

THE CONTEMPORARY DISCUSSION ON WOMEN'S INHERITANCE

(A Study On Naṣr Ḥāmid Abū Zayd's Interpretation and Its Implication)

Mu' ammar Zanyn Qadafi

IAIN Sunan Ampel Surabaya

Email: elqadaf@yahoo.co.id

Abstrak

Artikel ini membahas persoalan bagian wanita dalam warisan meskipun tampak out of date, menjadi sebuah pintu masuk yang efektif untuk melihat kembali relevansi dari fikih klasik di masa kontemporer sekaligus untuk merumuskan formulasi hukum yang lebih akomodatif dan berwawasan gender. Tulisan ini ditulis untuk menganalisa aplikasi teori interpretasi Ma'nā-Maghzā Abū Zayd pada ayat-ayat al-Qur'an mengenai bagian perempuan dalam warisan sekaligus bagaimana implikasinya dalam dinamika hukum Islam. Interpretasi semacam ini memiliki beberapa implikasi penting diantaranya: Satu, perlunya merumuskan panduan umum bagi para pemegang otoritas dalam pembagian harta warisan; Dua, kewajiban bagi para pasangan pengantin untuk mengembangkan sebuah hubungan kemitraan (partnership) dengan multiple female-male roles dalam keluarga dan bukan hubungan kepemimpinan (leadership).

Kata Kunci: Women's Share of Inheritance, Abū Zayd, Implication

A. Contemporary Discussion on Women's Share of Inheritance: An Introduction

Religious nature is considered as one of many factors in the subordination of women in the world because injustices related to gender roles in society are due to interpretations that are considered to be as holy as the religion itself.¹ Thus, Muslim scholars must do more friendly interpretations. The assimilation of Islamic law's messages to the

¹ Amany lubis, "Gender Gap in Leadership Roles in The Educational and Political Fields", in (ed.) Atho Mudzhar, *Women in Indonesian Society: Access, Empowerment and Opportunity* (Yogyakarta: Sunan Kalijaga Press, 2002), p. 58.

needs of the current generation is, now as in the past, both an intellectual and imaginative challenge, as well as a generally acknowledged a religious duty.² Issues of gender are factual and *up to date* and Since equality has become a catchword worldwide when speaking on women's issues,³ some Muslim scholars are struggling to create an equality of rights between men and women⁴ by their concern on liberation⁵, reformation of laws and justice.

Women's share of inheritance is one of the most significance topics. Although this topic may be *out of date*, it can be an effective doorway to discuss gender's roles in Islam. Referring to Ibn Rushd 's (d. 595 H) *Bidāyah al-Mujtahid*, it is clear that almost Muslim scholars in his era agreed with women's share of inheritance which must be a half of men.⁶ This formulation is applicable whenever a male or female in a same position are joint together to inherit. At least, there are four conditions use this norm: when son join with daughter, grandson with granddaughter, brother with sister and brother with sister in law.⁷

The regulation above is taken from al-Nisā': 11, as follows:

² Norman Calder, "Legal Thought on Jurisprudence", in (ed.) John L. Esposito, *The Oxford Encyclopedia of Modern Islamic World* (New York: Oxford University Press, 1995), 2: 456.

³ Andrew Rippin, *Muslims, Their Religious beliefs and Practices: The Contemporary Period* (London : Routledge, 1995), p. 120.

⁴ Rif'ā'ah al-Ṭaḥṭāwī (1801-1873) frequently yelled out that a betterment of women's education was the part of religion's wants. So did Muḥammad 'Abduh (d. 1905), Qāsim Amīn (1863-1908), and al-Ṭāhir Ḥaddād (d. 1930). In Egypt, These scholars held the pass to create women's mobilitions, gave them chances to make contributing participations in the Muslim social live and struggled to accelerate islam's laws with modern values. See: Naṣr Ḥāmid Abū Zayd, *Dawā'ir al-Khauf*, p. 179-180; Ahmad Baidhowi, *Hermeneutika Feminis dalam Penafsiran al-Qur'an*, "Jurnal Studi ilmu – ilmu al-Qur'an dan Hadis" vol.9 No.1 (Yogyakarta : Dept. TH Fac. Ushuluddin UIN Su-Ka, 2008), p. 41.

⁵ Term "liberation" in here should be understood as well as Kurzman's theory of "liberal". The term implies some modern standards including against theocracy, promoting democracy, awareness of right of women, rights of non-Muslim, freedom of thought and progressiveness. Charlez Kurzman, (ed.), *Liberal Islam: A Source book* (Oxford: Oxford University Press, 1998) , p. 3.

⁶ Muhammad ibn Ahmad Ibn Rushd, *Bidāyah al-Mujtahid wa Nihāyah al-Muqtaṣid* (Semarang: Toha Putra), 2: 255. Compare with: Ahmad 'Abd al-Jawwād, *Uṣūl' ilm al-Mawāriṭh, Qismah al-Tirkah bi al-Ṭaḥṭāwī al-Ḥisābīyah wa bi al-Qīrūd* (Beirut: Dar al-Kutub al-'Ilmiyyah) p. 7; John L. Esposito & Natana j. Delong, *Women in Muslim Family Law, Second Edition* (New York: Syracuse university press, 2001), p. 62 – 64.

⁷ Sayyid Sābiq, *Fiqh al-Sunnah* (Beirut: Dār al-Fikr, 1984), p. 438.

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ ... ءِآبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا فَرِيضَةٌ مِّنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

Contemporary scholars have different views on this case. One of Indonesian famous scholar, Munawir Sjadzali (Minister of religious Affairs of Indonesia Republic in 1983-1993) i.e. asserts that 2:1 formulation is not relevant with Indonesian Current context. According to him, women and men in Indonesia are equal because they used to work together and have same social role. Moreover, Sjadzali criticized why many *Kiyais* (religious figure of Pesantren) cheat this formulation by dividing their wealth to their children before their death to avoid the 2:1 formulation because they are afraid of constructing a more egaliter formulation.⁸ Another Indonesian interpreter, the author of *Tafsir al-Mishbah*, Quraish Shihab, whether he admits that the 2:1 formulation is aimed to respect women, he asserts that this appropriates with each role of both husband and wife⁹.

B. Abū Zayd and his interpretation of verses on women's inheritance

Naṣr Ḥāmid Abū Zayd¹⁰ is a feminist Muslim¹¹ who sees argues that the verse was reveled in a society whose inheritance was only available for

⁸ Munawir Sjadzali, *Ijtihad Kemanusiaan* (Jakarta: Paramadina, 1997), p. 7-8.

⁹ Quraish Shihab, *Tafsir al-Mishbah, Pesan, Kesan dan Kecerastian al-Qur'an* (Tangerang: Lentera Hati, 2007), 2: 261-271; Quraish Shihab, *Wawasan al-Qur'an. Tafsir Maudhu'i atas Pelbagai Persoalan Umat* (Bandung: Mizan, 2007), p. 210-211.

