

**Deconstruction of Women's Testimony in Fiqh:
The Problem of Gender Equality in Hilāl Sighting**

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Abstract

This study aims to deconstruct the traditional views in Islamic jurisprudence regarding women's testimony in the determination of the beginning of lunar Islamic calendar months, by examining gender equality through the perspective of the sociology of change and Islamic astronomy. This process, which has traditionally involved more men than women, is revisited with consideration of the role of women in contemporary society. In Islam, both men and women have equal capacity to provide testimony in various matters. Advances in science and technology have increasingly blurred the distinctions between men and women, as evidenced by the equal opportunities and positions in social, cultural, structural, and even religious domains. Unfortunately, women's involvement in moon sighting (*ru'yat al-hilāl*) remains very limited. In fact, in the history of the Ministry of Religious Affairs' decisions on the confirmation (*ithbāt*) of the new moon for the beginning of Ramaḍān, Shawwāl, and Dhū al-ḥijja, there has only been one accepted and recorded testimony from a woman in the official decree of the Ministry of Religious Affairs (KMA). This raises a significant question: is there a restriction on women's participation in *ru'yat al-hilāl* activities due to their social status? This study highlights how social dynamics and developments in knowledge, particularly Islamic astronomy, can drive a more inclusive reinterpretation of Islamic law. This study also explores how gender equality can be realized in religious practices and its implications for the reform of Islamic law.

Keyword: Deconstruction, gender, women's testimony, social change, *ru'yat al-hilāl*



Introduction

As a branch of Islamic sciences, *fiqh* or Islamic jurisprudence plays an important role in regulating worship and *mu'āmalah* (social relations) among Muslims. It encompasses a comprehensive framework that integrates legal, theological, and methodological aspects, enabling the application of Islamic teachings in daily life (Choiriyah et al., 2024). Understanding these rules is essential for effective *ijtihad* (interpretation) in worship and *mu'āmalah* (Farida, 2023).

Etymologically, *fiqh* means to have a deep understanding of something. While definitively, *fiqh* is the knowledge of the laws of God which are *'amaliyya* (deeds) extracted from detailed sources namely *tafṣīlī* (Taqwim, 2009; Zaydān, 1975). While *fiqh* provides a structured approach to Islamic law, providing a rigid interpretation can hinder the ability to adapt to the needs of modern society, showing the need for continuous discourse and reform in its application. As for the definition of Islamic law itself, according to Islamic legal experts, the term “Islamic Law” includes the notion of “*fiqh*” itself and even reaches the notion of “*Sharī'ah*”. With the understanding of Islamic law, which includes both *sharī'ah* and *fiqh*, it is defined as follows: A set of rules based on the revelation of Allah and the Sunnah of the Prophet about the behavior of legally competent believers (*mukallafs*) who are recognized and believed to be valid and binding for all Muslims (Taqwim, 2009; Syarifuddin, 1990).

One important issue in *fiqh* is related to women's testimony in the determination of the *hilāl* (new crescent moon) to determine the start of the lunar months, especially Ramaḍān and 'Īd al-Fiṭr. Traditional views on women's testimony in the Islamic context often reflect gender bias, where women's accounts are considered less credible than men's, especially regarding natural phenomena such as the moon sighting. This perspective is rooted in historical interpretations of religious texts, which have perpetuated gender discrimination. This view is inseparable from the social norms that existed during the early development of Islam, where women's roles were often restricted to certain spaces.

In classical *fiqh* (Imroni et al., 2024), a woman's testimony in legal matters is considered equal to half of a man's, and in some cases, not recognized at all, as in the case of *hilāl*-related testimonies. Such an approach has long been questioned by many scholars and activists, especially in the context of gender equality. A woman cannot be a witness independently without being

accompanied by another woman. This is explicitly mentioned in the Qur'an and hadith. Furthermore, the hadith even states that women are considered to have weaker thinking skills compared to men, who are considered to be more perfect in terms of intelligence (Muhibbin, 2007). In Sharia courts, the requirement of two female witnesses to equal one male reflects an ongoing gender bias. Variability in the acceptance of women's testimony among judges indicates a lack of uniformity in applying gender-neutral principles (Mohd Rapini, 2019).

In Indonesian history, R.A. Kartini, among other figures, played an important role in advocating for women's rights and education in Indonesia, becoming a symbol of women's emancipation. She established the first women's school and engaged in correspondence with Dutch counterparts to promote gender equality. Despite her significant contributions, contemporary understanding of her struggle has diminished, often reduced to a cultural celebration rather than a comprehensive recognition of her fight for women's rights (Saputro et al., 2024). Local Indonesian tradition records the main tasks for women as "*Malima*", or the 'five *Ma*'s of *Masak* (cooking), *Macak* (being presentable), *Manak* (bearing children), *Manut* (following orders) and *Malam* (a euphemism for sexual relations). These roles highlight women's contribution to the family and community, where women are involved in food production, caregiving, and various income-generating activities despite facing significant constraints such as limited access to resources (Juana, 2016). This is where the relevance of this study arises, namely, to criticize and deconstruct the traditional view of *fiqh* regarding women's testimony, especially in the determining the new moon, by putting forward the perspective of the sociology of change and Islamic astronomy. Indeed, the urge to reconstruct women's *fiqh* arises from the awareness of the discriminatory tendencies in *fiqh* rules against women.

