. This situation is also clear from Jamal A Badawi (1980) assertion that when dealing with Islamic perspective of any topics, an obvious distinction of normative Islam which is one and cultural practices of Muslim societies which are diverse. Consequently, it is natural when religious text is brought to modern context realities, the divisions among Muslim will be sharper. In this context, it is very clear that gender, feminism and movements toward women equality are part of modern values as the result of Muslim world encounter with other world, i.e. West. For this reason, various and even contrasting views on women position in Islam can be understood and can be placed in this situation. In the paragraph below, I will engage in multiple categories that Muslim scholars have set regarding women position in Islam.

To begin with, let me review Amina Wadud's feminist hermeneutics in reading Qur'an regarding issues of woman. Since the Qur'an is major source of Islamic law, Muslim elites' perception on women is often identified from their reading of Qur'anic text related to women. In this regards, Wadud's classification can give us a clear picture on how the debate is going on. In her *Qur'an and Women*, Wadud categorizes Muslims's reading of Qur'an in its relation to women position into three groups of traditional, reactive and holistic (Wadud, 1999: 1). By traditional Wadud refers to classical method of Qur'anic exegesis in which the exegetes starting their interpretation from the first verse of the first surah (chapters) and then turning to second until to the end of the Qur'an. What interesting with this reading is that Wadud highlights male domination in

almost of *tafsir* works since they are produced by men. Wadud notes: "…they were exclusively written by men. This means that men and men's experiences included and women and women's experiences were either excluded or interpreted through the male vision, perspective, desire, or needs of women." (Wadud, 1992: 2).

If the first category represents male's domination in Qur'anic interpretation, the second category shows a tendency of contrasting women issues to the text or generally to Islam. In doing so, the proponents of this view reveal the facts of poor status of women in several Muslim countries as a source of legitimacy. Wadud sees, such a method have led the supporters of this category to failure of distinguishing between text and the interpretation of text. Consequently, Islamic teachings which primarily written in Qur'an and Sunna is equated with interpretations of those two basic and foremost source of Islam. Among these two categories, there has been a new category that employs comprehensive method of Qur'anic interpretation. In Wadud words, in more specific term, this category attempts to build links between liberating power and the primacy source of Islamic ideology and theology (Wadud, 1999: 3).

Linking interpretation of the Qur'an with issue of woman in Islam will also take us to Asma Barlas' work that attempts to uncover the hidden patriarchal interpretation of the Qur'an. In her *"Believing Women in Islam": Unreading Patriarchal Interpretation of the Qur'an*, Barlas is clearly against the mysgonist interpretation of Qur'an that often see Islam as overtly paternalistic religion. Alternatively, Barlas proposes a more participatory reading from a woman perspective. She asserts, "…my purpose here is not to deny that the Qur'an can be read in patriarchal modes… rather, I argue that description of Islam as religious patriarchy that allegedly has 'God on its side,' confuse the Qur'an with a specific *reading* of it, ignoring that all texts, including the Qur'an, can be read in multiple modes, including egalitarian one" (Barlas, 2002: 1). What can be said from Barlas's assertion is that there at least two broad categories when people dealing with Qur'anic reading, which are mysoginist or patriarchal on the one side, and egalitarian and more feminine reading on the other side.

Muslim female scholars such as Wadud and Barlas are engaged in reinterpretation as an entry point to struggle over women position within Islam. Such readings are then enriched with empirical investigation of how actually the practices of relation of men and women run. In this relation, we can also consider Sa'diyya Saikh's analysis of women in the perception of Muslim in general. According to Saikh, there are four position of Muslim

leaders regarding Islam and women position. First, contradictory position that holds an account that Islam actually put women in a high and respectful position, but at the same time, they also believe in the hierarchical and discriminatory power relationship between men and women. Second, Muslim leaders who "contest sexism and resist the masculinist bias of inherited traditions, many of whom relentlessly strive on the path of gender justice in Islam." Third, Muslims who support patriarchy as a result of their internalization of patriarchal aspect of their heritage. Fourth, those who leave religion as reaction to patriarchal realities that they have experienced (Shaikh, 2003: 147-161).