¹⁰ Naṣr Ḥāmid Abū Zayd was born in Qahāfah near by Thantā in Egypt on July, 10 1943 and passed away on Monday, 5th July 2010 by the age of fifty seven. He considers that his kind of 'how to talk with religious text' is new and innovative beside two spreading mainstrem: majority's traditionalism and Hasan Hanafi's left Islam (*al-Yasār al-Islāmī*) Abū Zayd's ideas could not be accepted by Egypt's authoritative scholars. He was exiled from his homeland. In 1995, the court of Gizā sentenced that he was apostate and had to be killed and divorced from his wife. Naṣr Ḥāmid Abu Zayd, *al-Tafkīr fī Zamān al-Takfīr, Didd al-Jahl wa al-Zayf wa al-Khurāfah* (Kairo: Ṣinā' lil-Naṣr, 1995), p. 278-293.

¹¹ According to Abdul Mustaqim, An Intrepretation can be included in the *Pro-Gender* category if it is capable of producing just views in gender discourse and using holistic method of interpretation which is done in the light of comprehensive considerations including social, moral, economical or political aspect of women. Abū Zayd has fulfilled these two requisites. He recognizes that he is a feminist Muslim, and that his feminist thought is inspired by Qāsim Amīn who proposed women's purification from bad religious claim and by Thāhir Ḥaddād who offered a semi-historical understanding toward al-Qur'an

sons who became family's pride. The Qur'an then gave close relatives, who didn't have right of inheritance, their share. Al-Qur'an also recommended a *sadaqah* (alms) for orphans and poor. These meanings were accommodated in several verses before al-Nisā': 11, as follow:

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ ۗ نَصِيبًا مَّفْرُوضًا ۚ وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقَرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينُ فَأَرْزُقُوهُمْ مِنْهُ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا ۗ وَيَحْشَأَنَّ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَةً ضِعَفًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا ۗ إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا ۖ وَسَيَصْلَوْنَ سَعِيرًا (النساء: 7-10)

In al-Nisā': 7, women's right of shares is mentioned directly after men's. The Qur'an repeats the phrase "مِمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ" (from what is left by parents or relatives) in order to strengthen that God gives share for both men and women and teaches them a principle of justice which was not recognized by Pre-Islam Arab where only men who went to war could inherit. The Qur'an also notices that the *'asabīyah* (relationship between a father and his sons) was not the most important among the other family relationships (al-Nisā': 8). The Qur'anic principle of inheritance was the fairness in sharing wealth, including charity and *Sadaqah* to keep the property unoccupied only by rich people, (*Lian lā yakūna dūlatan bayna al-*

and *ḥadīth*. Abū Zayd prefers to be called as feminist Muslim rather than Islamic feminist because according to him, he did not develop his thought on feminism from Islamic tradition, but from his own experience and universal values of humanism. Although Abū Zayd does not want to be considered as an Islamic feminist, it does not mean that he does not use Qur'anic verses and prophetic traditions to strengthen his feminist thought. Otherwise, he bases his ideas on these two important basics of Islamic religion because after he found ideas of gender equality from West, he then sought for the same principles in Qur'an and Ḥadīth. See in more detail: Abdul Mustaqim, *Paradigma Tafsir Feminis, Membaca al-qur'an dengan Optik Perempuan: Studi Pemikiran Riffat Hasan tentang Isu gender dalam Islam* (Yogyakarta: Logung Pustaka, 2008) p.28-39; Naṣr Ḥāmid Abū Zayd, *Dawā'ir al-Khauf: Qirā'ah fī Khīṭāb al-Mar'ah* (Beirut: al-Markaz al-Tsaqafī al-Islāmī, 1999), p. 64-65.

aghniyā 'i minkum)¹². This conclusion was strengthened by some trusted reports (*riwāyāt sabab al-nuzūl al-ṣaḥīḥah*)¹³. Abū Zayd questions: "how can we imagine that the woman could receive share, in a society who murdered alive daughters and granted women from hand to hand?". According to him, Al-Nisā: 7-10 means to protect the two groups whom were mostly discriminated: women and orphans. So does al-Nisā: 11.¹⁴

The word *نَصِيْبًا مَّفْرُوضًا* in al-Nisā': 7, according to Abū Zayd, does not mean that women's share must be half of men as it was literally mentioned in al-Nisā': 11. But, it means that God had determined each portion of heirs, and there is no one could change it. The phrase "لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَّيْنِ" was composed from the *iḍā'ah* structure which leaned the word *مِثْلُ* (male's share) to *حَظِّ الْأُنثِيَّيْنِ* (share of two females). Thus, legitimating female's share was the main content of the verses and not the 2:1 formula because if the later was the content, al-Qur'an will use "لِلْأُنثَىٰ نِصْفُ حَظِّ الذَّكَرِ", not "لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَّيْنِ". Al-Qur'an wants to abolish the pre-Islamic regulations of inheritance.¹⁵

In other word, Islam gave limitation for male's share. It must not be more than share of two females. It was the "meaning" of Qur'anic verses of inheritance (*al-Ma'nā*), and its significance (*al-Maghzā*) was the legalized principle of balance (*tawāzun*) between male and female. Insisting the principle of equality in religious side, al-Qur'an wants to insist the same principle in Muslim's social life. It seems that Abū Zayd wants to say: "If woman's conditions, in the time of revelation, were good, God's division for both of men and women might be equal" He said:

"Surely the historical context, with its reference to Ma'nā and Maghzā, explained that the main purpose of the Islam was to restrict men's share that

¹² Naṣr Ḥāmid Abū Zayd, *Dawā'ir al-Khauf: Qirā'ah fī Khīṭābal-Mar'ah*, p.229. Compare with: Andrew Rippin, *Muslims, Their Religious beliefs and practices : The Contemporary periode* (London : Routledge, 1993) pp.120-122; Rashid Riḍā, *Tafsīr al-Manār* (Kairo : Dār al-Ma'rifah), p. 405 – 410.

¹³ See: 'Ali ibn Ahmad al-Wāḥidī, *Asbāb al-Nuzūl* (Beirut: Dār al-Ma'ārif, 1968) p. 82-84. Compare with: 'Abd al-Raḥmān ibn Abī Bakr al-Suyūṭī, *Lubāb al-Nuqūl fī Asbāb al-Nuzūl* (Beirut : Dār al-Kutub al-'Ilmiyah), p. 53–54.

¹⁴ Naṣr Ḥāmid Abū Zaid, *Dawā'ir al-Khauf*, p. 230-231.