Classical *fiqh* was compiled by the *mujtahid* Imams (capable of interpreting religious law) who possessed an extraordinary depth of knowledge and piety. Muslims recognize their breadth of knowledge, piety, and sincerity in jurisprudence, which makes their *fiqh* relevant to this day. However, *fiqh*, like any other branch of knowledge, was not formulated in isolation. The *mujtahids* lived in the context of space, time, culture, and the level of scientific development that influenced their thinking. The influence of factors such as place, time, culture, and even motives on variations in *fiqh* compiled by the *mujtahids* is common in the scientific tradition of *fiqh*. In the same way, because efforts to reconstruct the

fiqh of women's *ru'yat al-hilāl* activities are influenced by factors such as place, time, conditions, situations, and culture, they also should not be considered an unusual concept.

Several previous studies have examined *hilāl* testimony by women. An article by Aisyah Maulidatul Haq et al titled "Gender Equality in *Ru'yat al-hilāl*: Reviewing the Involvement of Women's Testimony in Determining the Beginning of Ramaḍān, Shawwāl, and Zulhijjah" discusses how the testimony of *ru'yat al-hilāl* is more often identified with men than women. Her research shows that *ru'yat al-hilāl* testimonies reflect the spirit of gender equality, but women's participation in determining the beginning of the month is still minimal – only 3% of instances from 1 Shawwāl 1421 H to 10 Zulhijjah 1440 H (Haq et al., 2024).

An article by Fauziyah et al titled "Women's Testimony in *Ru'yat al-hilāl* Perspective of Justice and Gender Equality" also reviews women's testimony in *ru'yat al-hilāl* from the perspective of justice and gender equality. The article notes that although women participate in *ru'yat*, the process is still dominated by men. For feminists, this is considered a social injustice. There is a fundamental difference in response to women's testimony between a gender perspective and a purely Islamic view (Furziah & Wildan, 2022). The two studies above did not use the approach that the author will attempt in this instance, namely by using Derrida's deconstruction theory and the approach of gender, social change and astronomy. This approach is important to respond to the developments that have been achieved by women in the modern era from the perspective of renewable *fiqh*.

Overview of Moon Sighting "*Ru'yat al-hilāl*"

Most Muslims use *hilāl* as a reference to determine the beginning of the Lunar (Qamariyya) month, especially related to religious rituals affairs namely *ʿubūdiyya*, such as the beginning of the months of Ramaḍān, Shawwāl, and Dhulhijjah. There are two methods for determining the presence of the *hilāl*, first, observing the *hilāl* directly (*ru'yat al-hilāl*) on the condition that the view must be clear and unobstructed in the western sky (*ufuk*) on every 29th of the Kamariah month, just after sunset. Second, declaring the month of Sha'ban completed at thirty days, if the new moon cannot be sighted due to cloudy weather (al- Jāzīrī, 1999).

Ru'yat al-hilāl is one of the methods to determine the beginning of the Lunar month. Simply put, *ru'yat* means to see, and in the context of determining the beginning of the month, this term refers to the activity of observing the *hilāl* at the end of the Lunar month to determine the date of the first day of the month (Azhari, 2008). The Azhari mufti Bakhīt al-Muṭī'ī (d. 1935) said that *ru'yat* is (Muṭī'ī, 1329): "*Ru'yat simply means seeing directly with the eyes. This definition is attributed to facilitate and give grace to those who are obliged, and to be a message that can be understood by everyone. It is different from ḥisāb, which is only known by a small number of people.*"

Successfully sighting the new moon is greatly influenced by aerial conditions, including weather and visibility at the Earth's horizon. Even where *ḥisāb* (calculated) data shows that the *hilāl* should be visible, there are a number of other factors that need to be considered in the process of *ru'yat al-hilāl*, such as air pollution, clouds, fog, and lighting that can interfere with seeing the horizon, making the observation process difficult (RI, 2010). Another important aspect in successfully conducting *ru'yat al-hilāl* is the observer themselves and whether they are using the naked eye or other optical aids. Therefore, scientific knowledge of astronomy and *hilāl* obtained from calculations is indispensable, accompanied by appropriate tools. However, many *hilāl* observers have not mastered *ru'yat* techniques in terms of both theory and practice. In addition, several factors can hinder visual observation of the *hilāl*, such as the altitude of the moon and the sun, the distance between the moon and the sun, atmospheric conditions, and the quality of the observer's vision. The quality of optical equipment, the psychological condition of the observer, time, cost, transparency of the process, and the unevenness of human resources and natural resources at the observation location also affect the ability to sight the new moon. Therefore, for *hilāl* observers, the use of optical aids, other supporting facilities, and astronomical knowledge gained from calculations is a very important and urgent consideration (Saksono, 2007).

Ministries of Religious Affairs in Muslim-majority countries, including Indonesia, regularly hold *Hilāl ithbāt* sessions to determine the beginning of the Hijri month based on *hilāl* observations (Nurkhanif et al., 2022). This session aims to reach a national agreement, so that Muslims can celebrate important events together. The methods used in this session may vary between countries (Rohmah, 2018). The author reviewed and analyzed moon sighting data sourced from the Ministry

of Religious Affairs' (KMA) decisions from 1421 to 1440 H, aiming to understand and verify the participation of male and female observers in moon sighting based on gender. During this period, 1,023 men were involved in moon sightings, while only 39 women were involved.