If Saikh breaks down her analysis into four categories of Muslim elites perception on women, we can also look at Saraji Ummi Zaid's analysis on divergent Muslims reaction to the issue of women in Islam. On the one hand, there is reaction of the "liberal, reformist, secular" Muslims. They believe that Shari'a oppresses women, and a complete overhaul is neede. Since shari'a is partially perceived as the source of oppression, they kick out parts of the Qur'an that are perceived as "uncomfortable". For this group certain Islamic teachings equal oppression. At the same time, they import ideas from outside of Islamic value systems such as feminism, socialism, and capitalism.

On the other side, there also is "mainstream conservative Muslims, the leaders of our civic societies, advocacy groups, and associations." When presented with instances of women's oppression in the Islamic world, these Muslims, almost always men, respond defensively. They cart out examples of women's oppression in the Western world, or worse, they address the issue by lecturing the questioner about the virtues of the Ideal Place of Women in Ideal Islam. In other words, they treat the ideal that we are all aspire to as the reality on the ground. Pressed into taking a stand on real life issues, they retreat in anger. "That's culture, not Islam, it has nothing to do with me as a Muslim," they sniff. (Ummi, 2009).

In the context of Iranian women equality movements, Nayereh Tohidi distinguishes three different tendencies of traditional/ conservative Islam, liberal/ modern or reform Islam and revolutionary Islamism or radical Islam. Tohidi views that traditionalist ulama' and traditional layers of poplar class especially bazaar merchants fall in this category. They are generally featured with their strict adherence to the principle of patriarchal gender regime. Different from the first tendency, the modern or liberal Islam holds egalitarian understanding of women in Islam. They include Muslim reformers such as Muhammad

Abduh and Jamaluddin al-Afghani. They promote equal access for men and women in almost strategic fields of life including education. This understanding of gender relation and women position in Islam, in turn, invites reaction from revolutionary Islamism or radical Islam which represent the third category. To certain extent, their views on gender relation in Islam are on par with those of conservative. However, since they are generally motivated by political agenda, the neo-patriarchy –another name given by Tohidi to call this tendency—has ambiguous understanding on women (Tohidi, 2006: 624-25).

All above-mentioned spectrum of attitude toward women position in Islam is only example of how diverse Muslim elite's perception on women in Islam, in position in Islamic textual source as well as their practices in Muslim society. In reading such a controversial issue, I often use my own categories of radical-fundamentalist, moderate and liberal-progressive Muslims (Boy, 2009). However in the context of this paper, I will only discuss opinions and perception of two opposite tendencies: liberal-progressive and radical-fundamentalist Muslims' perception.

CONTRASTING LIBERAL AND CONSERVATIVE VIEW

One of the most important notions of liberal-progressive Muslim regarding women position in Islam is that comprehensive understanding of women status in Islam cannot be achieved until the *jahiliyya* background before Islam emerged is appropriately understood. Consequently, comprehending Islamic views on women is inexorably linked to *jahiliyya* background of pre-Islamic Arab society. By studying this background, it can be distinguished between Islamic and *jahiliyya* treatment of women. In addition, it will also be clear that what Qur'an has ordered through its legislation is improvement of social status and legal rights of women (Stowasser, 1984: 16-18). In Jan Hjärpe's (1983: 12-21) words, the meaning of Islamic revelation for women is that "the arrival of Islam indeed meant concrete improvement in all areas." Furthermore, Stowasser identifies six laws in the Qur'an that indicate the improvement of women status from its *jahiliyya* background. Those are: Qur'anic order to put an end to pre-Islamic culture of women infanticide; the conception of marriage as holy institution and contains dignity, it is also seen as a contract that put man and woman into one bond; Qur'anic laws granted inheritance rights to women so that they can inherit and bequeath property from their family; guarantee of right to fully own and control their possession; the right of wives to be well-treated by their husbands by being properly fed

and clothed; Qur'anic laws also suggest the obligatory of *idda* (waiting period for a divorced woman before getting married to another man) (Stowasser, 1984).