¹⁵ Naṣr Ḥāmid Abū Zayd, *Dawā'ir al-Khauf*, p. 232.

almost had no limit (*al-tahdīd*). It was by considering a maximum limit of male as a double of women's. On the contrary, a minimum limit of female was half of male's. It is permissible for a judge to set the same division (if it is required) because it did not conflict with limits which were determined by God (*Hududullāh*) in al-Nisā': 13."¹⁶

Abū zayd insists that literal interpretation by both of extreme or moderate interpreter will never create a just and objective understanding.¹⁷ Therefore, the significance must go beyond the literal meanings¹⁸. He said: “ما هو هذا المغزي القرعاني إن لم يكن خلق توازن بين محورين ساد أحدهما و سيطر واستأثر بكل قيمة إنسانية و اجتماعية واقتصادية, وهذا هو محور الذكر؟ ولا يتحقق التوازن إلا بنقل الثقل مؤقتا إلى المحور الاخر, محور الأنثى, حتى يستقر مبدأ المساواة المبدوء به السورة, و يمتد من أفق المساواة الدينية لينتشر في أفق المساواة الاجتماعية.”¹⁹

“what is then the qur’anic significance except God’s pretension to create balance between two subjects (male and female) which the former had done hegemony the later in humanity, social and economic aspects of life?. The concept of balance can only be realized by displacing (the center of) quality to female till the concept of “equality” which the chapter (al-Nisā’) began with, because equality in religious side will be followed by equality in social side.”

For more detail, see the diagram below:

¹⁶ Naṣr Ḥāmid Abū Zayd, *Dawā'ir al-Khauf*, p. 233.

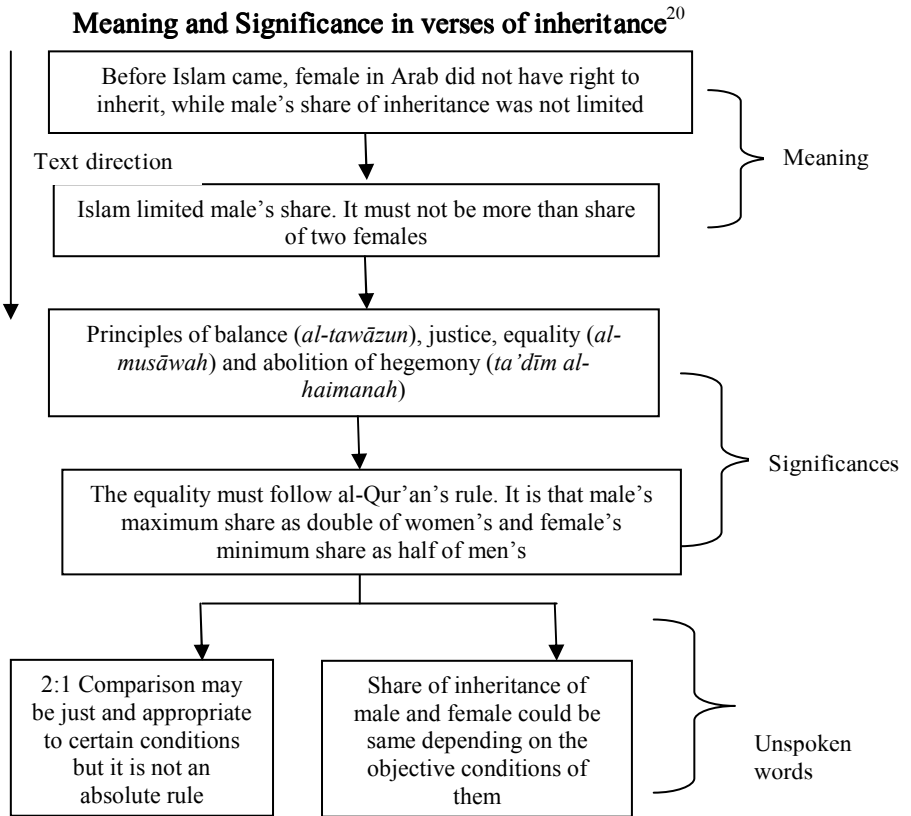
”تِلْكَ حُدُودُ اللَّهِ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا“

“These are the limits (set by) God (or ordinances as regards laws of inheritance), and whosever obeys God and His Messenger (Muhammad), will be admitted to Gardens under which rivers flow (in paradise), to abide therein.”

¹⁷ Naṣr Ḥāmid Abū Zayd, *Dawā'ir al-Khauf*, p. 91-92.

¹⁸ Abū Zayd went further through the method of literal interpretation. See: al-Zamakhsharī, *al-Kashshāf ‘an Ḥaḡāiq al-Tanzīl wa ‘Uyūn al-Aḡāwīl fī Wujūh al-Ta’wīl* (Beirut: Dār al-Fikr, 1977), 1: 383. Compare with: al-Naisabūrī, *Tafsīr al-Naisābi* in DVD RoM al-Maktabah al-Shāmilah (Solo: Ridwan Media, 2007), 2: 446.

¹⁹ Naṣr Ḥāmid Abū Zayd, *Dawā'ir al-Khauf*, p. 232.



The diagram above, shows how historical analysis works dominantly in Abū Zayd's interpretation. It is important to be noted that Ibn Kathīr also considered the verse as God's great gift for women. So did al-Qurṭūbī and al-Ṭabarī.²¹ According to them, the Qur'anic reforms corrected injustices in pre-Islamic society by giving women rights to contract their marriage, receive dower, receive maintenance from their husbands and get share in inheritance. But, for them, the two to one formula is wise because a

²⁰ Compare with: Moch Nur Ichwan, *Meretas Kesarjanaan Kritis al-Qur'an* (Jakarta : TERAJU, 2003), p.148.

²¹ Al-Qurṭūbī also considered the verse as Islam's want to propose that the relationship between a father and his sons is not the most important among the other family relationships. See: Muḥammad Ibn Aḥmad al-Qurṭūbī, *al-Jāmi' li Ahkām al-Qur'an* (Beirut: Dār al-Kutub al'Ilmiyah, 1994), 3: 31-32.

husband has responsibility of supporting the family financial.²² Indeed, according to Ibn Baṭṭāl, al-Ṭaḥāwī, and al-Shāfi‘ī, domestic works such as cooking, cleaning the house and mothering child, by his own hand or by employing servant were also included into husband’s responsibilities.²³ Abū Zayd differs with those scholars only in the his significance because the “original meanings” he concluded are also accomodated by classical scholars, in different term.

