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Women issuing fatwas: female Islamic scholars and community-based authority in Java, Indonesia

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WOMEN ISSUING FATWAS

Female Islamic Scholars and Community-Based Authority
in Java, Indonesia

NOR ISMAH

WOMEN ISSUING FATWAS



**Female Islamic Scholars
and Community-Based Authority
in Java, Indonesia**

Nor Ismah

Lay out: Imam Syahirul Alim
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**Women Issuing Fatwas:
Female Islamic Scholars and Community-Based
Authority in Java, Indonesia**

Proefschrift

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de graad van doctor aan de Universiteit Leiden,
op gezag van rector magnificus prof.dr.ir. H. Bijl,
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*To Ayah Rochmad,
Kak Abiq, Kak Atha, and Dik Ara,
we made it!*

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TABLE OF CONTENTS

TABLE OF CONTENT >>> viii
**A NOTE ON TRANSLITERATION, SPELLING,
AND OTHER CONVENTIONS** >>> xi
ACKNOWLEDGEMENT >>> xii

CHAPTER ONE

Introduction

Women Issuing Fatwas >>> 1
Muslim Women and Religious Authority in the Indonesian
Context >>> 7
Female Religious Authority >>> 16
Studying Fatwas by Women from Anthropological and
Gender Perspectives >>> 23
Fieldwork >>> 32
Structure of the Dissertation >>> 40

Interlude

Mbak Khotim: A Woman in the NU Circle >>> 43

CHAPTER TWO

Contesting Religious Authority, Women and Fatwa-giving in the Traditionalist Fatwa Councils

Introduction >>> 47
Nahdhatul Ulama as a Traditionalist Muslim Mass
Organization >>> 50
Intellectual and Social Activism within
Nahdlatul Ulama >>> 59
NU Women and Gender Activism >>> 65
Women's Struggle for a Place in NU's Bahtsul Masail >>> 70
Rahima and the PUP Programme >>> 78

Interlude

*Bu Hanik: Breaking the Patern, Devoting Life
to the Community* >>> 86

CHAPTER THREE

Building Community-based Authority: Everyday Practices of Female Ulama in Issuing Fatwas at the Grassroots

Introduction >>> 91

Encountering the Term of *Ulama Perempuan* and the Ulama-ness of Women >>> 94

Male Resistance to the Concept of *Ulama Perempuan* >>> 99

The Inclusion of a Gender Perspective in Religious Debates and Interpretations >>> 106

Performing the Roles of Ulama: What Women Can Do and What They Cannot Do >>> 111

Female Ulama and their Everyday Practices of Issuing Fatwas >>> 115

Conclusion >>> 131

Interlude

Bu Afwah: Defending Women's Rights through the Pesantren >>> 135

CHAPTER FOUR

The Indonesian Congress of Women Ulama (Kongres Ulama Perempuan Indonesia, KUPI 2017): Fatwa-making, Community Network, and the Building of a Social Movement

Introduction >>> 139

Islamic Feminism: Local and International Circulations >>> 142

The Formation of KUPI and the First Conference >>> 148

The Leading Figures: Knowledge Circulation and Network >>> 158

Redefining the Term *Ulama Perempuan* and the Methodology of KUPI's Fatwas >>> 164

Building Solidarity and the Challenge from Established Authority >>> 171

Affirming Juristic Authority: The Fatwa-making of KUPI >>> 179

KUPI: A Transformation from Intellectual to Social Movement >>> 189

Conclusion >>> 166

Interlude

Nyi Ruq: Writing for Question-and-Answer Section >>> 198

CHAPTER FIVE

Amplifying Authority: Female Ulama and Mass-mediated Fatwas in the Public Sphere of Indonesia

Introduction >>> 201

Muslim Women in the Public Sphere of Indonesia >>> 205

Question-and-Answer Format of Fatwas
in Magazines >>> 208

Women Islamic Magazines in Indonesia:
The Historical Context >>> 212

Content Analysis: Fatwas through the Question and
Answer (Q&A) Format >>> 215

NGO-Based Publication: Swara Rahima >>> 215

Semi Commercial Magazine: AuleeA >>> 219

Commercial Magazine: NooR >>> 222

Questions: Reflecting the Dilemmas and Worries of the
Audiences >>> 226

The Answers: Challenges and Strategies in Constructing
and Amplifying the Progressive Message of Islam >>> 236