It is interesting that on this point, there would be common agreement between liberals and conservatives. Conservatives also strongly believe that Islam is a revolutionary power for women when the treatments to women of certain civilizations before Islam are uncovered. Qur'an put women in very noble position as it came with fresh, noble and universal message of humanity in the midst of world darkness (Badawi, 1980). Similarly, Yusuf Qardhawi also sees the Islam as a religion that put women in a very honourable position. He asserts:

> …The Noble Qur'an-honours the woman as a human being, as a feminine being, as a daughter, wife, mother and, no less, as a full member of her society. True, some Muslims have wronged women in different ages by depriving her of her right to solid religious knowledge and her right to work. They have even forbidden her from going to the mosque for worship or learning, compelled her to marry someone she did not like and confined her to her home. But this has happened in the absence of any sound religious awareness. Nor did it prevail everywhere; there have always been Muslims willing to reject this, something we have seen happening in rural areas.

However, when comes to certain critical points, liberals and conservative cannot hide their disagreement. Stowasser, for example, notes that while Qur'an improves women status, it does not establish women equality in terms of politics, social and economy. She proposes several examples from Qur'anic laws regarding the status of women testimony, women inheritance system, restriction of women to enjoin monogamy marriage and have to get married only to Muslim men and that Qur'an does not give women the same divorce right (Badawi, 1980: 19). But, soon, Stowasser also adds that Qur'an also teaches "that as members of community of the faith, with respect to the spiritual and moral obligations imposed upon them, in their relationship with their Creator, and the Compensations prepared for them in the Hereafter, men and women have full equality" (Badawi, 1980: 19).

When analysing Qur'anic principles regarding the status of women testimony, inheritance and marriage, Stowasser tends to take those Qur'anic laws in granted. It is true that Qur'anic verses mention principles that Stowasser quotes, but

her conclusion that those verses can be regarded as a sign that Qur'an does not establish social, economic and political equality is too simplistic since she does not consider the *asbab al-nuzul* (background events before a verse or a group of verses are revealed). In inheritance case, for example, it should be understood that in pre-Islamic Arab society, women did not have inheritance rights. Therefore, Qur'anic offer of inheritance rights to women although it is only worth half of that man, can be viewed as a civilized teaching to free women from the oppression by their traditions and customs. For that reason, we should not look at the proportion mentioned in the verses but at the spirit behind this figure. Clearly speaking, regardless the proportion of inheritance right that was endowed to women, the offer itself is a revolutionary action to put women in equal position to that of men.

An attempt to reform Islamic inheritance law can also be found in Indonesian case when Munawir Sjadzali, a long-serving minister of religious affairs in Suharto period proposed what he called *"reaktualisasi ajaran Islam"* (reactualization of Islamic teachings) which include rethinking of Islamic inheritance system. According to Sjadzali it is important to think about solution of two-one ratio, since the ratio is not only unequal but in many cases Muslims in Indonesia has practised the other way (one-one ratio) for their children both sons and daughters. In an interview with John R Bowen, Sjadzali presented cases of himself in which he has three sons and three daughters. All sons had overseas education, while the daughters chose to have vocational school in Indonesia, which means that he spent less money for his daughters' education than his sons. In such a case, he interrogated there would be inequality of what his sons and daughters received from him when he die. Sjadzali acknowledged that two-one formula is stated in the Qur'an. However, he also asserted that "Qur'an was revealed in a certain society and certain culture… when women received nothing… in fact they were disinherited." Arab where Islam was revealed was a patriarchal society, in such a case when the Qur'anic principle is applied as it is, it would not fit Indonesian Muslim need, argues Sjadzali.

In this case, Hjärpe presented two contradicting views of traditionalists and modernists. While traditionalists see inheritance system offered in Qur'an as binding law, modernists argue that "this law represents a radical improvement on earlier practice according to which women inherited nothing" (Hjarpa, op. cit). This also means that in the context of modern life where gender relation between men and women is very complicated and is very contextual depends on social context, changing the proportion of inheritance system is allowed.

