

## CHAPTER III

### MUHAMMAD SYAHRUR AND HIS THOUGHT

#### A. The Background Of Muhammad Syahrur

Muhammad Syahrur was born at the intersection Salihyyah, Damascus on April 11, 1938<sup>31</sup> in Damascus, Syria. He was the fifth child of a dyer named Daib. While his mother was Siddiqah bint Salih Filyun. He is married to 'Azizah and blessed with five children, namely Tariq (married to Rihab), al-Layth (married to Olga), Rima (married to Luis), while the other two are Basil, and Mashun. The two grandchildren named Muhammad and Kinan. Shahrur attention and affection to her family so big. This is proven by always mentioning their names in his works offerings. Moreover, it also appears in the administration of child marriage perempuannya, Rima, who celebrated by inviting religious figures and even political figures of Bath party, the party's most influential Syrians today<sup>32</sup>.

Since very young Shahrur was famous by his great intelligent and brilliant. This is most evident from the education process and does not face the slightest hindrance. Shahrur education was the same as other children began from Elementary School *J'dadiyah* (equivalent junior / Junior High school) and junior secondary (high school equivalent / *Aliyah*)

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<sup>31</sup> Muhammad .Syahrur, *Al-kitab wa al-Qur'an: Qira'ah Mu'asyirah*, (Damaskus:al-Ahali li-Attiba'ah wa an-Nasy wa at-Tawzi, 1990), p. 823

<sup>32</sup> Ahmad Zaki Mubarak, *Pendekatan Strukturalisme Linguistik in Tafsir al-Qur'an Kontemporer "ala" M. Syahrur*, (Yogyakarta: Elsaq , 2007), p. 137

in Damascus. In the age of 19, Shahrur earn diplomacy of *Tsanawiyah* in School of Abdurrahman al-Kawakibi in 1957 AD<sup>33</sup> he completed his secondary education and received a scholarship from the government of Syria to continue his studies in the field of civil engineering in Moscow, Russia. He obtained a Diploma in 1964 and went on to study with the National University of Ireland scholarship from the University of Damascus in the specialist field of defense mechanics and foundation. There he obtained his Master of Science degree in 1969 and Doctor Philosophy degree in 1972 AD.

Until now he is a lecturer at the University of Damascus Faculty of Civil Engineering in the field of soil mechanics and Geology. In addition, he also medirikan engineering consulting firm Dar al Isytisyarat al Handasiyyah in Damascus. He is also interested in philosophy and Islamic science, such as: Philosophy of Humanism, Philosophy of Language, and Arabic Semantics. Scientific language is then a basic reading and interpreting the verses of the Qur'an.<sup>34</sup>

## **B. The Works Of Muhammad Syahrur**

The works of Muhammad Shahrur divided into two categories, as listed below:

### **1. Islamic Discourses**

*a. Al-Kitab Wa Al-Qur'an: Qira'ah Mu'asyirah (1990)*

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<sup>33</sup><http://www.shahrour.org>

<sup>34</sup> Mubarok, Ahmad

This book is the first book published, this book a comprehensive study on the holy book of the Qur'an which is used as grip and also the primary source of Muslims in understanding about their belief and religion, also dig the law and its values. he offers idea of de (re) constructive towards themes of *Ulum Al-Quran*. through linguistic approach he clearly explained the difference between the terms of *Al-Kitab*, the Koran, al-Furqan, al-Dhikr which is considered as synonyms that mean the Muslims' holy book ..<sup>35</sup>

b. *Dirasat Islamiyah Mu'ashirah Fi al-Daulah Wa al-Mujtama (1994)*.

This book describes the theme of the associated social and political with the problems of society (*al-mujtama'*) and the state (*al-Daulah*). With the same methodology framework - like the first book - in understanding the Qur'an, he built the concept of family, community (*ummah*), nation (*syu'ub*), and the State as well as the concepts of freedom and democracy (*shura*). The second book is also parse the response to book His first insisting that he is different from them in methodology.