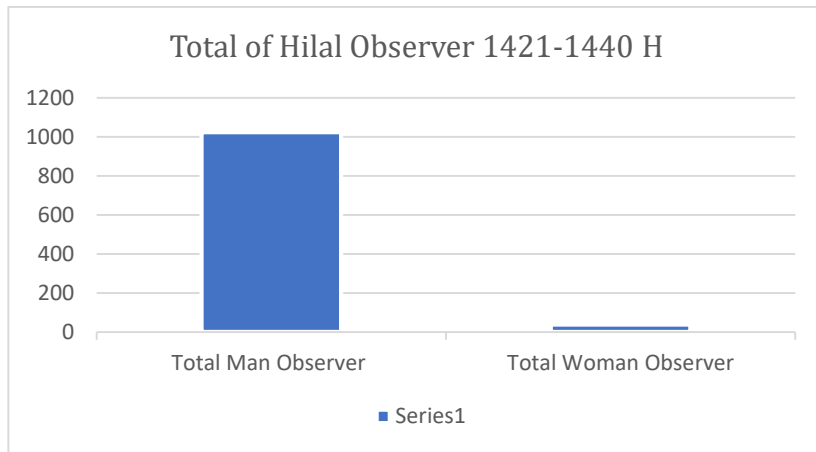


Figure 1. The Quantity of *Hilāl* Observer by gender

In the *ithbāt* session to determine the beginning of Ramaḍān, Shawwāl and Dhū al-ḥijja, astronomers, scholars and representatives of the Ministry of Religious Affairs discuss *hilāl* observation reports, including visibility and weather conditions. Afterward, they decide whether the *hilāl* is visible, and the decision is officially announced. This is important for setting dates in the Islamic calendar, such as Ramaḍān and ʿĪd al-Fiṭr.

The Indonesian Ministry of Religious Affairs also records and archives the decisions of the *Hilāl ithbāt* sessions in hard and soft copy file formats and distributes the decisions of the Minister of Religious Affairs from 1962 to 2019 in book form. Currently, the Ministry of Religious Affairs uploads the latest decisions on its official website, making them easily accessible for the public. These steps demonstrate transparency and efforts to facilitate the establishment of important dates in the Islamic calendar in Indonesia.

Fiqh of *Hilāl* Testimony

Before going into the discussion of *hilāl* testimony, it is necessary to understand the testimony itself. In Arabic, the term for witness is *shahādah*. The person who provides testimony is referred to as a *shahid* (for male witnesses) or *shahidah* (for female witnesses), which comes from the word *shahida - yashhadu - shahdan - shahadātan*) which means to convey something based on what they know through testimony; provide accurate and credible information; and witness directly with their own eyes. This meaning equates to the understanding that a *shahādah* is someone who sees an event and can give a report about what he or she saw (Elmi & Helim, 2015; A. M. Umar, 2002).

In the context of epistemology, testimony is a statement or information submitted by someone who is referred to as a witness because they know an event related to their testimony. In another definition, testimony is an explanation provided to a judge in court regarding an event in question. This testimony is delivered orally and directly by someone who is not one of the parties involved in the case, and the person is summoned to attend the trial (Elmi & Helim, 2015). A witness (*shāhid*) is an individual who gives and is responsible for his testimony, because they witnessed an event that was not witnessed by anyone else (Anshorudin, 2004).

As explained in Islamic tradition, there are differences in the capacity of men and women when it comes to providing testimony in certain cases. In the context of Islamic law, there is a provision that the testimony of two women is considered equal to that of one man, especially in cases involving property. However, in certain cases, such as *hudūd* (punishments strictly prescribed in *sharī'a*), women are not permitted to be witnesses. The twelfth century Shāfi'ī scholar Abū Shujā' in *Taqrīb* outlines three categories of human rights related to testimony; namely; first, rights that cover two aspects (Allah's rights and human rights) where only the testimony of two men is accepted, especially in cases that are not related to property and that can only be seen by men; second, rights related to property, where testimony is accepted from two men, one man and two women, or one witness accompanied by an oath from the disputing party; and third, the right that allows the testimony of one man and two women, or four women, in cases that cannot be seen by a man (Hamidah, 2011; (Abū Shujā' , n.d.).

Essentially, women face two main problems regarding testimony. First, women do not have the right to be witnesses in marriage and divorce cases. Secondly, although they are allowed to give testimony, the value of two women's testimony is considered equal to one man's testimony (Bakar, 2020). According to 'Abd al-Karīm Zaydān, the legal requirements for someone to be a witness include several critical conditions. First, a witness must have the capacity to testify, which includes a sound mind and having reached the age of maturity. Second, the witness must give truthful testimony, which is often ensured through an oath. In addition, the background of the witness, such as their religious affiliation, may affect their admissibility, especially in Islamic law where the testimony of non-Muslims is generally not accepted (Fuadi, 2022). *Fiqh* literature outlines the requirements to be a witness, namely: being an adult Muslim of sound mind, knowing what they are testifying about, being fair-minded and having the ability to see and speak (Anshorudin, 2004). Sayyid Sabiq adds two important requirements for a person to be a valid a witness. First, accuracy and understanding, namely that the witness must be careful and have a good understanding of the issue at hand. Testimony from someone who has a weak memory, often forgets, or often makes mistakes cannot be accepted because it casts doubt on their credibility. Second, freedom from accusation, which means that the witness must be free from any accusation of wrongdoing. Testimony from someone who has been involved in an affair or a personal conflict is not admissible as is not considered neutral (Sabiq, 2007).

