

## **THE RELIGIOUS THOUGHT OF CONSERVATIVE JUDAISM: AN ANALYSIS**

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### **Abstract**

Conservative Judaism is the mediating group between Orthodox and Reform Judaism. It claimed to uphold basic traditions, at the same time adjusting to modern life in its effort for reconstruction of religious thought. It also contended that it is necessary to redefine and reinterpret the main concepts of faith in accordance to modern science and knowledge. This paper attempts at highlighting the position of Conservative Judaism on selected issues for reconstruction of religious thought, namely, the interpretation of law, the application of law, and the position of women. The paper concluded that although Conservative Judaism appeared as a mediating group between traditionalists and secularists, it disregarded their scriptures and relied more on human interpretations. They regarded modern knowledge and rational explanations as primary references rather than the scriptures.

Keywords: Conservative Judaism; reconstruction of religious thought; interpretation of law; Torah, Shari'ah.

### **Khulasah**

Yahudi konservatif mendakwa mereka berada di kedudukan tengah antara golongan Yahudi ortodoks dan reformasi. Mereka cuba mengekalkan tradisi asas di samping menyesuaikan diri dengan kehidupan moden. Dalam pendekatan untuk membina semula

pemikiran agama, golongan Yahudi konservatif menyatakan bahawa untuk memenuhi cabaran dunia moden, konsep keimanan perlu ditakrif semula dan ditafsir bersesuaian dengan kaedah sains dan pengetahuan moden. Makalah ini mengetengahkan beberapa isu yang didokong oleh Yahudi konservatif bagi pembinaan semula pemikiran agama; di samping menyediakan analisis objektif terhadap idea-idea mereka. Kajian mendapati bahawa walaupun mendakwa diri mereka sebagai golongan tengah antara ortodoks dan reformasi, Yahudi konservatif seolah-olah mengabaikan Kitab Suci mereka dan banyak bergantung pada tafsiran manusia. Mereka beranggapan bahawa ilmu pengetahuan moden dan penerangan rasional sebagai rujukan utama dan bukannya kitab suci.

Kata kunci: Yahudi Konservatif, Pembinaan semula pemikiran agama, Pentafsiran hukum, Taurat, Shari'ah.

## **Introduction**

Modernity has synthesized a set of new ideas including in the areas of religious thought. Like Muslim experience, the responses of Jewish towards modernity could be categorized into three main groups. The first one is an absolute rejection of modernity which is called Orthodox Judaism. It is categorized as the traditionalist group who followed a strict adherence to traditional Jewish law codes, and to classical theology<sup>1</sup>. The second category of response is an absolute assimilation of modernity which is called Reform or Progressive Judaism. It is labelled as secularist group who denied the Divine origin of the *Torah*, professed that only the ethical biblical laws are

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<sup>1</sup> For further elaboration of the views of this group, refer to Jacob Neuser, *Judaism in Modern Times: An Introduction and Reader* (Cambridge: Blackwell Publishers, 1995), 52-67.

obligatory and stated that the rest of *halakha* (Jewish law) is no longer normative for the Jews<sup>2</sup>.

Meanwhile the third response is referred to mediating position between the two extremes of secularists and traditionalist which is called Conservative Judaism, trying to keep basic traditions while adjusting to modern life. It is this group that proposed a project of reconstruction of religious thought in Judaism. This paper attempts at highlighting the position of Conservative Judaism on certain issues in its efforts for reconstruction of religious thought and analyze them from an Islamic perspective.

### **The Background of Conservative Judaism**

Before exploring selected issues responded by Conservative Judaism, it is significant to highlight briefly its background. The Conservative movement emerged in Europe and the United States in 1800s as the reaction of Jews to the changes brought about by the modernity<sup>3</sup>. The origin of Conservative Judaism could be traced from various perspectives. Besides the social and political liberation of the Jews, the academic-intellectual drive known today as *die Wissenschaft des Judentums* or the scientific study of Judaism also became the contributing factor for reform in Judaism.