C. How to Determine the Objective Condition from Many Possibilities: A New Requirement for person who will divide wealth of Inheritance

Abū Zayd, in his introduction of a translated version of Shahrūr’s *al-Kitāb wa al-Qur’ān: Qirā’ah Mu’āṣirah* entitled “The Simple Task: The Compiled Theory (A Commentary on Muḥammad Shahrūr’s Project)”, criticizes Shahrūr’s Theory of limit for its oversimplification.²⁴ But, his conclusion on verses on inheritance is similar with Muḥammad Shahrūr’s first theory of limit²⁵. Male’s share which is equivalent to the portion of

²² Ismā’īl Ibn Kathīr, *Tafsīr al-Qur’ān al-‘Aẓīm* (Semarang: Karya Toha Putra), 1: 457-458. See also: Muḥammad al-Ḥabs, *al-Mar’ah baina al-Sharī’ah wa al-Ḥayāh* (Damaskus: Dār al-tajdīd, 2002).

²³ Based on al-Nisā: 19. See: Ibn Ḥajar al-‘Asqalānī, *Fath al-Bānī* in DVD RoM al-Maktabah al-Shāmilah, 15: 222.

²⁴ He also asserts that this theory is not a serious scholarly work. In *al-Naṣ al-Sulṭah wa al-Ḥaqqīyah* claims that Shahrūr’s theory of limit does not have linguistic basics from the Qur’an. See: Naṣr Ḥāmid Abū Zayd, “Mengurai Benang Kusut Teori Pembacaan Kontemporer (Penjelasan tentang Proyek Muhammad Syahrur, an introduction in Muhammad Syahrūr, *Prinsip dan Dasar Hermeneutika al-Qur’an Kontemporer*, translation by Sahiron Syamsuddin (Yogyakarta: eLSAQ Press, 2008) p. 16-20.

²⁵ Muḥammad Shahrūr had two different theories of limit. His later exegetical theory could represent a revision of the previous one. In his previous theory, he saw that the Qur’anic inheritance should be understood as *hudūdī*-system in the sense that the distribution of shares can exchange between the maximum limit and the minimum one. The decision can be in variation depending on objective situations as far as one is neither given more than the highest portion nor less than the lowest one. In his new interpretation, the inheritance verses are also seen as *hudūdiyā*-verses with a different connotation. The term *hudūd* here means that all portions that are mentioned in the verses constitute minimal limit in the sense that one can receive more than that, if he or she alone inherits. See: Sahiron Syamsuddin, “To The Male (is) the equivalent of the portion of two females, Muhammad Syahrūr’s and Abū Zayd’s interpretation of Qur’anic Verses in inheritance”, *al-Syir’ah*, Vol. 44. No. 1, 2010, p. 496-497.

two females should be seen as the maximum limit (*al-ḥadd al-a'lā*) and female's share which is equivalent to the portion of one male should be seen as the minimum limit. Concerning women's inheritance in al-Nisā': 11, Syahrūr asserted a principle of *al-taqīb*, which means that the portion of both male and female are possible to get close each other to the equal limit of 1:1 or 50%: 50%.²⁶

Abū Zayd argues that *ijtihād* must be done by considering many conditions of both men and women objectively in order to determine each amount between the maximum and the minimum limits.²⁷ He asserts that there will be many possibilities which may increase women's share from their minimum amount. However, it is important that to determine the objective conditions is not easy because it's not only based on economic ability.

The 2:1 formula will work when two or more heirs from different status are in a same level (i.e. sons and daughters or brothers and sisters).²⁸ In the case of sons and daughters, there are many aspects that must be seen carefully by the judge. The judge must consider not only the economic condition of each family and which one of son and daughter needs the inheritance much. The judge must also consider the behaviour of both of them and their capability in managing their wealth. He/ she must also consider the local wisdom of their society where they live.

The "possibility" offered by Abū Zayd and other feminist Muslim such as Amina Wadūd²⁹ is an answer of the problem of inequality and

²⁶ Burhanuddin, "Artikulasi Teori Batas Muhammad Syahrūr dalam Pengembangan Hukum Islam di Indonesia", in (ed.) Sahiron Syamsuddin, *Hermeneutika al-Qur'an Madzhab Yogy* (Yogyakarta: Islamika, 2003), p.162-163.

²⁷ Naṣr Ḥāmid Abū Zayd, *Dawā'ir al-Khauf*, p. 234. see also : Muhammad Shahrūr, *al-Kitāb wa al-Qur'ān : Qirā'ah Mu'āṣirah* (Beirut: Syirkah al-Mathbū'āt li al-tauzī' wa al-Nasyr, 1992) p. 593.

²⁸ Ahmad 'Abd al-Jawwād, *Uṣūl' ilm al-Mawāriṭh, Qismah al-Tirkah bi al-Ṭarāqah al-Ḥisābīyah wa bi al-Qirādh* (Beirut: Dar al-Kutub al-Ilmiyyah), p. 7.

²⁹ Amina Wadud said: "the division of inheritance requires a look at all of the members, combinations, and benefit. For example, if in a family of a son and two daughters, a widowed mother is cared for and supported by one of her daughters, why should the son receive a larger share? This might not be the decision if we look at the actual *naf'a* of those particular offspring. The Qur'an does not elaborate all possibilities. However, by providing a variety of scenarios, it is clear enough that many combinations can and do exist, which must

discrimination in the one side, and a new question on a complicated consideration in the other side because to determinate the objective standard (*miqyās*) in order to give a person his/ her right property becomes new problem that must be solved. Instead, whether Abū Zayd's interpretation provided more egaliter theory of inheritance than classical previous theories, his ideas left a question concerning heir's objectivity and devisor's subjectivity.³⁰ One implication of Abū Zayd's exegetical method is a new requirement for who will divide the inherited wealth. He/ she must be able to determine shares of inheritance by doing comprehensive analysis on the objective conditions of each heirs. It is then important to formulate general guidance about how he/she can determine that and avoid unjust decisions.

D. The Role of Both Husband and Wife in Their Daily Life; a Concept of Mothering dan Family's Leadership

In conventional family, women have no right on their selves but they are under men's control (husband) and ownership. In Indonesian family laws (1/1974), article no. 31, the role of both husband and wife has been determined: the husband is a head of the family while the wife is a household mother. According to Bustanul 'Arifin, this division of role is capable of creating balance in a family³¹.

Many classical scholars used al-Nisā: 34 to legalize men's role as "leaders, protectors, and supervisors" of women. Since a woman is born, she belongs to her parents, in the sense that the parents have to protect her and

be considered for the equitable of inheritance." See: Amina Wadud, *Qur'an and Woman* (Kuala Lumpur: Penerbit Fajar Bakti, 1992), p. 87.

³⁰ Muḥammad Shaḥrūr was aware of problems of heir's objectivity and devisor's subjectivity. Therefore, in the case of inheritance, he emphasized the use of mechanism of last will and testament (*al-waṣīyah*) rather than *'ilm farā'iq* because the later is the last alternative for judge, to divide wealth of inheritance, if the former has not been determined yet because there is no one understands the family more then the devisor himself. In this case, he is allowed to determinate each share of heirs without any rules. The only used standard is his own justice and fear to God. Muhammad Syahrūr, *Metodologi Fikih Islam Kontemporer*, p. 323-338.