The *hilāl* testimony refers to the information provided by a person or group of people regarding the sighting of the new crescent moon as a sign of the beginning of the month in the lunar calendar, especially to determine the beginning of the months of Ramaḍān, Shawwāl, and Dhū al-ḥijja. This *hilāl* observation plays an important role in determining the months of worship such as for fasting and the 'Īd al-Fiṭr and Īd al- 'Aḍḥā holidays.

In Islamic tradition, *hilāl* testimony is given by people who directly sight the *hilāl* with the naked eye. This testimony is then submitted to religious or government authorities to be used as a basis for determining important dates. This method of *ru'yat al-hilāl* (*hilāl* observation) is often carried out in conjunction with the *ḥisāb* (astronomical calculation) method to ensure the accuracy of the Hijri calendar (Nurkhanif et al., 2022).

On the issue of *ru'yat al-hilāl*, scholars differ on the number of witnesses required to establish the beginning of the month in the Islamic calendar. These opinions are divided into three groups as follows:

a) The opinion that requires one fair witness

Some scholars, such as the Mālikī and Ḥanbalī schools, argue that the determination of the beginning of the month of Ramaḍān can be based on the testimony of a fair and honest witness. This is based on the Hadith which states that when a Bedouin reported to the Prophet Muhammad that he saw the new moon, he accepted his testimony and ordered the Muslims to fast. Strictly speaking, the testimony of a trusted person is sufficient to determine the start of fasting for the people. (Ibn ʿĪsā, n.d.).

b) The opinion that requires two fair witnesses

The Shāfiʿī and some Ḥanafī scholars consider the need for two fair witnesses in determining the beginning of the month, including Ramaḍān and Shawwāl. The evidence is taken from verses of the Qurʾān that emphasize the importance of fair testimony, as well as traditions that support the need for the testimony of two people for certain matters. (Al-Qarḍāwī, 2006).

c) Opinion that requires more than two witnesses for the beginning of Dhū al-ḥijja month

Some Ḥanafī scholars believe that establishing the days of Arafat and ʿĪd al-Aḍḥā during in Dhū al-ḥijja requires the testimony of more than two people, usually 3-4 or more. This is because the moments of Hajj related to the month are considered important. (Al-Qarḍāwī, 2006).

The following is a more detailed explanation of the criteria for acceptable testimony according to the scholars of the *madhhab* (schools of Islamic jurisprudence) in determining *ru'yat al-hilāl*:

a. Ḥanafī School

In the case of clear skies, the Ḥanafīs stipulate that the testimony of many people with strong convictions is required in accordance with the principles of *Sharīʿa*. This is because, with clear skies, many observers

should be able to see the new moon. However, if the sky is cloudy, the testimony of one fair person is sufficient. The witness must be a Muslim, fair (where their good deeds outweigh the bad), of sound mind, an adult, and can be male or female, free or slave. The decision on the number of witnesses is left to the judge, taking into account the situation and conditions when the new moon is observed (al- Zuḥaylī, 2005).

b. Mālikī dan Ḥanbalī Schools

The Mālikī and Ḥanbalī schools permit the beginning of Ramaḍān to be determined based on the testimony of one honest and fair person, whether male or female. Fair here means someone who is known to do more good than bad. They rely on the hadith which shows that the Prophet accepted the testimony of a Bedouin to determine the beginning of Ramaḍān with only one witness. This school of thought emphasizes that the most important thing is the honesty and goodness of a person, not the number of witnesses. (Muḥammad Nāṣir, 2002).

c. Shāfi‘ī School

The Shāfi‘ī school is more cautious in stipulating that two fair witnesses are required to determine the beginning of the month, both Ramaḍān and Shawwāl. They adhere to the principle that the testimony of two people is stronger in ensuring the validity of the determination of the new moon. This applies not only when the sky is clear, but also when it is cloudy, because the presence of two witnesses is expected to avoid mistakes and guarantee a more reliable decision (al-Jāzīrī, 1999).

d. Ḥanafī School (Dhū al-ḥijja only)

In determining the beginning of the month of Dhū al-ḥijja, especially in relation to Hajj and ‘Īd al- ‘Aḍḥā, the Ḥanafī school requires the testimony of more than two people, usually three to four. This is because of the importance of acts of worship such as Hajj and ‘Īd al- ‘Aḍḥā, so more witnesses are needed to ensure the correct timing. By involving several witnesses, this school tries to maintain the validity of the timing for the benefit of the people who perform these significant acts of worship (al-Zuḥaylī, 2005).

Overview of Gender and Equality

The term 'gender' refers to 'sex', but in a social, political, cultural, and religious context, which is based on physical differences between women and men (Arsyad, 2020). Gender is the difference between men and women that is formed through social and cultural construction, related to roles, behavior, and characteristics that are considered appropriate for men and women, and can change (Azisah & Dkk, 2016), (Hamid et al., 2023). The concept of gender is often misunderstood as an issue that is only related to women and their biological nature. In fact, gender is different from sex and does not only discuss biological differences between men and women. Gender includes differences in roles constructed by society based on different cultures, social structures, and traditions in different regions, tribes, countries, and religions (Sadat & Dkk, 2020).