According to *Wissenschaft* scholars, the study of Judaism should be approached as a historical

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<sup>2</sup> Refer to David F.Ford ed., *The Modern Theologians: An Introduction to Christian Theology in the Twentieth Century* (Cambridge: Blackwell Publishing, 1997), 2.

<sup>3</sup> Most historians agree that the modern age in Jewish history had its beginnings toward the middle of nineteenth century. It was about this time, the Jews encountered two movements of modernity, namely Enlightenment and Emancipation. In the process of Jewish encounter with the modernity, everything Jewish would be radically transformed, including the beliefs and practices of Jewish religion. For a detail explanation, refer to Michael A Mayer, *Response to Modernity: A History of Reform Movement in Judaism* (New York: Oxford University Press, 1988), 10-61.

phenomenon, influenced and changed by the ideas, people, and events that confronted Judaism throughout its history<sup>4</sup>. Apart from *Wissenschaft* scholars, there appeared another group of scholars who incorporated some ideologies of *Wissenschaft* but persisted that some of the Jewish practices should not be reformed. One of those scholars was Zacharias Frankel<sup>5</sup> (1801-1875) who was later known in Europe as the forefather of Conservative Judaism.

Therefore, the origin of Conservative Judaism has been based strongly on the positive-historical Judaism in 1850s Germany, which was founded by Zacharias Frankel and several thinkers. They endeavored to reconcile between tradition and historical scholarship as response to the immobility of Orthodoxy and the disintegration of Reform Judaism. They were prepared for the changing world in which Jews now lived but did not agree with reform movement to abandon the Jewish tradition.

With this same persuasion, a group of moderate *rabbis* in America organized the Jewish Theological Seminary in New York in 1886 as opposed to the more radical statements made in 'Pittsburg Platform' of 1885,

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<sup>4</sup> Jacob Neusner and Alen J. Avery-Peck eds., *Blackwell Companion to Judaism* (Cambridge: Blackwell Publishers, 2000), 335.

<sup>5</sup> Zacharias Frankel was the first of all Chief Rabbi in Dresden, and then from 1854 until his death Director of the newly founded Jewish Theological Seminary and founder of the most significant journal on Judaism, the *Monatsschrift für Geschichte und Wissenschaft des Judentums*. Frankel was active in three directions- he was active politically through his legal opinions and writings on the emancipation of the Jews (the 'Jewish oath'), historically, through his research into the rabbinic writings (introduction to the Mishnah and Jerusalem Talmud, preliminary studies on hermeneutics, on judicial evidence and on marriage law), and finally academically through his pupils and his considerable influence on the training of rabbis. See Hans Kung, *Judaism: Between Yesterday and Tomorrow* (New York: The Crossroad Publishing Company, 1992), 705.

such as the denial of messianic belief. In 1902, the seminary flourished under the headship of Solomon Schechter (1850-1915)<sup>6</sup>, and most of the rabbis who received the training there began to call their movement "Conservative Judaism". Conservative Judaism affirmed the validity of critical and historical scholarship. After looking at the background of Conservative Judaism, the next passages will investigate some selected issues proposed by it and analyze them from an Islamic perspective.

### **i. The Interpretation of Law**

Conservative Judaism believed that the law of the *Torah*<sup>7</sup> and *Talmud*<sup>8</sup> are Divine origin, but at the same time it recognized the human and historical elements in them, which make change and development possible. Stressing the historical development of Judaism, Conservative Judaism argued that Jewish law and tradition, which is called *halakha*, can, and at times must change. According to the Conservative Jews, the Jewish law is not stationary,

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<sup>6</sup> From 1902 until his death in 1915, Solomon Schechter was President of Jewish Theological Seminary of America in New York. After a thorough rabbinic training and studies in Vienna and at the Berlin College for the Science of Judaism, Schechter went to England as tutor of his fellow-student, Claude G. Montefione. In 1892, he became a lecturer in rabbinic literature in Cambridge. In America, through the selection of outstanding faculty and through the organization of Synagogue of America, he became the architect of Conservative Judaism. See Kung, *Judaism*, 705.