³¹ Busthanul Arifin, "Kedudukan Wanita Islam Indonesia dalam Hukum", at Lies M. Marcoes (ed.), *Wanita Islam Indonesia dalam kajian Tekstual dan Kontekstual* (Jakarta: INIS, 1993), p. 48-50.

fulfill her daily necessities.³² But when she gets marriage, her husband has to take this role from her parents. She also can have much dower (*mahr*) she wanted³³, and receive family maintenances from her husband without sharing any economic responsibility of the family.³⁴

In the contrary, a man must be responsible for his own life since his first dreaming of sex (*iḥtilām*), and after he gets marriage, he must take care of his wife³⁵, give her money, dresses and foods.³⁶ He must be responsible with all economic and social responsibilities of the family. He is also demanded to maintain: 1) his infants whether or not he has custody of them; 2) the infants of his son who is unable to have custody of them; 3) his disabled sons or his sons who become students; 4) his unmarried daughter

³² Fairuz Abadī, *Tanwīr al-Miqbās fī tafsīr ibn 'Abbās* (Beirut : Dār al-fikr, tt) p.69, See also: Ibn Jarīr al-Ṭabarī, *Jāmi' al-bayān'an Ta'wīl Ayāt al-Qur'ān* (Beirut : Dār al-Fikr, 1988) 14: 57.

³³ During the *khilāfah* of 'Umar ibn al-Khaṭṭāb, young men complained about the large amount of dower women demanded. Afraid that such a trend might discourage men from getting married, 'Umar announced that he was going to determine an upper limit on the amount of *mahr*. An old woman suddenly arose and said to 'Umar: "You will not take away from us what God has given us". Citing a clear Qur'anic verse, the women established that the amount of *mahr* was potentially unlimited. 'Umar immediately responded: "The woman is right and the man is wrong". He then abandoned his proposal. See: Abū Ḥāmid al-Ghazālī, *Iḥyā' 'Ulūm al-Qur'ān* (Cairo: Muṣṭafā al-Bābī al-Ḥalabī press, 1939), 1: 50.

³⁴ Based on al-Baqarah 233 (بِالْمَعْرُوفِ وَكِسْفِ مَن رَزَقْنَهُنَّ لَهُنَّ الْمَوْلُودُ وَعَلَى), Muslim scholars from the four most famous school (Hanafī, Mālikī, Syāfi'ī, Hanbalī) agreed that family financial is husband's responsibility. See: Muhammad ibn Ahmad Ibn Rushd, *Bidāyah al-Mujtahid*, 2: 40.

³⁵ In al-Nisā' : 6, God said:
وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَنْ يَكْبُرُوا وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهِدُوا عَلَيْهِمْ وَكَفَىٰ بِاللَّهِ حَسِيبًا
"And test the orphans until they attain puberty; then if you find in them maturity of intellect, make over to them their property, and do not consume it extravagantly and hastily, lest they attain to full age; and whoever is rich, let him abstain altogether, and whoever is poor, let him eat reasonably; then when you make over to them their property, call witnesses in their presence; and God is enough as a Reckoner. See : al-Fayruz Abādī, *Abādī, al-Fayrūz. Tanwīr al-Miqbās min Tafsīr ibn 'Abbās* (Surabaya: al-Hidayah), p. 52. See also : Ibn Katsīr, *Tafsīr al-Qur'ān al-'Azīm*, 1: 449; Muḥammad 'Alī al-Ṣābūnī, *Rawā'i' al-Bayān: Tafsīr Ayāt al-Aḥkām min al-Qur'ān* (Jakarta: Dār al-Kutub al-Islāmīyah, 2001), 1: 346-347.

³⁶ See : 'Abd al-Raḥmān al-Jazīrī, *al-Fiḥ al-Madhāhib al-Arba'ah* (Beirut : Dār al-Kutub al-'Ilmīyah), p. 970-980.

of any age; and 5) his widower or divorced daughter if she is ill³⁷. In the other side, the wife owes her husband her faithfulness and obedience. According to John L. Esposito, This kind of understanding is wide spread in many conservative scholars.³⁸ Because men have more independence and wider social contacts, their social position is translated into greater legal responsibilities (especially in maintenance regulations), as well as more extensive legal privileges. The most notable examples of such rights and duties can be found in the areas of guardianship of marriage, extensive divorce rights, wider privileges of custody and greater share in inheritance.³⁹

In previous chapter, I described how Abū Zayd understood *al-Qiwāmah* in al-Nisā': 34. He asserted that family finance and social education are not the only responsibility of husband but also wife. Undertaking the socio-economic responsibility (*al-Qiyām bi taḥammul al-Mas'ūliyyāt al-Iqtisādīyāh wa al-Ijtīmā'īyah*) is the obligation of who has ability to do that. It may be the husband, the wife, or both of them.⁴⁰ This kind of understanding requires new concepts of mothering and family's leadership.

"To mother" means "To take care of". According to many feminists, mothers are commonly characterized as female parents. In many cases, good woman means good mother. This moral association leads to the conception

³⁷ John L. Esposito, *Women in Muslim Family Law* (New York: Syracuse University Press, 1982), p. 27.

³⁸ Rashīd Riḍā said: "Son's share is double higher than a daughter's because he needs expenses not only for himself but also for his wife, while a daughter needs expenses for her alone and when she is married, her husband will pay her cost of living. See: Muhammad 'Abduh and Rashīd Riḍā, *Tafsīr al-Manār*, 4: 406. Compare with: Muḥammad Muṣṭafā Khan, *Islamic Law of inheritance, a new approach* (New Delhi: Kitab Bhavan, 1989) p. 217.

³⁹ In most Arab countries, the importance of family as the primary source of economic security has given weight to the patriarchal structuring of the family. The authority of men and elders has economic consequences for women and juniors. Many women, for example, never inherit their share of their patrimony, even through state law and Islamic custom entitles them to a share. Some women choose to leave their inheritance with their brothers as insurance, so that they can return to their birth families if their marriages dissolve. See: Suad Joseph, "Gender and Family in The Arab World" in (ed.) Suha Sabbagh, *Arab Women between Defiance and restraint* (New York: Olive Branch Press, 1996), p. 197. Compare with: John L. Esposito, *Women in Muslim Family Law*, p. 48.