Society often stipulates that women should perform domestic duties at home, while men are responsible for earning a living outside the home. If women work outside, their role is seen as an additional breadwinner, while men are seen as the main breadwinners. Women are expected to be homemakers, while men take on the role of head of the family. Feminine traits are considered appropriate for women, and masculinity is expected of men. Women are considered emotional, hesitant, passive, and weak, while men are considered rational, assertive, aggressive, and strong (Nurhaeni, 2022).

Gender equality is often associated with various forms of discrimination experienced by women. These forms of discrimination include subordination, where women are considered to be in a lower position than men; oppression, which includes unfair treatment or denial of women's rights; and violence, both physical and psychological. In addition, gender equality is also related to the removal of certain social barriers and boundaries that limit women's space for movement, such as roles that are considered appropriate only within the household or prohibitions on engaging in certain activities in the community. Gender equality aims to eliminate these forms of injustice so that women and men have equal opportunities and rights in various aspects of life. Discrimination against women is prevalent in education, the workplace and even within the family, leading to a lack of inclusivity and equality (Sg, 2023).

Gender equality is a condition in which women and men have equal rights and opportunities to participate and play a role in various aspects of life, such as politics, economy, socio-culture, education, and defense and security. UNESCO defines gender equality as the freedom for every individual, both men and women, to develop abilities and make choices without being bound by gender role stereotypes or prejudices against a particular sex. Gender equality does not mean that men and women should be exactly the same, but rather that their rights, responsibilities and opportunities should not be influenced by their sex (Azisah & Dkk, 2016).

Gender equality is reflected in equal access, participation and control between women and men in various fields of development, as well as obtaining equal benefits from development. Access means opportunities for women and men to utilize resources, such as natural, social, political, and time resources (Xu et al., 2024). Equal access opens up opportunities for participation for both in development activities. Participation refers to equal involvement in programs, activities or decision-making. Although women are often given the opportunity to participate, their participation is often unequal, due to unsupportive socio-cultural norms or women's lack of confidence in taking on these roles (Azisah & Dkk, 2016).

Control refers to the power to determine the use of resources and who has the right to access them, which is crucial in assessing the involvement of both women and men in decision-making (Yadav, 2023). Meanwhile, benefits are the outcomes of development processes, used to evaluate whether these results favor one gender over the other (Azisah & Dkk, 2016).

In feminist circles, gender equality is a topic of ongoing debate. The meaning of gender equality has always been a subject of discussion in various theories up until now, because the concept of gender itself is a social construct that can change with the evolution of time, culture, geographical conditions, and place. Therefore, the understanding of gender equality will continue to evolve alongside social changes. Specifically, the differing views among feminists regarding the meaning of "equality" can be broadly divided into at least three distinct visions, namely (Arsyad, 2020), (Fakih, 1996):

- a. For some feminists, “equality” means equal rights, as women often do not receive the same opportunities as men in political and social policies. Traditional Liberal feminists argue that every individual, regardless of gender, should have equal access to rights and opportunities. While they support equality, they reject the notion of complete sameness, particularly in matters of reproduction. They seek to integrate women into all roles but believe that part of women’s oppression comes from within themselves, with equality being based on rationality.
- b. In contrast, the second view of equality emphasizes “affirming differences from male norms,” focusing on the natural and biological differences between genders. This perspective is associated with Radical or Cultural Feminists, who highlight equality by opposing patriarchal institutions that are seen as harmful to women and advantageous to men. They also take more extreme stances, including supporting the right to same-sex sexual satisfaction, thus tolerating and advocating for the practice of lesbianism.
- c. Equality is understood as “transforming all established norms and standards regarding the roles of men and women.” This approach is considered effective for achieving gender mainstreaming strategies. However, the challenge that arises is the dilemma within equality itself when confronted with differences that have been politically constructed.

In Islamic studies, etymologically, there is no term that directly means “equal” or “equality” in the Qur’an or Hadith. However, the concept of equality can be understood from verses that discuss the relationship between men and women. Several verses in the Qur’an can be contextually interpreted as addressing equality, and these are often referenced by scholars and gender researchers, one of which is Surah al-Aḥzāb, verse 35. In Islam, there are various interpretations of equality based on the literature of the Qur’an and the Sunnah (Arsyad, 2020):

- a) Equality is understood as justice, meaning placing things in their proper proportion. Justice is also the opposite of injustice, which includes all forms of oppression and tyranny.

- b) Islam grants equal status to men and women in terms of humanity (QS al-Nisā' 4:11), including in aspects such as testimony (QS al-Baqarah 2:282), (QS al-Tawba 9:21) and equal rewards for their deeds, (QS al-Tawba 9:21; QS Ali Imran 3:195). Islam also rejects all forms of discrimination and injustice among human beings (QS al-Hujurāt 49:13).
- c) Justice and gender equality are based on principles that place men and women in positions of equal standing. These principles emphasize fairness and balance in rights and responsibilities, ensuring that both genders are treated equitably within the framework of Islamic teachings.