Answering those liberal comments, Indonesian Muslim scholar and exegete, Quraish Shihab argues that such arguments reflect the shallowness of contemporary scholars understanding on Islam. It is obvious, Shihab says, men and women are different; and the difference have to be acknowledged, like it or not. Men are entitled inheritance twice more than women since they are the breadwinner of the family when they are getting married (Shihab, 2007: 261). Shihab continued that the difference of inheritance portion between men and women as state in Surah al-Nisa' (The Women) verse 4 is actually only applicable to sons and daughters and not men and women in general sense. Shihab clearly says:

> I cannot accept certain contemporary thinkers that inheritance ratio in Islam is not final, although they also acknowledged that in its time, in the Prophet time fifteen centuries ago, that can be seen very advanced compared to the fact that women disinherited at the time.

The problem regarding women in Islam also relates to women public role. It is evident that in early stage of Islamic society establishment, the role of women in public life was very restricted, but this does not mean that Islam does not pay attention to women. This historical fact related to the condition at the time where bringing women into public life is something impossible; therefore Islam took gradual method in empowering and improving women status. In pre-Islamic Arab society structure, women did not have place in public life. Even, in the contexts of domestic and private life, women did not have significant role. A historical context says that women were regarded as "something" and not "someone" that means that women were really regarded as "things" that had no role in life (Boy, 2004). In such context, the limited role of women in the early period of Islam was based on gradual strategy of Islam to improve women's dignity and place women in an honour position.

Hussein Muhammad, an Indonesian cleric widely known for his advocacy of women equality, in one of his articles mentions several names that were closed to Prophet Muhammad such as Khadija, 'Aisya, Ummu Salamah and other Prophet's wives; were prominent and intelligent women, and it is with their intelligence that they were often involved in the discussions on political and social issues, they also criticized domestic and public policies that tend to be patriarchal. Women participation also appeared in a number of agreements (*bai'at*) for the loyalty to the government. A number of female companions of Prophet such as Nusaibah bin Ka'b, Ummu Athiyya al-Anshariyya and Rabi' bin al-Mu'awwadz joined men troops in a weaponed struggle against

oppression and inequality. Umar ibn Khattab, one of the caliphs of *khulafa' al-rashidun* (the rightly guided) also appointed al-Syifa, an intelligent and trustworthy woman, in a position of market manager in Madina Muhammad: 2006).

Din Syamsuddin, the chairman of Muhammadiyah Central Board, Jakarta see that the view that women should be left behind in public sphere is a result of Arab culture that is dominated by male; and from this point it becomes popular for Muslim society in most Muslim countries to limit women political participation (Syamsuddin, 2007: 163-68).

Fundamentalist Muslim that have tendency to interpret and follow textual interpretation of Qur'an will reject such kind of interpretation and reference to historical fact. They insist that Islamic view on women's status have been clear as indicated in Surah an-Nisa verse 43 saying that men are superior over women. Islamic scholar such as al-Razi in his *Tafsir al-Kabir* believes that men's superiority over women including knowledge ('*ilm*) and power (*qudrah*) (al-Razi: n.d). Hussein Muhammad, on the other hand, disagrees with this interpretation. He suggests that all those superiorities cannot be maintained in modern context as something general and absolute, as practically not all men are superior over women in term of knowledge and power (Husein, 2001: 21). This can not only be seen as a form of discrimination on principles of universal humanity, but also as evidence that in contemporary social life putting men and women in superior-inferior relationship is no longer valid. Furthermore, he continues that characteristics that serve as the basis of men's superiority is not eternal, because it is a product of historical processes that is a process of development from *badawah* (nomaden) to *hadharah* (modern), from closeness to openness, from traditional culture to rational culture and from textual understanding to substantial one (Husein, 2001: 21).