<sup>7</sup> Torah is specifically known as the divinely revealed instruction of Holy Scriptures; used to designate the Five Books of Moses-Genesis, Exodus, Leviticus, Numbers, and Deuteronomy. It includes written and oral Torah.

<sup>8</sup> Talmud is 'The Compendium of Learning', consisting of *Mishnah* and *Gemara*. Two versions of the Talmud, one in Palestine, the other in Babylonia, completed about 500 C.E. The latter is the basic source for Jewish law and codes.

rather has always developed in response to changing circumstances. Rabbi Zacharias Frankel mentioned that<sup>9</sup>,

“One should have a positive attitude towards accepting Jewish law and tradition as normative and binding, yet one should be open to changing and developing the law in the same fashion that it has always historically developed”.

Solomon Schechter has also affirmed this and wrote<sup>10</sup>,

“It is neither Scripture nor primitive Judaism, but general custom which forms the real rule of practice. Holy Writ as well as history teaches us that the Law of Moses was never fully and absolutely put in practice. Liberty was always given to the great teachers of every generation to make modifications and innovations in harmony with the spirit of existing institutions”.

Another scholar of Conservative Judaism, Louis Ginzberg (1873-1954) also shared the same view on this matter when he wrote<sup>11</sup>,

“It is the task of the historian to examine into the beginnings and developments of the numerous customs and observances of the Jews, practical Judaism on the other hand is not concerned with origins, but regards the institutions as they have to come to be.”

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<sup>9</sup> See Kung, *Judaism*, 430.

<sup>10</sup> Statements quoted from Theodore Friedman and Jacob Neusner eds., *The Religious Life of Man Series, The Life of Torah: Readings in the Jewish Religious Experience* (USA: Dickenson Publishing Company, 1974), 181.

<sup>11</sup> *Ibid.*

Therefore, Conservative Judaism allowed modern Jews to study Torah in consonance with the ideas and circumstances of the time and not merely through the eyes of their descendants. It emphasized that Jewish law can only be understood in development terms, which are ever subject to variety of historical forces; inner and external.

Consequently, Conservative Judaism allowed changes, reinterpretations and modifications in its religious forms or laws. The Jewish history itself shows that the previous teachers, by interpretation, altered the literal meaning of Scriptures, such as, the later scholars of the *Mishnah* and the post-*talmudic* scholars of the *Talmud*. According to them, all their interpretations were not intended as conjecture. They addressed themselves to life precepts and for them through such studies Judaism achieves stabilization. Therefore, Conservative Judaism not only accepted the result of critical historical scholarship regarding Judaism's religious texts, but it affirmed that such study itself was a religious act.

Since the interpretation of Scriptures was primarily a product of changing historical influences, the focus of authority is not only the Scriptures, but was also in the hands of the collective conscience of 'Catholic Israel' as declared by Solomon Schechter. Thus, for Schechter, the Jewish religion was not reducible to a logically formulated system of principles but was also the ongoing manifestation of the religious consciousness of 'Catholic Israel'.

Judaism, according to him, was a consensus emerging from the study of *Torah* over many centuries. He defined Talmudic Judaism as a complicated arrangement of checks and balances, rather than a fixed

scheme of salvation. Indeed, the strength of religion was to have a theology without being conscious of it<sup>12</sup>.

Meanwhile, Louis Ginzberg saw theology as far less significant and vital for Jewish life than the *halakha*<sup>13</sup>. He explicitly stressed that Judaism teaches a way of life and not a theology. At the same time, he conceded that theological systems do expound the values and meaning of religion in propositional form, but doctrines follow practices.

Obviously, Conservative Judaism was very much concerned with the historical and human interpretations of Scriptures. For Conservative Jews, the history of Judaism is a history of interpretation of revelation. Another Conservative Jewish scholar, Abraham Joshua Heschel said that Judaism was a minimum of revelation and a maximum of interpretation<sup>14</sup>. In brief, Conservative Jews viewed *Torah* as divinely inspired, but it was a human document or a product of human legislation reflecting various social conditions of the time. For them, although the laws reflect the divine will, they are influenced by the economic, scientific, political, and even textual influences of the time. Consequently, the *Torah* was viewed as a historical, not a supernatural document.