From the three points above regarding the meaning of equality in Islam as expressed by Islamic thinkers (with a focus on gender studies), the concept of gender equality in the Qur'an is generally universal and normative, encompassing both men and women fairly. This understanding does not specifically favor one gender over the other. Therefore, when injustice occurs, particularly against women who make up half of the world's population, it cannot be taken lightly or ignored.

An Overview of Social Change

Social change is a topic that is always relevant and rich for discussion. Some groups are optimistic about social change, while others remain skeptical. This concept encompasses the study of social sciences and involves three dimensions of time: the past, the present, and the future. As a result, issues related to social change are often complex and difficult to address or predict. Nevertheless, nearly all social problems that arise within a community can be traced back to social change. Change becomes evident when we compare the old social order and way of life with the new one. Elements within society that typically undergo transformation include social values, norms, behavioral patterns, social organizations, community institutions, social stratification, power dynamics, responsibilities, and leadership. In developed or developing societies, social change is closely linked to economic progress (Baharuddin, 2021).

Social change is defined in various ways by sociologists, primarily due to differences in how they explain its scope and limitations. Wilbert Moore associates social change with alterations in social structure, behavioral patterns, and interactions, including norms and culture. Selo Soemardjan emphasizes

changes in social institutions that influence social systems, values, and attitudes. Roucek and Warren view social change as a transformation in social processes or structures, while Soedjono Dirdjosisworo describes it as a fundamental change in social structure and organization (Baharuddin, 2021). Social change encompasses various fields such as education, economics, law, and technology. However, these changes can also be limited to a specific area. For example, changes in the education sector may only reach the level of norms and values without yet influencing behavior. Social behavioral changes can occur at the individual level, within small groups, large groups, or even across entire communities. Changes in a specific field can also expand more broadly, as seen in the growing awareness of environmental preservation efforts (Aggarwal & Sachar, 2016).

The causes of social change can be broadly categorized into two main groups: changes that originate from within society and changes that come from outside of society (Baharuddin, 2021):

1) Changes that originate from within society itself.

a. The advancement of scientific knowledge.

The advancement of scientific knowledge leads to various new discoveries. Several factors encourage individuals to make these discoveries, including awareness of social interdependence, the expertise of specialists within a culture, and a drive for creativity in society. In the early stages, discoveries are often made through a trial-and-error process, where failures provide valuable lessons for future success. These changes do not always signify significant progress and are often cyclical in nature. Ideas and tangible outcomes from new discoveries become primary drivers of change within society. These discoveries can lead to rapid changes (revolutions) or gradual ones (evolutions), impacting either a small segment or the entirety of society.

b. Factors related to population size.

Changes in population size, composition, and distribution can significantly impact the culture and social structure of a community. Population growth in a particular area often leads to changes in social structure, including social institutions. For example, a well-

implemented transmigration program that considers social, economic, cultural, political, religious, and security aspects has the potential to bring about positive changes. Skilled newcomers not only benefit themselves but can also have a positive impact on the local population, who may adopt similar work and lifestyle patterns. As a result, the interactions between these groups can lead to changes in social, cultural, economic, political, religious, and security aspects of life. According to Roucek and Warren (1984), social change occurs more rapidly in heterogeneous societies, where various ethnic groups interact and share customs, knowledge, technology, and ideologies.

c. Factors related to conflict and rebellion.

Conflicts regarding values, norms, politics, ethnicity, and religion can lead to significant social change. When individuals reject or shift away from long-standing values, norms, or customs, change can occur. For instance, the traditional Indonesian belief that “more children means more blessings” has shifted to the perspective that “more children means a greater economic burden.” Social change often arises as a result of political conflicts and rebellions, which usually have negative consequences, such as halting economic activities, driving inflation, and increasing distrust and anxiety. According to Roucek and Warren (1984), heterogeneous societies tend to experience conflicts because the relationships among individuals and groups are less cohesive, leading to competition, especially when resources become scarce. When conflicts escalate, society experiences social unrest, and in such situations individuals are more susceptible to new ideas and influences.

2) Changes that originate from outside society.

a. The influence of other cultures.

Cultural factors can lead to changes within society. Changes in cultural elements can also drive transformations in social forms and relationships. Social change in a community is not solely caused by internal culture; it can also be influenced by external cultures. Sometimes, social change is not triggered by the surrounding culture

or by differing cultural influences. The impact of culture can result in several scenarios of social change, such as: (a) cultures coexisting and blending into a single entity, (b) one culture fading away due to the influence of another culture, or (c) cultures merging to create a new culture as a result of interaction.

b. War

Wars between societies can lead to various impacts, similar to those caused by rebellions and conflicts. However, the negative consequences of war are often much greater due to the advanced weaponry typically employed in such conflicts. The aftermath of war can result in significant loss of life, destruction of infrastructure, displacement of populations, and long-lasting psychological effects on individuals and communities. Moreover, the social fabric of society can be profoundly altered, leading to shifts in power dynamics, economic instability, and changes in cultural practices.

An Overview of Derrida's Deconstruction

Deconstruction is a philosophical approach introduced by French philosopher Jacques Derrida (1930-2004) in the 1960s. It aims to challenge and dismantle the hidden assumptions within texts, language, and systems of thought, particularly those rooted in the long-dominant tradition of Western philosophy. Derrida emphasizes that meaning is never fixed or singular; instead, it is always fragmented, open to interpretation, and interconnected with its context (Shakir & Al-maarooof, 2023).