Unavoidably, liberals tend to see fundamentalist understanding of women in Islam as big obstacle to perform the gender equality. Disturbed by two disturbing but similar views on Islam and women from secular feminist and fundamentalist Muslims, Haifaa A Jawad (1998) develop a set of theoretical basis to prove that both views are at odd with Islamic teachings. Secular feminist, on the one hand, insist that Islamic system is a curse on the status of women under its law, thus they portray Islam as an oppressor rather than as a liberator, and urging women to release themselves from the shackles and constraints of their religion by adopting Western secular alternatives (see Jawad, 1998). On the other hand, fundamentalist Muslims depicted Muslim women in images totally unappealing to inquisitive mind. Amina Wadud: "conservative thinkers

read explicit Qur'anic reforms of existing historical and cultural practices as the literal and definitive statement on these practices for all times and places" (Wadud, 1999: xiii).

Conservatives, on the other end, are convinced that the movement of women liberation is a product of Western ideology. It is a gateway for the introduction of foreign values to the context of Islamic teachings. Recently, these movements are aggressively brought in the context of Islam, especially in a time when globalization is becoming prominent tendency for people around the globe. Also, at a situation when the US and its Zionist ally are in the power without any other power that can compete against them. The problem is no longer around the issues of women and their rights, but also has been broadened to the specific issues such as building a families according to Western civilizational value set. Consequently, in certain Muslim societies developed a notion that building a family is a free values mechanism; that role as mother not only can be done by women but also shared responsibility of men and women alike (al-Akif, 2006).

According to fundamentalist view, such a notion is misleading. They insist that gender equality (*al-musawah*) is not needed, since men and women already have similarities in some respect such as in gaining God's favour and obligation of worshipping and relation among human beings (*muammalat*). In spite of these similarities, they are also distinctive in many things such as from aspect of physics, intelligence, power, emotion and skill. What we need to do then is how to position those similarities and differences in their proportional context. So, what is needed by Muslim is not gender equality, but gender fairness. By fairness, the fundamentalists mean as "ÅÚØÇÁ ßá æÇÍÏ ãÇ íÓÊÍÞå"(posing something on its right context).

It is interesting that although some thinkers are classified as supporter of one tendency, in many cases, they can show opposite tendency. We can present Yusuf Qardhawi as an example. Although he is often classified as conservative Muslim scholar, Yusuf Qardhawi frequently shows moderate tendency in viewing women. According to Qardhawi, the most important and biggest women's responsibility is educating generation, physically and psychologically. This duty is compulsory for women, and in such a case, modernity cannot be taken as an excuse to ignore that duty, since only women can do such jobs. However, Qardhawi also believes that working outside of the house is not forbidden for women.

INDONESIAN CASE

In Indonesian context, when democracy becomes new political choice succeeding New Order regime, debate over democracy and women participation in political agenda comes to the fore. Democracy entails women participation and women movements play significant role in democratizing Indonesia. Women took active part during massive demonstration against New Order regime in 1998. Several prominent women movements were actively involved in bringing Indonesia back to democracy, among them are: Suara Ibu Peduli (Mother Voice Concern), *Koalisi Perempuan Indonesia untuk Keadilan dan Democracy* (Indonesian Women Coalition for Justice and Democracy) and *Gerakan Perempuan Sadar Pemilu* (Movement toward Women Voters Education). They did not only campaign exclusively in defence of their rights, but also for more general issue in social and political life. It is can be asserted, therefore, that the undesirable resignation of Suharto from his power in 1998 marked a significant change in women's social and political role. Participation of women in bringing democracy in Indonesia was and is still prominent. However, women's awareness of the importance of women equality is relatively low. Far from thinking in simplistic way, it can be assumed that such awareness only exist in prominent women activists or certain groups of women. In other words, the process of achieving women equality is hindered by women mentality itself. This forms the first and most important and fundamental factor that will slow down the process of women equality in Indonesia. It is true that during *Era Reformasi* a number of NGOs on women equality have emerged, but the effectiveness of these movements is usually put in a big question mark.

In this respect, cultural factor also plays influential part in shaping women's mentality. In context of Javanese women, for instance, Javanese culture to certain extent tends to put women at secondary position and therefore women are subordinate to men. The concepts such as *suwargo nunut neroko katut* (literally means: to paradise follow, to hell participate) is a Javanese-religious concept suggesting that whether a wife will be rewarded with paradise or hell by God in the hereafter will totally depend on her husband deeds. Another concept is *kanco wingking* (back-supporting companions) that women function only as supporting figure for men. Such concepts are very popular in Javanese people and are often presented to legitimise secondary role of women in society. It is true that applying this thesis to Javanese culture and Indonesia in general will

be misleading since this kind of culture have been starting to transform gradually, but since such kind of values develop extensively in society, all sorts of deed that are indicated to "challenge" those values will be regarded deviant.