The idea of reinterpretation of Islamic law has also become a major concern of Muslims. In response to this issue, there was a group of Muslim traditionalists who kept Islamic law in the past, which was called blind imitation or *taqlīd*. Another group was characterized as Muslim secularists who concluded that Islamic law should

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<sup>12</sup> Robert M. Seltzer, *Jewish People, Jewish Thought: The Jewish Experience in History* (New York: Mac Millan Publishing Inc., 1980), 726-727.

<sup>13</sup> See R. J. Zwi Warblowsky and Geoffery Wigoder eds., *The Encyclopedia of Jewish Religion* (New York, Chicago and San Francisco: Holt, Rinehart, and Winston Inc., 1966), 97.

<sup>14</sup> Neusner, *Judaism in Modern Times*, 108.



be adjusted with the modern Western modes of thought. Both the traditionalists' rigid adherence to Islamic law and the secularists' change of the entire law in the light of Western thought and practices did not represent the correct Islamic approach to reinterpretation of Islamic law. From an Islamic point of view, Islamic law is dynamic, thus, can be interpreted within limits through the application of *ijtihād*.

Since Islam is progressive and rational in character, dynamic change is not only possible, but essential. Islam is always capable of coping with change and it provides ways of dealing with change. Obviously, the Islamic juridical system has managed new issues accordingly. It is undoubtedly true that the *Qur'an* and *Sunnah* are unchangeable basic sources of Islam, but the Islamic legal system acknowledges changes within its framework without deviating from its fundamental principles.

In this regard, it is necessary for reinterpretation of Islamic laws in the light of modern circumstances, and the dogma of blind imitation or *taqlīd* should be opposed. The '*ulamā*' (scholars) should not believe in *taqlīd* and should not discourage any new and creative thoughts. Islam is the religion which encourages knowledge and learning, and it does not discriminate between its basic principles and the modern knowledge.

Thus, Islam acknowledges the role of reason and opens the door of *ijtihād*. It is the responsibility as well as the right of well-equipped scholars to apply the principles of the *Qur'an* to the problems of their time. *Ijtihād* was not only allowed but is essential in conditions which have not been indicated clearly in the *Qur'an* and the *Sunnah*, did not state an implicit principle or remained silent.<sup>15</sup>

In legal aspect, Islamic law can be divided into two categories. The first category included beliefs and

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<sup>15</sup> See Albert Hourani, *Arabic Thought in the Liberal Age* (Cambridge: Cambridge University Press, 1962), 127.

religious duties, such as, prayer and fasting, which are unchallengeable; the second category referred to social guidelines and worldly activities, such as, civil, criminal, and family laws, which are subject to change.

It is in this scope that *ijtihād* should be applied, and the application of *ijtihād* reflects that Islamic principle teachings are flexible and adaptable enough to the changing needs and conditions of society. The principle of *ijtihād* which was derived from the original source of the Qur'an and *Sunnah* can be considered as the resources to the intellectual development of Islamic thought,<sup>16</sup> and it offered a prospect of development in Islamic law.

Therefore, we can see the difference between Islamic approach and the Conservative Jews in the project of reinterpretation of law. While the Islamic approach emphasized on the authority of Divine sources of the Qur'an and *Sunnah*, the Conservative Jews relied much on human and historical interpretations in their approach to reinterpretation of law.

## **ii. The Application of Law**

In terms of the application of law, Conservative Judaism did not hold that all people are obliged to follow *halakha*, the collective corpus of Jewish law and tradition. They considered that *halakha* as binding only for Jews and they did not attempt to impose it upon non-Jews. The very words of the *Ten Commandments* clearly state that the commandments were for the Jews only. Therefore, the teachings of Judaism are constrained by their nationalist and racist emphasis. This particularistic view in Judaism is impossible because an Omnipotent God would never restrict His Truth to a single people; truth by its nature must be universal.