His second book immediately get a response from Munir al Shawwaf by publishing a book entitled "*Tahafut Dirasat al-al-al-Daula Mu'asirah fi al-mujtama Wa'*". "Although many responses

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<sup>35</sup> Achmad Syarqawi Ismail, *Rekonstruksi Konsep Wahyu Muhammad Syahrur*, Yogyakarta: elSAQ Press, 1<sup>st</sup> edition, 2003, p 124

that come to him, either at the first book or second, it does not make Shahrur recede in developing discourse has become Muslim thinker at the time. He re-wrote the book for the third which he gave the title “*Al-Islam wa al-Iman: Manzuma al-Qiyam*” (1996). In This book Shahrur tries reviewing the basic concepts of Islam as pillars of faith. It performs the tracking of all the verses of al Qur’an related to the basic concepts above. And he found Another distinct difference in concept to the formulation of the previous scholars. Another thing to study this book is a child’s relationship with parents, and lastly Islam and politics.<sup>36</sup>

c. *Masyru’ al-Amal al-Islam (1999)*

This book contains proposals for action agreement of Islam in 21<sup>st</sup> century.

This article was made in response to requests forum of Shahrur International Islamic dialogue that matter it is not much different from the main points of his thoughts.

d. *Nahwu Ushul Jadidah lil fiqh al-Islami : Fiqh al-Mar’ah. (2000)*

And the last book Shahrur written in 2000 was “*Nahwu Jadidah Usul Fiqh al-Islami lil: Fiqh al-mar’ah*”. This is last book that talk about his business in an effort to strengthen the idea of a new *fiqh* as rival readings to the classical formula of understanding *fiqh* which is still so deeply rooted in the mindset of traditional

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<sup>36</sup> Muhammad Syahrur, *al-Islam wa al-Iman; Manzumah al-Qiyam*, Damaskus:al-Ahali li attiba’ah wa an Naysr wa at Tawzi, cet ke 1, 1996 p. 23-24

Islamic scholars, especially with regard to equality issues gender.

The idea of a new *fiqh* raised awareness that the minutes of all space and time, not just community-century treatise VII H.<sup>37</sup>

## 2. Scientific categories or Field Technique<sup>38</sup>

- a. *Handatsah Al-Asasat (Science Foundation) four volumes*
- b. *Handatsah Al-Turad (soil science)*

In addition Shahrur also donated his thoughts through articles in media publications or seminars, such as “The Divine Text and Pluralism in Muslim Societies “, in Muslim Politics Report, 14 (1997), and “Islam the 1995 Beijing World Conference on Women”, the Kuwaiti newspaper and then published in a book (*a collection of some of the writing*) which is edited by Charles Kurzman (ed), with the title *Liberal Islam A Source Book* (New York & Oxford: Oxford University Press, 1998)

### C. The Patterns of Thought of M Syahrur

Shahrur offer ideas (de) constructive re the quran Ulumul themes. Through a linguistic approach (read: paradigmo- syntagmatic) he clearly parse the difference between the terms of the *Al-Kitab*, al Qur’an, al furqan, al-Dhikr which is considered synonymous meaning holy book of Islam., For Shahrur sinonimitas mean reduction of the conceptual

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<sup>37</sup> Muhammad Syahrur, *Nahwu Ushul Jadidatun Lil-Fiqh Al-Islami, fiq al mar’ah* Damaskus:al-Ahali li attiba’ah wa an Naysr wa at Tawzi 1<sup>st</sup> 2000

<sup>38</sup> Muhammad In’am Esha, *Konstruksi Historis Metodologis Pemikiran Muhammad Syahrur*, dalam Jurnal Al-Huda, Vol 2, Jakarta: Islamic Center, p 124

concepts contained in each of the terms in the key al quran. It also means that's no vain of God's word that something must be rejected by anyone. By refusing synonym, there are opportunities for Shahrur to explore the terms of the above keys that those are different to what is understood by mainstream of all Muslims during this era.

Slightly according to the reading of his statement that we need to be submitted as "no good for text's contextuality, the revenue and formulation. In other words, Al-Qur'an according to this view, is a text without any context. He is a stand-alone as a text without any relevance to the history of the destination or purpose of revelation. The Prophet merely a recipient of revelation, he does not have a role in addition to receiving and delivering. Its role is confined to the way of life as lived in the first instance, or a variation of the first embodiment of the wide variety of other terms of Al-Qur'an.