Conclusion >>> 258

CHAPTER SIX

Conclusion >>> 261

REFERENCES >>> 271

GLOSSARY >>> 293

SUMMARY >>> 305

SAMENVATTING >>> 312

CURRICULUM VITAE >>> 321

A NOTE ON TRANSLATION, SPELLING, AND OTHER CONVENTIONS



This book relies on primary resources that are written in the Indonesian language, besides many other sources. I have translated quotes and interviews originally written and spoken in the Indonesian language. I frequently refer to Indonesian words and terms, which I have written according to standard Indonesian orthography (see *Kamus Besar Bahasa Indonesia*; <https://kbbi.kemdikbud.go.id/>), including a significant number of words and terms that are derived from the Arabic language. These words, terms, and phrases are thus given in the commonly used Indonesian spelling or as I came across them in the sources I used, for instance *taharah*, *muamalah*, *majelis taklim*, *jamaah*, *niat*, *sunat*, *bidah*, *adat*, *mubalig*, *ustazah*, *dai*, *daiyah*, *mudarat*, *bahtsul masail*, *nafkah*, *salat*, *sedekah* etc. In rare cases, I have decided to privilege a more commonly used transliteration of the Arabic over the standard Indonesian (e.g. *hadith* instead of *hadis* and *fiqh* instead of *fikih*). For this, I have referred to the Oxford English Dictionary: (<https://www.oed.com/>).

I have not used diacritics and other symbols, with the exception of the Arabic letters ‘*ayn* (as in *shari‘a*) and—when occurring in word-medial position—*hamzah* (as in *Qur’an*). All non-English terms are italicized, with the exception of some terms that occur relatively frequently in the English language, for example *fatwa*, *ulama*, *mufti*, and *shari‘a*. For these non-English terms I have also used the Oxford English Dictionary. The plural forms of Arabic terms are mostly retained. The only exception is the term *ulama* (religious scholars). The term *ulama* in Arabic is the plural for ‘*alim*. However, in Indonesian usage, the term *ulama* refers to both the singular and the collective. Thus, *ulama* in this book refers to both the singular and plural forms. Similarly, the

word *jamaah*, which means a group of religious followers, can be translated as an individual follower. The plural form of other Islamic terms will be indicated with an “s”; thus fatwas is the plural form of fatwa and *pesantrens* is the plural for *pesantren*.

For Qur’anic translations, I refer to <https://quran.com/> and for dates I use the Common Era (CE) format.

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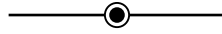
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CHAPTER ONE



Introduction

Women Issuing Fatwas

In March 2017, while doing fieldwork in Indonesia, I attended a routine *pengajian* (religious lesson) held in the district office of the Islamic organization Nahdlatul Ulama (NU) in Demak, Central Java. I arrived there at 8:45, together with Annisse, my research assistant, Ara, my seven-month daughter, and Umi Hanik, the teacher of the group, who had invited me to participate. A room had been prepared by the organizer as a place for the *pengajian* with a green carpet on the floor. Small tables were arranged in a straight line in one part of the room for Umi Hanik to use during her lesson. We all sat on the floor waiting for the participants to arrive. They were all women and members of women's or young women's branches of Nahdlatul Ulama (respectively Fatayat and Muslimat NU) in several sub-districts of Demak Regency.¹ When they arrived, I noticed that they wore Fatayat light green and Muslimat *batik* uniforms with matching headscarves. Anticipating the *pengajian*, they greeted each other, chatting between smiles and laughter. There were around thirty to forty of them. Filling the room with their voices, they sounded like the hum of bees, boisterous and lively.

Umi Hanik started her lesson after a master of ceremonies opened the programme with a prayer and the recitation of *tahlil* (a compilation of verses from the Qur'an). She read a page from

¹ Muslimat NU is the women's wing of Nahdlatul Ulama and Fatayat is the organization's female youth wing. They each have a national board and branches going down from provincial to village levels. The members of Muslimat are adult women. Fatayat membership is intended for young women ranging from twenty to forty-five years old.

a *fiqh* (Islamic jurisprudence) book titled *Safinatun Najah* about the requirements for mandatory ablution (*furudhul wudhu*), giving an explanation of the Arabic text in Javanese.² Some of the participants wrote notes. Others simply listened, carefully taking in her words. In the section on how to wash each part of face as required for mandatory ablution, she pointed at a specific part of her face. “*Ati-ati* [Javanese], which is the downy hair that grows near the ear, is a part that must be washed during ablution. So if you are doing ablution but the hair doesn’t get wet, the ablution is not valid,” she explained. At the end of the lesson, she showed how to do a valid ablution as explained in the book. She then invited the attendees to ask questions. One of them raised her hand.