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<sup>16</sup> Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam* (Lahore: Shaikh Muhammad Ashraf, 1982), 168.

As contrary to Conservative Judaism which viewed that Jewish law or *halakha* as aimed only to the Jewish people, Islam emphasized on the concept of universal application of the Islamic law or *shari'ah*. Islam was a universal religion open to all humankind regardless of race, nationality, or culture. *Shari'ah* in Islam alone constitutes a complete, all-embracing, comprehensive way of life where the material and spiritual life are balanced harmoniously. Moreover, the *shari'ah* provided a reliable guidance of all facets of individual and societal life.

Moreover, the universality of *shari'ah* is based on the Qur'an as an original authentic scripture. This is contrast to the position of Conservative Judaism who admitted that they do not own their original texts. They only referred to copies which have been translated and altered for many centuries and still are being changed. Indeed, the Qur'an highlighted about the attitudes of Jews and Christians who have polluted their scriptures by mixing the God's Revelation with human exclamations and explanations.

Due to the impact of scholarly criticism of religious texts, only few Jewish scholars today acknowledge their Holy Books as authentic and original Divine Revelation. Therefore, in contrast to the unoriginality and unauthentic scriptures of Judaism, the *Qur'an* exists exactly as what it was revealed to the Prophet (p.b.u.h.). It has been well-preserved in its original text forever, thus, guaranteeing its authenticity.

In addition, the language of the revelation to the Jews has been long deceased. Nobody can speak those languages nowadays, and only a few intellectuals claim to be able to interpret them. Even if these scriptures had been maintained today in their original and unaltered form, nobody could appropriately understand them and comprehend their injunctions; what more to bring the injunctions into manifestation. This was because the scriptures of the Jews have been addressed to a specific

group of people and contained commandments, which had been projected only for a limited period of time and place. Meanwhile, the language of the Qur'an is alive all the time in which it was spoken and understood by various people throughout the world.

The particularity of the Jewish law is evidenced by the fact that the scriptures of the Jews have been addressed to a specific people and contained commandments, which had been envisioned only for a limited time and place. Meanwhile the universality of the Islamic law or *shari'ah* is evidenced by the fact that Qur'an is obviously addressed to the entire mankind with a complete code of life.

### iii. The Position of Women

Conservative Judaism has instituted many changes through its Committee on Jewish Law and Standards (CJLS) include changes and modifications in the role of women in Jewish law, such as, the approval of women's active participation in synagogue life. In this regard, Conservative Judaism has permitted women to lead the worship service on behalf of congregation. Moreover, in over eight percent of Conservative congregations in United States, women now are counted as *minyan* (minimum quorum of ten required for a public prayer service). The most significant change in the Conservative Judaism Movement took place in 1984, when the faculty of the Jewish Theological Seminary voted to acknowledge women to the Seminary's Rabbinical School and to decree them as *rabbis*.<sup>17</sup> All these changes were made due to the principle belief in the equality of men and women.

It is no doubt that Islam claimed the same principle belief in the equality of men and women. In contrast to

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<sup>17</sup> Jacob Neusner and Alan J. Aver-Peck eds., *The Blackwell Companion to Judaism* (Cambridge: Blackwell Publishing Publishers, 2000), 345.

Conservative Judaism which only brought a revolution in women's status in the past thirty years, Islam was first which raised the status of women and accorded the equality of women with men. It was Islam that pioneered the emancipation of women, made a revolutionary reform in the conception of women's place in society and in the actual treatment of women. Prior the mission of the Prophet (p.b.u.h.), the position of women in Arabia was low. Pre-Islamic Arabia treated their women so worse; they had not been rights and social status. After the advent of Islam and the Prophet Muhammad (p.b.u.h.), the rights of women have been preserved comprehensively in all facets of life.