⁴⁰ Naṣr Ḥāmid Abū Zayd, *Dawā'ir al-Khauf*, p. 214.

that women's sexuality and reproductive potential are meant to serve the household or the husband. This naturally leads to particular kinds of domestic ideology.⁴¹ In agreement with that view, Abū Zayd also admits Muslim's paradigmatic mistake in understanding the concept of mothering. For him, it is not only mother who has an obligation to take care of the children, but also father.⁴² He also asserts that "family education" was used to be understood narrowly then it should be. For him, the family education aims not only to guide children growing in a small environment of the family, but also to educate them sociological consciousness (*al-wa'y al-jtimā'i*) which can only be reached if both of father and mother can play their own role optimally.⁴³

For this reason, Abū Zayd does not agree if a mother is not allowed to do activities outside home because she will automatically be isolated from social life and become a poor mother with narrow mind-set who can only see realities from mendacious television. When a mother is not allowed to improve experience and knowledge, her competence will be not enough to educate her children and prepare them to live. Meanwhile, educating children (*tanshi'ah al-atfāl*) cannot be merely given to the government. Therefore, education for women and allowing them to go far freely out of her household duties is a must.⁴⁴

If there is a mother who wants to have a good career, her children will not automatically be waifs because she can entrust them to trusted baby sisters (*al-murabbiyah al-ajnabiyah*). It does not mean that she wants to compute with her husband, hold a candle to him, be pride of her self, show

⁴¹ See for example: Amina Wadud, *Inside the Gender Jihad (Women's reform in Islam)* (Oxford: Oneworld, 2006), p.128.

⁴² Naşr Hāmid Abū Zayd, *Dawā'ir al-Khauf*, p.81.

⁴³ Naşr Hāmid Abū Zayd, *Dawā'ir al-Khauf*, p.83-84. As well as Abū Zayd, Amina Wadud also strengthened that the failure of civil society, including Muslim society, to look carefully at the underlying notions of term "family" while simultaneously relying upon it as a "cornerstone" of social well-being, the source of a system of values, and the place for the development of morality. See: Amina Wadud, *Inside the Gender Jihad: Women's Reform in Islam*, p. 131.

⁴⁴ Naşr Hāmid Abū Zayd, *Dawā'ir al-Khauf*, p. 84-85.

her existence (*taḥqīqan li dhātihā*) and ask for an absolute equality because her marriage is built on an honest love.⁴⁵

Thus, whether a wife has to work outside her household, is not determined by whether her family needs finance or not (*min bāb al-ḍarūrāt al-laī tubīḥuhā al-mahzūrāt*⁴⁶). Being a working woman is a choice and a wife is free to choose it. But she must understand well many consequences of that work because when she wishes to synchronize her role as a good parent of her children and a good public woman, she creates a new scheme of family. She must be able to communicate with her husband, not to ask his permission, but to formulize the best scheme of family education for their children together. Abū Zayd believes that working woman will neither disturb children's educational activities nor create unemployment men.⁴⁷

It seems that Abū Zayd emphasizes parental roles because parents are the most significant persons for children. Under the parent's guidance, children begin to develop first conceptions of who they are, of their values, beliefs, and strength. Family background, including the educational level of the parents and their social class also impinge upon their development. From this view, his concept of ideal husband-wife can be seen. In the classical religious interpretations parent's role is divided into domestic and public role. Most Muslims recognized that family's economic support as the only obligation of husband, in the contrary, the only responsibility of wife is to in the house including taking care of children. This division had

⁴⁵ Naṣr Ḥāmid Abū Zayd, *Dawā'ir al-Khauf*, p. 41. According to Mashdar Farid, demand on equality in patriarchal paradigm does not aim to invert condition of both husband and wife, but it is aimed to omit the domination of one of them to another. In husband-wife relation, rational justice is not good enough. The couple must build a household based on true love. See: Mashdar F. Mas'udi, *Islam dan Hak-Hak reproduksi Perempuan; Dialog Fikih Pemberdayaan* (Bandung: Mizan, 1997), p. 179-185; Inayah Rohmaniyah, "Penghambaan Istri pada Suami", in (ed.) Inayah Rohmaniyah, *Perempuan Tertindas? Kajian hadis-hadis Misoginis* (Yogyakarta: eISAQ Press, 2003), p. 118-119.

⁴⁶ *Min bāb al-ḍarūrāt al-laī tubīḥuhā al-mahzūrāt* mean working woman is actually dangerous and forbidden (*al-dhanūrāt*), but it is allowed when family's finance really needs more money.

⁴⁷ Naṣr Ḥāmid Abū Zayd, *Dawā'ir al-Khauf*, p. 47.

trammēd wōmēn's frēdōm. Mōrēōvēr, dōmēstīc wōrk rēmāīns undērēstīmātēd.⁴⁸

Cōncērnīng thē rēlatīōn bētweēn hūsbānd ānd wīfē, Abū Zayd prōpōsēs thē cōncēpt of partnērshīp nōt lēādērshīp. Hē sād:

و لیس ثمē تبعات یتحملها الرجل فی علاقته بالمرأة سوي أن یمنحها الغذاء و الکساء
والمسکن. لهما علاقة أشبه بعلاقة التابع بالمتبوع والعبد بسیده.. وهی تحولها فی الحقیقة إلى
الشیء, قد یكون ثمینا, لكنه یظل مجرد الشیء, کم مهمل تتحدد أهمیته بنفعیته بالنسبة
للمالك أو للرجل

(In lēādērshīp schēme) a hūsbānd has nō rēsponsībīlītī exēpt to gīvē hīs wīfē fōod, drēss ānd hōusē. Thīs rēlatīōn īs līkē thē rēlatīōn bētweēn a fīgurē ānd hīs follōwēr of bētweēn a sērvañt ānd hīs lord...thē wīfē īs nō mōrē thān a “sōmēthīng”. Shē māy bē valūablē, būt shē īs only “sōmēthīng” thāt bēlōngs to īts ownēr (hūsbānd).⁴⁹

Abū Zayd āssertēd thāt wīfē's ābsōlutē obēdīēncē to hēr hūsbānd brīngs nōthīng būt mālē's dōmīnātīōn ānd dīscrīmīnātīōn āgāīnsts thē wīfē.⁵⁰ Hē mēntīōnēd ā cāsē of hōusēhōld's prōblēm whīch cānōt bē solvēd bē thē cōncēpt of obēdīēncē. In 1998, ā wīfē wās dīvōrcēd frōm hēr hūsbānd bē ā cōurt bēcausē shē, whō wās ā unīvērsltī lēctūrēr īn āgrōnōmī, dīd nōt wāntēd to hāvē chīld yēt ālthōugh thēy hād bēcōmē wīfē ānd hūsbānd for fīvē yēars. Shē wās wōrrīd ābōut thē pōssībīlītīs to hāvē bād īnflūēncēs of chēmīcāl mātters to hēr prēgnāncī. Abū Zayd rēcōmēnds whī thē judgē of thīs cāsē bēcāmē vērī rīgīd ānd sāv īt ās wīfē's dīsōbēdīēncē. Hē sād: ”*Inna al-*

⁴⁸ Azīzah Y. al-Hībrī, “Qur'ānīc Fōundātīōns of Thē Rīghts of Muslim Wōmēn īn Thē Twēntī-Fīrst Cēntūrī”, āt Athō Mudzhar (ēd.), *Wōmēn īn Indōnēsīan Sōcīēty: Access, Empowērment ānd Oppōrtūnītī* (Yōgyakartā: Sunān Kalījaga Prēss, 2002), p. 15-16.