Secondly, conservative Muslim's attitudes toward women's status vigorously influence women movement. To take an example, in 2004 by the time of presidential election in which Megawati was one of presidential candidates, a panel of religious clerics (*kiai*) from Nahdhatul Ulama' (NU), issued a fatwa that forbid women leadership or presidency in Indonesia. In the context of Islamic thought, this fatwa is not something surprising. But, what makes this fatwa interesting is that it was issued in the time when presidential election was ready to be held. This fatwa created a heated debate at that time and although it was issued by NU's kiai, Hasyim Muzadi as NU chairperson at the time valued this fatwa as *fatwa rekayasa* (engineered fatwa) (Jawa Pos, 2004). Apart from the fact that Muzadi's reaction to this fatwa can be associated to his position as vice-presidential candidate of Megawati, this clearly showed how controversial this issue was and still is.

Regarding the controversy of women leadership, Komaruddin Hidayat, a prominent intellectual in Indonesia, argues that this controversy is originated from two different views on the subject: classical point of view, on the one hand, and modern point of view, on the other hand. In the traditional point of view, political role of women is extremely forbidden. Leadership is the right of man since it needs strong personality and leadership tasks are too hard to be done by women. Classical Islamic scholars draw an analogy of leadership to prayer. Prayer is always lead by a man as *imam* and women are forbidden from doing so. In contrast, modern point of view regards women's leadership in politics is permitted. Furthermore, this point of view sees that analogy of leadership in politics to prayer is not appropriate. Leadership in politics is a public activity that involves social contract, while prayer is an individual activity and it is a rite that is related to God teachings (Media Indonesia, 2004).

In the context of power, prohibition of women leadership is also originated from a patrimonial point of view that claims leaders as model since he or she is the centre of power. In this sort of view, the power of a leader is absolute. He or she is not merely responsible for how a state will be run, but also including private aspects of the people. It means that leaders are the holder of absolute authority and based on this reason, if women were in power, it is assumed that emotional consideration will be taken more often rather than rational one. This view disregards a fact that in modern world, leader is only

an element of a system or network. Theory of *trias politica* that was introduced by Montesque indicates that a state leadership is common responsibility of executive, legislative and judicative body of the state. In this context, it should be insisted that a leader is "only" a part of this power chain. In addition, the prohibition of women to be leaders also contains paradox. The paradox is that if women's leadership is absolutely forbidden why it only happens in the context of state leadership.

Conservative views toward women's status can also be found in the text of *Kompilasi Hukum Islam* (Compilation of Islamic Law). It should be noted that in Indonesia, there are four court systems: national court system, Islamic courts system, state administration court system and military court system. KHI is a set of laws that become guidance for judges in Islamic court system to produce their verdicts and is applied exclusively for Muslim. KHI mainly contains family laws including marriage and inheritance. It is believed that KHI has established an unfair treatment of men and women in term of family relationship. To take an evidence, one of the articles in KHI says that men function as chief of family and women as housewives. Many women activists such as Siti Musdah Mulia perceive this article has successfully standardised and fixed domestic role of women. Women only work in the domestic area and men work outside, men are leaders and women are lead. Regarding many articles in KHI that could lead to gender inequalities, a team was appointed by Department of Religious Affairs to revise the contents of KHI. This team was lead by Siti Musdah Mulia, special adviser of Minister of Religious Affair for Organization and Law. The team's task was revising several articles of KHI and composing a new draft to replace the current KHI. The draft eventually has been produced and called Counter Legal Draft Kompilasi Hukum Islam (CLD-KHI). Among the items that were criticized by the team is the right of men to divorce their wives, while women do not have the same right. The draft also proposed the permission of temporary marriage (*nikah mut'ah*).