Pertaining to the right of women in Islam, Islam gave an equal opportunity for women to work, to own property, and to have wealth. Islam also does not limit the intellectual pursuits of women. Based on the saying of the Prophet (p.b.u.h.), "Seeking knowledge is a duty of every Muslim, man and women", women may acquire any sciences and they may disseminate their knowledge to the people in general. The early Muslims of different sects never prevented women from acquiring knowledge, rather, they permitted them to exercise *ijtihād* should they possessed the qualifications to do so.

Moreover, women had the right to participate in the constitutional legal system of a country. Like men, women were also entitled to be the representatives of the legislative assembly. In this sense, Islam had given women the right to seek employment in any profession provided such involvement would not lose sight of the complementary priorities of both genders and not violating Islamic guidelines of modesty and virtue.

Although Islam laid emphasis on the equal opportunity between men and women in all affairs of life, the nature of both genders should also be taken into consideration. The duties of men and women should be

basically assigned according to their nature. For instance, four natural roles of women are pregnancy, childbirth, breast-feeding, and education of children. In this regard, the women's role within the family is vital because it was in the family that the next generations of Muslim were raised. As the mother, the woman had a central role as the primary educator of the children, and this role had a significant impact on the behavioural actions, character building, and attitude of the future generations of Muslims.

Although Conservative Judaism claimed the equality of men and women, there were some areas where differences remained between men and women, including, on the issue of matrilineal descent. According to the Conservative Judaism, if the child is born from a Jewish mother, he or she is considered as a Jew; meanwhile the child of a Jewish father is born a Jew only if the mother is Jewish. Several passages in the *Torah* stated that the child of Jewish woman and a non-Jewish man is a Jew, meanwhile other several passages stated that the child of a non-Jewish woman and a Jewish man is not a Jew. In Deuteronomy 7:1-5, in expressing the prohibition against intermarriage, it is said "he (the non-Jewish male spouse) will cause your child to turn away from Me and they will worship the gods of others". No such concern is expressed about the child of a non-Jewish female spouse.

In this regard, Conservative Judaism inferred that the child of a non-Jewish female spouse is not Jewish. Besides using matrilineal descent to determine Jewish status, Conservative Judaism continued to oppose interfaith marriage, and Conservative *rabbis* are prohibited from participating in such ceremonies<sup>18</sup>. From an Islamic point of view, there was no significant discussion on the issue of matrilineal descent as well as interfaith marriage since Islam tolerates no compromise to racism. It is based on the

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<sup>18</sup> Neusner and Aver-Peck, *The Blackwell Companion to Judaism*, 346.

acknowledgement of the doctrine of *tawhid* to become a Muslim, not the blood line.

Pertaining to the position of women, Conservative Judaism also addressed the issue of divorce. Divorce in the Jewish law does not require the consent of women. Due to unnecessary consent of a woman for a divorce, she had no protection against unwanted divorce. This seemed to be unjust to a woman since a man can easily divorce his wife for any reason which displeased him. It seems that divorce is a light issue, and this view may give advantage to unhappy marriage that it could be ended easily and without delay<sup>19</sup>.

In this regard, it gave a severe disadvantage for women. Although the Jewish law provided *ketubah*<sup>20</sup> and the complex requirements of delivering a *get*<sup>21</sup>, which are believed to afford women some protection against irrational and unjust divorces<sup>22</sup>, this is only incomplete protection. The wife cannot initiate divorce, on the one hand, and she can be easily divorced on any ground which displeased her husband and without her consent, on the other hand.

Meanwhile an Islamic approach to the issue of divorce is in accordance with the *shari'ah*. Although Islam allows divorce, it discourages it. The Prophet's saying, "Among all the permitted acts, divorce is the most hateful to God," illustrates how Islam discourages divorce. It is only in unavoidable circumstances that divorce is permitted in Islam as a lawful method to bring the contract of marriage to an end.

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<sup>19</sup> Rachel Biale, *Women and Jewish Law: The Essential Texts, Their History and Their Relevance for Today* (New York: Schochen, 1984), 80.

<sup>20</sup> *Ketubah* is referred as the Jewish marriage contract given by the groom to the bride specifying his obligations during the marriage and in the event of its dissolution.