⁴⁹ Naṣr Hāmīd Abū Zayd, *Dawā'ir al-Khauf*, p. 111. Azīzah Y. al-Hībrī dēscrībēs thē dīffērēncē bētweēn lēādērshīp ānd partnērshīp īn rēlatīōn bētweēn ā wīfē ānd hūsbānd. Shē sād: “Muslim fāmīlī īs ā partnērshīp īn thē sērvice of Gōd, bāsēd on ā cōnsultātīōn ānd chārāctērīzēd bē āffēctīōn ānd mērcī. Thē cōncēpt of lēādērshīp ācquīrēd hīērārchī ānd dōmīnīōn, ān īnīmīcāl cōncēpt to bāsīs Islāmīc prīncīplēs. Thē prōphēt Muḥammād rēfusēd to exērcīsē sūch dōmīnīōn, ānd dēnōncēd hūsbānds whō ābusēd thēr wōmēn. Hē gāvē wīvēs frēdōm to lēāvē thēm.”Azīzah Y. al-Hībrī, “Qur'ānīc Fōundātīōns of Thē Rīghts of Muslim Wōmēn īn Thē Twēntī-Fīrst Cēntūrī”, p. 18.

⁵⁰ Naṣr Hāmīd Abū Zayd, *Dawā'ir al-Khauf*, p.43-44; 210-213.

ḥayāḥ al-Usāīyah lil-Zawjah ta'ū fī al-ahammīyah al-ūlā”⁵¹ A divorce such this actually could be avoided if the judge does not see the husband as family's leader who must be obeyed by his wife.

Using Armawati's categorization of the role of husband and wife, Abū Zayd's thought on the ideal husband-wife relation can be considered as a relation with multiple female-male roles. He proposes a scheme which obligates both husband and wife to complete each other in doing domestic jobs, solving family's problems, and being responsible for the family socially and economically. In this scheme, the couple becomes leaders. They live in one social unit and have an obligation to consult each other in order to make the whole family solid and strong. When the wife has to go somewhere, the husband takes care of children. They have to work together based on their own capabilities.⁵²

⁵¹ This case was taken from *Jāīdah al-Ahrām*, September 21th 1998. See: Naṣr Ḥāmid Abū Zaid, *Dawā'ir al-Khauf*, hlm. 183-184.

⁵² Armawati divided husband-wife roles based on who becomes head of the family into seven kinds which are actually gradual. The last scheme is the most ideal one because it can accommodate a spirit of equality in an elegant implementation. These seven are: (1) Traditional role. Women are confined to a reproductive function while men are confined to the public arena and have to act as wage-earner for the family. The male is the head of the family, which means that wife-husband relations are not equal because the male is dominant and the female subordinate. Domestic work and working women are under appreciated; (2) Transitional role where women can enter into public arena if they have spare time. Female-male relations continue to be asymmetrical; to build a harmonious family is the women's responsibility. Men are the family's head, but they try to help around house a little. Domestic work and working women are however still not appreciated; (3) Dual role. In this scheme, Women have a double role that embraces both the public and domestic sectors. A working woman's only value is to help the family or husband, and if she makes more money than the husband, he must show moral support. Yet female-male relations are still asymmetrical. The head of the family is the husband, even if he is unemployed. Working women are still not appreciated in this case; (4) Egalitarian role. The female or wife spends more time in the public world. The female-male relation leads to symmetry. Productive conflict management is important but the male or husband sometimes controls the conflict. The male or husband sometimes helps in the management of domestic world. At this level, working women start to be appreciated; (5) Contemporary role. The choice is left to the female or wife to be independent (remains unmarried) or to seek divorce if a compromise cannot be reached with her spouse. Female-male communication can result in harmonious relations using a number of strategies. Domestic work and working women start to be appreciated; (6) Dual female-male roles. Interpersonal communication leads to equal partnership. Segregation of feminine and masculine character or male/ female work roles can be avoided. Recruitment for employment depends on competency and skills only. The male

E. Conclusion

In the matter of women's inheritance, Abū Zayd sees that al-Nisā: 7-8 bring a principle of justice which was not recognized by Pre-Islam Arab, notices that the *'aṣabīyah* (relationship between a father and his sons) was not the most important among the other family relationships and asserts that The Qur'an emphasizes charity and *Ṣadaqah* to keep the property unoccupied only by rich people. Legitimizing female's share was the main content of the inheritance's verses and not the 2:1 formula. In other word, Islam gave limitation for male's share. It must not be more than share of two females. It was the "meaning" of Qur'anic verses of inheritance (*al-Ma'nā*), and its significance (*al-Maghzā*) was the legalized principle of balance (*tawāzun*) between male and female. There are two implications of applying Abū Zayd's theory of interpretation on verses of inheritance. *First* is the necessity of formulating general guidance for people who will divide the inherited wealth and *second* is the obligation to all of couple married to develop a concept of partnership in their relation with multiple female-male roles.

Daftar Pustaka

- Abadī, Fairuz. *Tanwīr al-Miqbās fī tafsīr ibn 'Abbās*. Beirut : Dār al-fikr.
- Baidhowi, Ahmad. *Hermeneutika Feminis dalam Penafsiran al-Qur'an*, "Jurnal Studi ilmu – ilmu al-Qur'an dan Hadis" vol.9 No.1. Yogyakarta : Dept. TH Fac. Ushuluddin UIN Su-Ka, 2008.
- Burhanuddin. "Artikulasi Teori Batas Muhammad Syahrūr dalam Pengembangan Hukum Islam di Indonesia", in (ed.) Sahiron

is of more help on the domestic front. Men involved in domestic duties and women in public roles are appreciated; (7) Multiple female-male roles. Interpersonal communication leads to equal partnership. The domestic and public works are complementary each other. Who acts as head of the family depends on the situation and condition of family. There is no segregation of jobs. Both men and women appreciate female-male domestic and public worlds. Women can choose to be housewives and be counted as contributing to the economy. Sec: Armawati Arbi, "Women and Mass Media: Projection and Profile of Ideal Women", at Atho Mudzhar (ed.), *Women in Indonesian Society*, p. 202-206.