- **Application Historical- scientific method in the study of linguistics.**

Shahrur explain the theoretical basis based rejection toward Arabic semitic. Some scholars who follow this theory include Sa'lab, ibn Faris, and Abu Ali al-Farisi. Shahrur rejected that same book with the word al Qur'an. Rejection is grounded in theories about secret of Arabic linguistics. Related to this Shahrur reveals new meaning to the meaning of *Tartilul Quran*, this time interpreted the word "beautifying of reciting Al Qur'an". Zamakhsari, in his principle of Arabic

literature chapter *ra-ta-la wahwa* paragraph explaining *warattilil qur'ana tartiila* a figure of speech which means “let someone beautify reading al-Quran and writing letters.

But based on the root word Shahrur *ra-ta-la* which means up and set it up. Shahrur found impossible to fourth fragment of a letter al Muzammil is understood to mean beautify in reading. Because paragraph thereafter *inna sanulqi 'Alaika qaulan tsaqilan* is totally unrelated to beautify the recitation of this verse. The reason is that the character is hard / heavy on *tsaqilan qaulan* series is not intended as a difficulty in the pronunciation, but rather difficult to understand the content of the contents of al-Quran. If so then *warattilil qur'ana tartiila* must be interpreted in the same context, which is preparing Al Qur'an verses that have a common theme in a series so it is easy to understand its content.

In his book “ al Kitab wal Qur'an” he discusses the six main themes in al Quran that his critized in following categories<sup>39</sup>:

*First*, the introduction of the term keys, such as: the distinction between al Kitab and al Quran, al-Dhikr, and al Furqan;

*Second*, al Qur'an and *sab'ul matsani* which includes a discussion of the words of God (*Kalaamulah*), about the content of al Quran, al quran as proofs toward other verses (*al bayyinat*) and he justify book existing front (justification treatise). Al Quran as a

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<sup>39</sup>Shahrur Muhammad, *Al kitab wal Qur'an: Qira'ah Mu'ashirah*, trans. Sahiron SYAMSUDIN and Burhanuddin Zikri, Yogyakarta: elSAQ press 2008.

book of the *mubarak* (books that remain), the reason for the revealisation only for the verses and book of *tafshil ahkam* , al Quran does not have asbabun nuzul, al hadith only applies to al Qur'an , al Qasas as part of the al-Quran and it is part of the book that Mubin, (as sab'ul matsani).

*Third*, prophetic (an nubuwwah) and apostolic (ar treatise) that talked about al quran in a region that is objective fan prophetic books in the area of mother source apostolate which is subjective, which is justified as Umm book treatise presented to the prophet Muhammad SAW and justified by al Qur'an, verses descriptive content of the al Kitab (*tafshil al kitab*), the mother-source books that are in the set of divine books being al Quran and as sab'ul matsani located in the area that are within the scope of the prophetic and divine, Arab nations are trying to pay attention to the effort to understand the content of the mother-source book is at the apostolate, the concept of al-Qadr which is located in al-Quran and al Qadha who are in al-kitab al revealed directed toward Jesus and Moses, the prophet Muhammad as al ummy who can't read and write.

*Fourth*, the concept of wa al inzal tanzil, the difference between the two; al process inzal and al tanzil in al quran, al inzal process and al tanzil on al book and tafshilul book; al process inzal



and al tanzil the angels; the manna, salwa and water; the dish from the sky; Chart operational processes inzal wa al tanzil al.

*Fifth*, about al quran miracles and its interpretation, is a warning to mankind against all book writing effort by hand, their own (people) to be anchored in the God and the challenges that they bring in the text such as the Qur'an; magic and miracles, the Qur'an al-karim as an everlasting- miracle to Muhammad SAW, interpretation principles.

And *the sixth*, concerning the talk about "the tree of dhikr al" to review the definitions of the terms of the principal at once an example paragraph dhikr.

#### **D. Interpretation Theory and Methodology**

In a scientific theory is said to behold an interpreter in interpreting a text will never be separated from the history of his life, his intellectual background, his science, his thoughts his teachers and the state of society when he was alive. Likewise with Shahrur in interpreting the Qur'an by looking at the social circumstances as well as the scientific community who mastered the language and thoughts of people who never get along with him.

According to him, the problems that always arise in contemporary Islamic thought, among others:

1. The absence of objective scientific research methods associated with the study of al-Kitab (the verses of the Qur'an) which was revealed to Muhammad.
2. Islamic studies often relied on the contemporary perspective of previous scholars who are considered well-established, so the more subjective nature of Islamic study results are now only used to reinforce assumptions that already exist.
3. Muslims today do not utilize the humanities philosophy of science because science still considers that it is derived from the Greek mistaken and misguided.
4. The absence of a valid Islamic epistemology. Consequently Muslims at the present time only spiked on the doctrines of the school of thought of scholars.
5. Products jurisprudence existing at the present time it is not relevant to the demands of modernity. Thus the need for a new formulation of legal jurisprudence.