Basically, a new paradigm and revision of KHI is extremely needed. However, severe criticisms were addressed to team as the creator of heresy and created law that are against Qur'anic principles.[1] In challenging such new interpretation, conservativists usually refer to univocal view of understanding Islam. Most

---

[1]   Such criticism can be found in several web sites owned by conservative Islam groups, such as www.hidayatullah.com, www.swaramuslim.net, or www.sabili.or.id.

of these criticisms come from conservative Muslim. They believe, as also liberals do, that Qur'anic laws are the most supreme source of law in Islam and therefore any kinds of interpretation that are literally against Qur'anic should be banned. They claim that their understanding of Qur'an is the most reliable and closest to prophetic tradition. As a result, any interpretations that tend to differ from theirs will be disregarded and in turn will be judged as not Islamic. New draft of KHI is not exception in this context. But, it is not clear whether because of those severe criticisms or not that up to now the new draft has not legalized yet.

Again, conservative Islam movement to prevent women equality in Indonesia reveals in Muhammadiyah last Congress. It is regrettable that during the last Congress there was a tendency to overlook women's participation and capability. Ahmad Najib Burhani one of Muhammadiyah Young Intellectual Network (JIMM) activists in his article uncovers a fact that according to Abduh Hisyam, one of congress participants from East Java, there were only eight Muhammadiyah Regional Board (*Pimpinan Daerah Muhammadiyah*) that included women in their delegation, while in fact, Muhammadiyah across Indonesia has hundreds Regional Boards. The recent structure of Muhammadiyah Central Board also does not include women. Najib sees this as a mini portrait of what happened in the last congress where the resistance of Muhammadiyah activists toward women issues was very strong.[2] In fact, beforehand, Muhammadiyah Central Board under Syafi'i Ma'arif has instructed to include women participants in the Congress, apart from Aisyiyah Congress that is mainly for women. It was also officially stated that in the Congress, Muhammadiyah will also accommodate women member(s) as member of its Central Board. The fact showed, Congress participants chose 39 names to be nominated as members of Central Board and no women were chosen. Ironically, a leading woman figure in Muhammadiyah, Siti Chamamah Suratno that was predicted will be elected in Central Board membership were ousted. Chamamah was on the 40 rank under Syafri Sairin, and she got one vote less than Sairin.

Third, culture of male strong domination in Indonesian society contributes great role in marginalising women position. It can be seen that during 2004 election women were given 30 per cent quota in People Legislative Assembly and this quota is never achieved so far. It could be asserted that there was a

---

[2] Ahmad Najib Burhani, "Perempuan dan Liberalisme di Muhammadiyah," article published on the web of Jaringan Islam Liberal. Please refer to www.islamlib.com

reluctant from male members of society to choose women as their representative in Legislative Assembly. A data presented in *Jurnal Perempuan* reveals that male domination in legislative is strong. In 1950-1955, for example, women shared 3.8 percent of legislative members. From total 236 members of Legislative Assembly at that time, there were only 9 female members. During Indonesian contemporary political history, women shared the highest percentage of legislative membership in period of 1992-1997 where they shared 12.5 percent. Ironically, in 1999-2004 when authoritarian regime has been collapsed, percentage women membership in legislative assembly was not changed, even it was slightly under 1992-1997's percentage. There is no significant change in the last election, where 30 per cent for women quota was advocated.

Table 1: The number of women legislative members

No	Period	Women Members	Total Members	Percentage
1	1950-1955	9	236	3.8
2	1955-1960	17	272	6.3
3	1956-1959	25	488	5.1
4	1971-1977	36	460	7.8
5	1977-1982	29	460	6.3
6	1982-1987	39	460	8.5
7	1987-1992	65	500	13
8	1992-1997	62	500	12.5
9	1997-1999	54	500	10.8
10	1999-2004	45	500	9

Considering serious problems in achieving gender equality in Indonesia, Chusnul Mar'iyah, a woman activist and academic of University of Indonesia, offers three priorities in facing gender equality in Indonesia: minimizing violent conflict in Indonesia, building a culture of democratic politics where women's involvement in decision making process is included, and involving women in economic recovery as "economic actor by choices." In proposing these priorities, it seems that Mar'iyah does not consider the fact that in several cases and contexts, women's confidence becomes serious obstacle. Therefore, before moving further to broader area, the improvement of women confidence should be put as foremost priority.