<sup>21</sup> *Get* is referred as Jewish writ of divorce.

<sup>22</sup> Rachel Biale, *Women and Jewish Law*, 81.

The right of marriage is also given to the wife though the procedure is different from her husband. Islam gives the wife the remedy of *faskh* or to bring her contract of marriage to an end. In relation to marriage, *faskh* means the annulment or abrogation of the marital contract by the *Qāḍī* after the wife has applied to him for this remedy to be granted. The permissibility of *faskh* must be due certain circumstances necessitating separation between husband and wife.

There is another system of dissolution of marriage by the women that is called *khulu'* by which a wife can get a separation from the husband through mutual agreement by payment of certain amount to the husband. Again, this is allowed under certain grounds of conditions. In this regard, in order to protect the rights of women in Islam, both husband and wife can initiate divorce though the procedure is different. In addition, after divorce, a husband must be responsible to provide maintenance for his wife during her '*iddah*'<sup>23</sup> and if there were any children in the family, then he must responsible for their expenses.

Besides the issue of divorce, Conservative Judaism also highlighted its stance on polygamy. Although polygamy was permitted in early Judaism as can be seen from the ancient patriarchs and Jewish kings, almost all Conservative Jews banned the practice. By the twentieth century, polygamy was virtually non-existent among almost all Jewish groups. The legislation on the prohibition of polygamy is referred to as *takkanah*. According to Conservative Judaism, a breach of *takkanah*

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<sup>23</sup> *Iddah* is a period in which a woman waits after the death of her husband or divorce, and she is not allowed to marry during this period. The Muslim jurists have unanimously agreed on it as being obligatory due to the explicitness of the Qur'anic injunction whereby Allah says, "The divorced women shall wait concerning themselves for three monthly period".



constitutes grounds for the first wife to request the Jewish court to force her husband to divorce the second wife.<sup>24</sup>

In Islam, polygamy was not seen as one of the social problems as claimed by Conservative Judaism as well as the West in general; rather it was discussed based on protection to women. Under certain conditions and with certain qualifications, polygamy is salutary. Islamic injunctions about polygamy are permissive, not mandatory. Although monogamy is considered as an ideal, there were exceptions in case of need, at the same time; justice must be maintained among the wives. It is very hard for men to prevent themselves from their lust and desires, even heavy punishments and strong advices are not enough.

Therefore, Islam allows them to exercise polygamy. However, the permission of polygamy is not only for men to simply fulfill their interest, but the most important significant objective of it is to protect the rights of women. Rather than being a mistress, these women be married and be legally protected in terms of their nobility in society. They are also entitled to the recognition of the property rights including the expenses and maintenance for them and the children as well as the inheritance rights. Therefore, the permission of polygamy in Islam is not aimed at subjugating women; rather it should be looked as a profound reform of society about the position of women.

### **Conclusion**

The parallel effort to reconstruct religious thought in accordance with modern science and knowledge has been done by both Islam and Judaism. Nevertheless, both advocated different perspectives and approaches of interpreting scriptures and traditions in the light of new scientific and modern knowledge. This study found that

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<sup>24</sup> Rachel Biale, *Women and Jewish Law*, 95.

Conservative Judaism did not really represent a mediating position as they claimed. This is because they disregarded their scriptures and relied more on human interpretation, especially in their methods of interpretation of law.

Meanwhile, the Islamic approach towards reconstruction of religious thought has always been in moderate manner. It advocates to uphold the fundamental sources of the Qur'an and *Sunnah* as the main reference despite our reliance on modern knowledge and rational inquiries. In issues of position of women, both also present different perspective. For example, Conservative Judaism used matrilineal descent to determine Jewish status and opposed interfaith marriage which clearly advocates racism. Meanwhile, Islam gave no significant discussion on the issues of matrilineal descent and interfaith marriage since it is opposed to racism. In conclusion, this study provided an objective understanding on religious thought of two different religions, Judaism and Islam.

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