He see that Muslims Contemporary divided on two groups<sup>40</sup>:

*The first* group are those who hold to the literal meaning of the full context of the Qur'an was revealed. They argue that what is already set in the early generations (the Prophet Muhammad) also applies to the next generation, so that Muslims do not try to develop his thinking to get answers to contemporary problems that are different from the problems

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<sup>40</sup> Muhammad In'am Esha, *M. Syahrur: Teori Batas*, (ed) A. Khudori Saleh, Yogyakarta: Jendela, 2003, p 299

that exist at the time of the Prophet. This resulted in a change in the meaning of the Qur'an *universalitas Saheeh li kulli times* into a narrow message, localistic and only for the Muslims around them alone.

*The second group* are those who tend to invite to secularism and modernity. This group rejected the Qur'an *al turats* including inherited as part of the initial generation and the ritual is a picture of obscurity. This flow is very fixated on religious opinions and religious institutions, ignoring the doctrines (interpretation) to their initial generation regardless from historicity and able to solve the problem with their own businesses.

Therefore, he offers a new method in the study of Islam, which calls back to the original text revealed by God to the Prophet by using the new method. In understanding the Qur'an, Muslims should behave as if the Prophet had just died and the Qur'an down in our time. By doing so, Muslims can now interpret the Qur'an in a contemporary context and not get stuck in the historical setting of the ancient people's thought. In its history has proven that each person interprets the Qur'an according to the condition of the community at the time of their lives in order to achieve the universality of the Qur'an which is always appropriate in any era. As a result, the doctrine of previous scholars thought not binding on Muslims in recent times, especially with the advancement of science in the present to make people become better at understanding the Qur'an.

Qur'an should be authentic through all era (*shaalih likillu zaman*) by these following characteristics:

1. Have absolute dimensions in it because he was taken down by an all-substance is absolute.
2. Al Qur'an as an indication for humans containing relativism of human understanding.
3. The Qur'an must be submitted through the human language because the language bound of human thought. Although eventually the language of divine absoluteness implies the relativity of content and context in the context of human understanding.

Furthermore, the terms of which became the name of the Qur'an (in the language of the Book Shahrur), namely Al Kitab Book, Al Zikr and the Al Furqan in form of *Mushaf Usmani* has its own meaning. Al Kitab comes from the word meaning *kataba* collect some things in order to gain an understanding of the meaning in order to achieve perfect. Because Al Kitab is *isim Al ma'rifah of Kitaab*, then it means a collection of some of the topics that were revealed by God to prophet Muhammad in the form of text that is composed verses of Surah *Al Fatihah* in the beginning and ended by surah *an Nas*. While the Qur'an is part of the codex system that is a collection of rules for the objective reality of the existence of the state of society. Al Zikr means the process of decline (translation) of the Qur'an from *Lawh mahfuz* into Arabic. And Al Furqan has the meaning like ten commandments given to Moses which its also contained in the Qur'an.

Muhammad as the receiver of divine revelation (Scripture) to be in two positions simultaneously, namely the position as a prophet and apostle

position as the implications for the content of the Book is divided into two major parts, the Kitab al Nubuwwah and Minutes. Al Nubuwwah adalah accumulated knowledge revealed to Muhammad and covers all scientific information and knowledge contained in Al Kitab, serves as a differentiator between right and falsehood or between the reality of the pre-conception. While al Qur'an is a collection of legal determination that was revealed to the Prophet as a complement to his prophethood.

As for his methodology in the understanding of the Qur'an is Qawa'idu at ta'wil. There are several steps in understanding the Qur'an, namely:

1. Make linguistic (language) Arabic as the main runway. In this linguistic understanding, there are several principles in the text: Arabic synonymicity not know, but one word could has many meanings; word serves as a tool to understand the meaning of; footing Arabic-speaking nation is the meaning of the language; text can only be understood through logic, flow clear and rational; and the Arabic language has a verb character opposite meaning.
2. Understanding the difference between *inzal* and *tanzil*. *Inzal* is a relation between objective reality, whereas *Tanzil* is human consciousness against this reality.
3. Using *al Tartil* technique, which incorporates all paragraphs that have the same theme.