What social context motivated Derrida to develop his theory of deconstruction? During his time, there was a prevailing belief that philosophy was not progressing well because it remained focused on a world of ideas oriented around a singular truth. However, Derrida recognized that the concepts still confined to that realm of ideas could be more empirically explored by questioning and proposing the possibility of alternative truths. Through deconstruction, he created space to accommodate a variety of other truths that had previously been overlooked (Culler, 1983).

Based on the social context, the influence of major theories of his time, and Derrida's personal and social life, he sought to address whether the truth of a text is singular (logocentrism). Through his thinking, Derrida concluded that truth is not singular but diverse. By deconstructing social phenomena, he demonstrated that language—both spoken and written—is never fully transparent in conveying meaning. The repetition of words in various contexts does not yield the same meaning, as each time a sign is repeated, its context shifts and its meaning changes. As a result, repetition leads to disintegration rather than the consolidation of meaning (Zima V, 1991).

The term “deconstruction” is a translation of two German words, *Destruktion* and *Abbau*, used by Martin Heidegger in his work *Being and Time* (1927). In that work, Heidegger asserts that the most fundamental issue in philosophy is the meaning of “being,” which has been overlooked by the Western tradition of thought, necessitating a deep re-examination. This philosophical tradition is not simply abandoned; rather, its structure is loosened to be tested and reformulated regarding the question of “being” more accurately. Heidegger refers to this process as *Destruktion* and *Abbau*, which Derrida later adopted as deconstruction. While structuralism posits that meaning is determined by the relationships between signs, deconstruction reveals that meaning is actually relative and lacks a fixed essence. Deconstruction aims to peel away the layers of hidden meanings within a text that have been previously constructed, suppressed, or ignored.

Through deconstruction, Derrida demonstrates that truth, logos, or stable centers cannot exist in their entirety, as they always depend on *différance*—something external to themselves—to reveal the internal weaknesses of each system of thought. In Indonesian, deconstruction translates to “*pembongkaran*,” a concept that Derrida first introduced in the 1960s, inspired by Heidegger's idea of *Destruktion*. Derrida's method of textual criticism involves discovering, recognizing, and understanding unspoken assumptions or ideas. This method has since been applied in the study of Islam, particularly in the field of interpretation (*tafsir*) (N. Umar, 2014). In deconstruction, Derrida does not aim to dismantle existing concepts or systems of thought. Instead, he seeks to reveal how these concepts are formed and function. This approach does not propose alternative truths; rather, it opens up space for diverse interpretations and more flexible ways of thinking (Shakir & Al-maarof, 2023).

Deconstruction of Women's Testimony in the Jurisprudence of New Moon Observation

According to research data by Aisyah Maulidatul Haq and colleagues, only 39 women provided testimonies regarding the sighting of the moon (*hilāl*) since the beginning of its verification by the Indonesian Ministry of Religious Affairs in 1962 until 2019, accounting for about 3% of the total. This indicates a low level of participation of women in the *ru'yat al-hilāl* process (Haq et al., 2024).

To understand how Derrida's theory of deconstruction can be applied in the context of reconstructing women's testimony in *ru'yat al-hilāl*, we need to examine how deconstruction operates in dismantling and critiquing the underlying systems of thought and beliefs that inform social practices, including those in law and religion.

Deconstructing Hierarchies in Ru'yat al-hilāl Testimony

The tradition of *ru'yat al-hilāl* within Islamic communities is often shaped by patriarchal views, where women's testimonies are sometimes regarded as less valid or recognized compared to those of men. From a Derridean deconstructive perspective, this disparity emerges from a binary mindset that places men in a position of being "more authoritative" or "more legitimate" regarding the validity of testimony. This approach encourages us to question and reinterpret such views, revealing them as social constructs that can be opened up to more equitable interpretations.

In several verses and Hadiths, women are perceived as holding a subordinate position compared to men, stemming from the belief that women were created from men. To address this, it is essential to first examine the Qur'anic verses discussing women's testimony. Following that, we should also consider relevant Hadiths. Generally, the concept of testimony in Islamic jurisprudence refers to Surah al-Baqarah, verse 282, which explicitly states that the testimony of one man is equivalent to that of two women. However, it's important to note that this verse specifically pertains to financial matters, with no provisions made for other affairs. Nevertheless, jurists often extrapolate a general conclusion from this verse, asserting that one male witness is equivalent to two female witnesses across various issues, whether financial or otherwise (Hamidah, 2011).

The theory of deconstruction can dismantle and question the underlying assumptions of these binary oppositions (male/female, strong/weak, valid/invalid) and examine how social and religious structures have long accepted this division as a given. Derrida would encourage us to recognize that the concept of “valid testimony” cannot be separated from the social, cultural, and historical contexts that shape perceptions of gender, authority, and truth.

When we consider one factor of social change, namely the advancement of knowledge, particularly in the field of astronomy with a focus on *ru'yat al-hilāl*, it becomes evident that the role and participation of women cannot be underestimated or dismissed as having only half the value of men's testimony. Access to education in astronomy for women is demonstrated by the emergence of astronomy programs at state Islamic universities, offering bachelor's (S1), master's (S2), and doctoral (S3) degrees, such as those available at Universitas Islam Negeri Walisongo since 2007 to the present.