BIBLIOGRAPHY

Akif, Muhammad Mahdi. 2009, "Wanita dalam Islam," http://www.eramuslim.com/ nasihat-ulama/ wanita-dalam-islam.htm. Accessed on 2 October

Anonymous, "Culture and the law in Islam: women living under Muslim law," *Gender and Development*, 3: 1 (February 1995)

Badawi, Jamal A. 1980, *Gender Equity in Islam*, (Plainfield: MSA of US and Canada,).

Badawi, Jamal A. 1980, *The Status of Women in Islam*, (Plainfield: MSA of US and Canada,).

Bahramitash, Roksana. 2004, "Myths and realities of the impact of political Islam on women: female employment in Indonesia and Iran," *Development in Practice* 14: 4

Barlas, Asma. 2002, *"Believing Women in Islam": Unreading Patriarchal Interpretation of the Qur'an*, (Austin: University of Texas Press,)

Boy ZTF, Pradana. 2004, "Persoalan Peran Politik Perempuan," *Jawa Pos*, 8 June .

Burhani, Ahmad Najib. "Perempuan dan Liberalisme di Muhammadiyah," www.islamlib.com

Faqir, Fadia. 1997, "Engendering democracy and Islam in the Arab world," *Third World Quarterly,* 18: 1

Hjärpe, Jan. 1983, "The attitude of Islamic fundamentalism towards the question of women in Islam," in Utas, Bo. *Women in Islamic Societies: Social Attitude and Historical Perspective* (London: Curzon Press,)

Husein, K.H. Muhammad. 2001, *Fiqh Perempuan: Refleksi Kiai atas Wacana Agama dan Gender* (Yogyakarta: LKIS,).

Jawad, Haifaa A, 1998, *The Rights of Women in Islam: An Authentic Approach* (New York: St. Martin's Press, Inc,).

Maarif, Syafii. 2006., "Mutlak dalam Kenisbian," (Absolute in Relativity) *Republika*,

Mar'iyah, Chusnul. "Indonesian political transition, democracy and women's movement: experience and reflection,"

al-Razi, Fakhruddin. *al-Tafsir al-Kabir* (Tehran: Dar al-Kutub al-'Ilmiyah, n.d.)

Sa'diyya Saikh, 2003, ''Tranforming feminism: Islam, women and gender justice'', in Omid Safi (ed), *Progressive Muslims on Justice, Gender and Pluralism* (Oxford: Oneworld Publication).

Sechzer, Jeri Altneu, 2004 ''Islam and women: when tradition meets modernity: history and interpretation of Islamic women's status,'' *Sex Roles*,

Shepard, William. 2004 ''The Diversity of Islamic Thought: Toward a Typology'', in Suha Taji-Farouki and Basheer M Nafi, *Islamic Thought in the Twentieth Century* (London: I.B. Tauris,).

Smith, J.I. 1985, ''Women, religion and social change in early Islam,'' in Y.Y. Haddad and E.B. Findly (Eds.), *Women, Religion and Social Change* (Albany: State University of New York Press),

Stowasser, Barbara Frayer. 1984, ''The Status of Women in Early Islam,'' in Hussain, Freda (ed). *Muslim Women* (London and Sydney: Croom Helm).

Swara Rahima, www.rahima.org

Nayereh Tohidi, ''Islamic Feminism'': Negotiating Patriarchy and Modernity in Iran'', in Ibrahim Abu-Rabi', *The Blackwell Companion to Contemporary Islamic Thought.*

Wadud, Amina. 1999, *Qur'an and Woman: Rereading the Sacred Text from A Woman Perspective* (New York: Oxford University Press)

Media Indonesia, 5 June 2004

Jawa Pos, 5 Juni 2004.

Jurnal Perempuan *(Journal of Women)* No. 19/ 2001