4. Freed from the trap al Ta'diyah, which combine efforts to break away from the verses which possess the same object into one whole train of thought.
5. Understanding Mawaqi secret 'al augury, ie knowing the intent pieces / separation between paragraphs.
6. Conduct cross-examination, because of the verses of the Qur'an were conflicting<sup>41</sup>

#### **E. Shahrur's Limit Theory and Its Implementation to the Law of Islam**

In explaining the verses of the Qur'an about verses of *muhkamat* (legal texts), Shahrur using the theory of limits (*hudud al nazhariyat*). The term limits (*hudud al*) means: "the limits of the provisions of God that should not be violated, but still there is the door of ijtiḥad is elastic, flexible and dynamic".

In use of the law of *fiqh*, Shahrur divide a legal legitimacy in the two limits, the maximum specified limits (*al-hadd al-a'la*) and limits the minimum requirement (*al-hadd al adna*). This means that God's laws are elastic and the area of human ijtiḥad remained there for is between the minimum and maximum limits earlier. So, while a Muslim is within the *hudud* of Allah (God provision between the maximum and minimum limits), it can not be said against the law of God.<sup>42</sup>

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<sup>41</sup> Mubarak, Ahmad Zaki, *Pendekatan Strukturalisme linguistic dalam Tafsir Al Qur'an ala M. Syahrur*, Elsaq Press, Yogyakarta, 2007, p. 170-174

<sup>42</sup> Mustaqim, Abdul, *Syahrurdanteorilimit*, islamlib.com/id/index.php?page=article&id=677

From this theory can be understood that the laws stated in the verses of the Qur'an are not necessarily directly applicable in the present. Where crimes are written in the Qur'an and should be punished it has been progressing forms, and how to do it with a wide variety of levels. So here Shahrur want to offer a new method in the implementation of Islamic law in accordance with the level of one's faults and still refer to the text of the Qur'an.

As explanatory, in the Qur'an it is said that the punishment for a thief is cutting off hands. But that does not explain how pemcurian should cut his hand. While the realities that existed at this time, the theft itself is divided on several levels. Certainly not the same as a chicken thief sentenced to between one tail with criminals who steal public money on a large scale. Here then used boundary theory.

According to Mustaqim, there are four contributions to this theory in the formulation of legal jurisprudence:

1. Shahrur shift the old paradigm of fiqh scholars who rely on a single sentence in an error. While in development, there are mistakes that have evolved so divided into several levels.
2. Shahrur offers a new method of punishment in the setting of a mistake by using the maximum and minimum limits of punishment according to the degree of errors made.
3. Shahrur reconstruction in the law-making methodology of ijtihaad. During these verses muhkamat passages considered a definite legal

and only have single interpreter. As for Shahrur, the interpretation of those verses may change based on premises with the times.

4. With this theory proved that he is intending Qur'an relevant in every space and time. By doing a contemporary reading of the Qur'an, then the Qur'an can be understood in accordance with the realities that existed at the time in<sup>43</sup>

As examples of the interpretation of Shahrur which uses the theory of limits, among others:

والسارق والسارقة فاقطعوا أيديهما جزاء بما كسبا نكالا من الله والله عزيز حكيم

*“.....The man who steals and the woman who steals, cut both hands (as) in retaliation for what they do and the torment of Allah. And Allah is Mighty, Wise. (Q.S Al Maidah: 38)*

According Shahrur, hand-cut provision for a maximum punishment of a thief is the mistake. And the minimum penalty is excused (see paragraph 34). A judge shall perform ijthihad before making a decision about the punishment of a thief. Of course the punishment must match the type of error it produces. And the penalties can be alleviated in accordance with applicable regulations in the country where the incident. For example, the human was replaced with hukuma prison. Because the purpose to be addressed by giving the penalty is a deterrent to perpetrators of such acts and do not repeat them.

وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا وَلَا يَضْرِبْنَ بِخُمُرِهِنَّ عَلَى جُيُوبِهِنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ

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<sup>43</sup>Ibid..,



أَبَائِهِمْ أَوْ آبَاءَ بُعُولَتِهِمْ أَوْ أَبْنَائِهِمْ أَوْ أَبْنَاءَ بُعُولَتِهِمْ أَوْ إِخْوَانِهِمْ أَوْ بَنِي إِخْوَانِهِمْ أَوْ بَنِي  
 أَخَوَاتِهِمْ أَوْ نِسَائِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ أَوْ التَّابِعِينَ غَيْرَ أَوْلِيَاءِ الْإِرْبَةِ مِنَ الرِّجَالِ أَوْ الطِّفْلِ  
 الَّذِينَ لَمْ يَطْهَرُوا عَلَى عَوْرَاتِ النِّسَاءِ وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ زِينَتَهُنَّ  
 وَتَوْبُوا إِلَى اللَّهِ جَمِيعًا أَيُّهَا الْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ (٣١)

*“ And says (O Prophet) to the believing women to restrain their gaze, and guard their private parts, and not to display their adornment except that which is displayed of itself, and to draw their veils over their bosoms, and not to display their adornment except before their husbands, their fathers, the fathers of their husbands, their sons, and the sons of their husbands (from other wives), their brothers, their brother’s sons, their sister’s sons, their female associates, and those in their possession, and male attendants incapable of sexual desire, and those boys who have not yet attained knowledge of sex matters concerning women. Also forbid them to stamp their feet on the ground, lest their hidden ornaments should be displayed.”*

The purpose of this paragraph is a command for women to cover the aurat, except those already familiar (not invite the occurrence of an immoral) visible on the face and the palm of their hand. The minimum limit of the implementation of this clause is to cover the chest, pubic and not bertelanjng round. While the maximum limit is covering the entire body except the face and palms. In certain condition or state, wearing the veil was out of God’s provision because it exceeded the maximum limit

The result of his research above is the birth of a theory that is applicable, ie *nazhariyyah al-hudud* (limits theory / theoretical limit). The theory consists of a lower threshold limit (al-hadd al-adna / minimum) and upper limit (al-hadd al-a’la / maximum). There are six forms of the boundary theory is applicable in the study of legal texts,

1. The first, which only has a lower limit. This applies to women who may be married (QS. [4]: 22-23), the type of food that is forbidden

(QS. [5]: 3), [6]: 145-156), accounts payable {QS. [2]: 283-284), and women's clothing (QS. [4]: 31).

2. Secondly, who only have an upper limit. Applies to the crime of theft (QS. [5]: 38) and murder (QS. [17]: 33, [2]: 178, [4]: 92)
3. Third, which has upper and lower limits as well. Apply the law of inheritance (Sura. [4]: 11-14, 176) and polygamy (Sura. [4]: 3)
4. Fourth, the terms lower and upper limits are at one point or there is no alternative and can not be less or more. Apply the law of adultery with one hundred lashes (QS. [24]: 2).
5. Fifth, the provisions of which have lower and upper bounds as well, but they should not be touched, if touched it means breaking the laws of God. Applies to the relationship of men and women. If between men and women committing adultery approaching but not adultery, then they have not fallen at the limits of hudud Allah
6. Sixth, which has upper and lower limits, where the upper limit is positive and should not be exceeded. Lower limit being negative and be exceeded. Applies to the relationship among human material. The upper limit in the form of usury which is positive, while the lower limit is negative form of charity.<sup>44</sup>

Let's take the example of the theory that only the first hudud have lower limits, namely the clothing and women's genitalia. When interpreting QS. [24]: 31, "Or the children who do not understand about

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<sup>44</sup> Amin Abdullah, *Neo Ushul Fiqih Menuju Ijtihad Kontekstual*, (Yogyakarta: Fakultas Syari'ah Press dan Forum Studi Hukum Islam, 2004), p 156-158.

women's genitalia". According Shahrur genitalia is what makes one ashamed if visible, and genitalia are not related to halal haram, both from near and far. He made an example of, "If there are people who do not like the bald look bald head, then he will wear wigs, bald head because he considers as the genitalia." Then he quoted the hadith of the Prophet, "He who covers the nakedness of the believers, Allah will clothe her. "He commented, covering genitalia believer in the hadith does not mean that putting her clothes to avoid being seen. Then he concluded that the genitalia departing from embarrassment, which dislike someone when sighting of something, either of his or her behavior. Being ashamed he said relative, vary according to the mores, times, and places.<sup>45</sup>

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<sup>45</sup>*Ibid.*, p 372-373