With this increased access, women have demonstrated equal competence and contributions in fields that were previously male-dominated, including technical and intellectual expertise such as *ru'yat al-hilāl*. This emphasizes that women's testimonies and participation must be recognized fairly and equally.

Logocentrism in *Ru'yat al-hilāl*

Derrida's deconstruction approach also critiques the belief in a single absolute truth that can only be accessed through certain authorities, such as the notion that men's testimonies are deemed more valid in the context of *ru'yat al-hilāl*. Within this tradition, men's testimonies are often considered more trustworthy or “objective” than those of women. However, deconstruction reveals that truth is never truly final or absolute. It is always shaped by power relations, language, and the history surrounding it. What is considered “absolute” truth may stem from norms that support gender hierarchies. Through deconstruction, we can understand that the authority attributed to testimonies in *ru'yat al-hilāl* may have been built upon unexamined patriarchal assumptions, opening up opportunities to revisit this perspective in a more equitable and open manner.

The *hilāl* is the visible portion of the moon from Earth that shines brightly as it reflects sunlight on the day of *ijtimā'* (determination), right after sunset. If the

hilāl is sighted after the sun has set, that night and the following day are counted as the beginning of the new month.

The concept of *ru'yat al-hilāl*, from the perspective of *shara'* (divine law), refers to the visual testimony of the *hilāl* with the naked eye after sunset on the 29th day of the Hijri month, provided by a trustworthy person whose testimony is accepted (Masroeri, 2008). This testimony serves as the basis for determining the beginning of a new month. In the Dictionary of Astronomy, *ru'yat al-hilāl* is defined as the effort to see or observe the *hilāl* in an open space, either with the naked eye or using tools, right after sunset before the new Hijri month begins.

Since the observation of the *hilāl* is a scientific activity, the validity of a testimony is not always considered strong and credible simply because it comes from a man. What matters more in establishing the legitimacy of the testimony is the ability to provide physical evidence, such as through photos or videos of the *hilāl* as supporting proof. If a female observer possesses valid visual evidence, her single testimony can hold more value than that of three men in the context of *ru'yat al-hilāl*. This is because the more skilled an observer is, the more likely they are to apply the principles of *ru'yat al-hilāl* from both *fiqh* and astronomical perspectives.

The Concept of Différance and the Deferred Meaning in Testimonies

One of the key concepts in deconstruction is *différance*, which illustrates that meaning is always deferred and never fully final. In the context of women's testimonies in *ru'yat al-hilāl*, this concept helps us understand that the authority and validity of women's testimonies are not predetermined absolutes; rather, they are always open to reinterpretation and negotiation, depending on the prevailing social, political, and religious conditions.

While women's testimonies may have been underestimated or overlooked throughout history, this does not imply that these testimonies lack value or truth. Derrida suggests that the significance of a woman's testimony may be dismissed in one context but acknowledged in another, depending on how power and authority are structured. This perspective opens space for a more inclusive and equitable view of women's testimonies, challenging the dominant assumptions that have long persisted.

Verse 185 of Surah al-Baqara provides a clear indication of the obligation to fast by observing (*shahida*) the *hilāl*, as agreed upon by scholars of *tafsir*, although there are differing opinions regarding the interpretation of the word “*shahida*” in this verse. However, the author believes that this verse not only indicates the obligation to perform *ru’yat al-hilāl*, which is supported by various hadiths of the Prophet Muhammad (SAW) but also suggests the importance of specialized expertise in the field of *ru’yat al-hilāl*, both in theory and practice. This indicator is found in the word *man* (“whoever”) in the phrase *fa-man shahida* (“whoever witnesses it”). In the *Tafsīr al-Baḥr al-Muḥīṭ*, only two interpretations of this word are mentioned: as a conditional clause and as a relative clause. However, from the author’s perspective, it would be more accurate to classify the word *man* as a relative clause. In Arabic grammar, a *ism mawṣūl* is a part of the *ism ma’rifa* that conveys the benefit of specificity regarding the type (al-Ghulaynī, 1993).

Conclusion

Derrida’s deconstruction approach to the re-examination of women’s testimonies in *ru’yat al-hilāl* emphasizes the importance of dismantling long-accepted gender hierarchies and reimagining meanings and authorities in a more just and inclusive manner. Deconstruction does not offer immediate solutions; instead, it provides analytical tools to continuously question and challenge the assumptions that sustain gender inequality within religious, social, and cultural systems, all while integrating an astronomical perspective as the focal point of the study, namely *ru’yat al-hilāl*.

The deconstruction of the jurisprudence regarding the testimony of the crescent moon observation illustrates that the observation of the *hilāl* is a scientific activity that requires the validity and credibility of testimonies based on physical evidence, rather than being solely determined by gender. In this context, women’s testimonies can be considered equal or even stronger if accompanied by valid visual evidence, such as photographs or videos of the *hilāl*. Therefore, this approach emphasizes that the value of a testimony is not determined solely by the gender of the witness, but rather by the substance and accountable evidence presented. A female observer’s testimony, when backed by valid evidence, can hold more weight than that of several men, highlighting the need for equal recognition and appreciation of women’s participation in the *ru’yat al-hilāl* process. The more skilled and experienced a female observer is, the stronger her testimony becomes.

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