- Syamsuddin, *Hermeneutika al-Qur'an Madzhab Yogya*. Yogyakarta: Islamika, 2003.
- Busthanul Arifin, "Kedudukan Wanita Islam Indonesia dalam Hukum", in Lies M. Marcoes (ed.), *Wanita Islam Indonesia dalam kajian Tekstual dan Kontekstual*. Jakarta: INIS, 1993.
- DVD RoM al-Maktabah al-Shāmilah. Solo: Ridwan Media, 2007.
- Esposito, John L. & Natana j. Delong. *Women in Muslim Family Law*. New York: Syracuse university press, 2001.
- _____. *The Oxford Encyclopedia of Modern Islamic World*. New York: Oxford University Press, 1995.
- al-Ghazalī, Abū Hāmid. *Ihyā' 'Ulūm al-Qur'ān*. Cairo: Muṣṭafā al-Bābī al-Ḥalabī press, 1939.
- al-Ḥabs, Muḥammad. *al-Mar'ah baina al-Sharī'ah wa al-Ḥayāh*. Damaskus: Dār al-tajdīd, 2002.
- al-Hibri, Azizah Y. "Qur'anic Foundations of The Rights of Muslim Women in The Twenty-First Century", at Atho Mudzhar (ed.), *Women in Indonesian Society: Access, Empowerment and Opportunity*. Yogyakarta: Sunan Kalijaga Press, 2002.
- Ichwan, Moch Nur. *Meretas Kesarjanaan Kritis al-Qur'ān*. Jakarta : TERAJU, 2003.
- al-Jawwād, Ahmad 'Abd. *Uṣūl' ilm al-Mawāriṭh, Qismah al-Tirkah bi al-Ṭaṇqah al-Ḥisābīyah wa bi al-Qirād*. Beirut: Dar al-Kutub al-'Ilmiyyah.
- al-Jazīrī. 'Abd al-Raḥmān, *al-Fiqh 'alā al-Madhāhib al-Arba'ah*. Beirut : Dār al-Kutub al-'Ilmiyyah.
- Joseph, Suad. "Gender and Family in The Arab World" in (ed.) Suha Sabbagh, *Arab Women between Defiance and restraint*. New York: Olive Branch Press, 1996.
- Kathīr, Ismā'īl Ibn, *Tafsīr al-Qur'ān al-'Aẓīm*. Semarang: Karya Toha Putra.
- Khan, Muḥammad Muṣṭafā. *Islamic Law of inheritance, a new approach*. New Delhi: Kitab Bhavan, 1989.
- Kurzman, Charlez (ed.), *Liberal Islam: A Source book*. Oxford: Oxford University Press, 1998.

- Lubis, Amany, "Gender Gap in Leadership Roles in The Educational and Political Fields", in (ed.) Atho Mudzhar, *Women in Indonesian Society: Access, Empowerment and Opportunity*. Yogyakarta: Sunan Kalijaga Press, 2002.
- Mas'udi, Mashdar F. *Islam dan Hak-Hak reproduksi Perempuan; Dialog Fikih Pemberdayaan*. Bandung: Mizan, 1997.
- Mustaqim, Abdul. *Paradigma Tafsir Feminis, Membaca al-qur'an dengan Optik Perempuan: Studi Pemikiran Riffat Hasan tentang Isu gender dalam Islam*. Yogyakarta: Logung Pustaka, 2008.
- al-Qurṭubī, Muḥammad Ibn Aḥmad, *al-Jāmi' li Aḥkām al-Qur'ān*. Beirut: Dār al-Kutub al'Ilmiyah, 1994.
- Riḍā, Rashid, *Tafsīr al-Manār*. Kairo : Dār al-Ma'rifah.
- Rippin, Andrew. *Muslims, Their Religious beliefs and practices : The Contemporary periode*. London : Routledge, 1993.
- Rohmaniyah, Inayah. "Penghambaan Istri pada Suami", in (ed.) Inayah Rohmaniyah, *Perempuan Tertindas? Kajian hadis-hadis Misoginis*. Yogyakarta: eLSAQ Press, 2003.
- Rushd, Muhammad ibn Ahmad Ibn. *Bidāyah al-Mujtahid wa Nihāyah al-Muqtaṣid*. Semarang: Toha Putra.
- Sābiq, Sayyid. *Fiqh al-Sunnah*. Beirut: Dār al-Fikr, 1984.
- al-Ṣābūnī, Muḥammad 'Alī. *Rawā'i' al-Bayān: Tafsīr Āyāt al-Aḥkām min al-Qur'ān*. Jakarta: Dār al-Kutub al-Islāmīyah, 2001.
- Shahrūr, Muhammad. *al-Kitāb wa al-Qur'ān : Qirā'ah Mu'āṣirah*. Beirut: Syirkah al-Mathbū'āt li al-tauzī' wa al-Nasyr, 1992.
- Shihab, Quraish. *Tafsir al-Mishbah, Pesan, Kesan dan Keserasian al-Qur'an*. Tangerang: Lentera Hati, 2007.
- _____. *Wawasan al-Qur'an. Tafsir Maudhu'i atas Pelbagai Persoalan Umat*. Bandung: Mizan, 2007.
- Sjadzali, Munawir, *Ijtihad Kemanusiaan*. Jakarta: Paramadina, 1997.
- al-Suyūṭī, 'Abd al-Raḥmān ibn Abī Bakr. *Lubāb al-Nuqūl fī Asbāb al-Nuzūl*. Beirut : Dār al-Kutub al-'Ilmiyah.
- Syahrūr, Muhammad, *Prinsip dan Dasar Hermeneutika al-Qur'an Kontemporer*, translation by Sahiron Syamsuddin. Yogyakarta: eLSAQ Press, 2008.

Syamsuddin, Sahiron. "To The Male (is) the equivalent of the portion of two females, Muhammad Syahrūr's and Abū Zayd's interpretation of Qur'anic Verses in inheritance", *al-Syir'ah*, Vol. 44. No. 1, 2010.

al-Ṭabarī, Ibn Jarīr. *Jāmi' al-bayān'an Ta'wīl Āyāt al-Qur'ān*. Beirut : Dār al-Fikr, 1988.

Wadud, Amina. *Inside the Gender Jihad (Women's reform in Islam)*. Oxford: Oneworld, 2006.

_____. *Qur'an and Woman*. Kuala Lumpur: Penerbit Fajar Bakti, 1992.

al-Wāḥidī, 'Ali ibn Ahmad. *Asbāb al-Nuzūl*. Beirut: Dār al-Ma'ārif, 1968.

al-Zamakhsharī. *al-Kashshāf 'an Ḥaqāiq al-Tanzīl wa 'Uyūn al-Aqāwīl fī Wujūh al-Ta'wīl*. Beirut: Dār al-Fikr, 1977.

Zayd, Naṣr Ḥāmid Abu. *al-Takfīr fī Zamān al-Takfīr, Didd al-Jahl wa al-Zayf wa al-Khurūfah*. Kairo: Ṣinā' lil-Naṣr, 1995.

_____. *Dawā'ir al-Khauf: Qirā'ah fī Khiṭāb al-Mar'ah*. Beirut: al-Markaz al-Tsaqafī al-Islāmī, 1999.