Question: “What is the legal judgment on wiping off the ablution water after we finish?”

Umi Hanik: “It is *makruh* (reprehensible). There are *khilafiah* (different opinions). Still, it is fine although we don’t get the reward of doing a recommended activity of ablution. If possible, let it dry by itself. Doing so means that we keep the water, which is recommended because the ablution water becomes medicine, a light that can protect us from hell.”³

The story of Umi Hanik is one of countless examples of Indonesian women issuing fatwas. Knowledgeable women provide Islamic legal opinions as answers to questions about Islamic law related to issues such as *taharah* (purification), worship, marriage, and *muamalah* (social relations), in addition to answers in the form of suggestions or advice. The practice of issuing fatwas by women takes place in many *majelis taklim* (religious lessons) every day, every week, and every month in villages, cities, sub-districts, regencies, and provinces. Reflecting technological innovations, the practice of giving fatwas is also carried out through mass media such as radio, television, the

2 As van Bruinessen (1990, 248) wrote that *Safinatun Najah* is a short introductory text on *fiqh* by Salim b. Abdallah b. Samir, a Hadrami ulama who lived in Batavia in the mid-nineteenth century.

3 Personal recording, 12 April 2017.

internet, and printed publications or magazines.

Muslim women also, though less commonly, issue fatwas collectively. During my fieldwork, I attended the Kongres Ulama Perempuan Indonesia (KUPI, Indonesian Conference of Women Ulama), which was held on 25-27 April 2017 at Pesantren Kebon Jambu al-Islamy, Babakan, Ciwaringin, Cirebon, West Java. One of the main aims of this congress was to produce three fatwas on issues related to women and children, namely child marriage, sexual violence, and destruction of nature in the context of social justice. During the closing ceremony of the conference, Habibah Djunaidi, a Muslim woman leader from Banjarmasin, Kalimantan, read aloud the fatwa on child marriage:

“The results of the religious deliberation of the Indonesian Conference of Women Islamic Scholars, number 1, 2017, on child marriage. Question one. What is the legal judgement on preventing child marriage that causes harm in the context of realizing the benefit of the *sakinah* (peaceful) family?⁴ Two. Who are the parties that have the responsibility to prevent such child marriage? Three. What can be done as a form of protection for children who experience such marriages? The answers formulated in the *al-hiwar al-diniy* (religious deliberation) on *al-zawaj al-mubakkir* (child marriage), based on *adillah* (religious reasoning) as stated in the appendix, show that Indonesian women Islamic scholars have the following views and attitudes. One. Religion requires prevention of all forms of harm. The benefits of the *sakinah* family cannot be realized if there is a lot of harm in the marriage. Child marriage is proven to bring harm. Therefore, preventing child marriage is obligatory (*wajib*). Two. The parties that have the responsibility to prevent child marriage are the parents, family, community, government, and the state. Three. Victims of child marriage are still entitled to rights like other children, especially the rights to education, health, parental care, and protection from all forms of violence, exploitation, and discrimination.”⁵

4 *Sakinah*, derived from the Arabic word *sakana*, means calm. *Sakinah* in the family context means peace of mind (*sakinah*) of the husband and wife as the purpose of marriage, which can be realized by the presence of love (*mawaddah wa rahmah*) from both parties (Kodir 2019, 24).

5 Personal recording, 27 April 2017.

These two stories of women issuing fatwas in Indonesia exemplify two different ways of fatwa-giving. When we look at the example of Umi Hanik, the practice of issuing fatwas does not seem very remarkable, at least not from an Indonesian perspective. These study groups led by women are a very common occurrence and the topic of ablution is neither challenging nor controversial. The issue discussed pertains to the question of how to wash the face during ablution according to the rules of *fiqh*. Likewise, when we look at the general context—women participating in *majelis taklim*—the example is rather unremarkable. Indonesian women have done this for many years. Attending *majelis taklim*, asking questions, getting answers from female teachers, and implementing those religious opinions to become better Muslims are certainly not something special because it is part of their everyday lives. It is a very common kind of advice for and by women. The reason I begin this dissertation with such an example is because it shows, firstly, that a fatwa is a piece of advice as indicated by the practices—Umi Hanik reads and interprets the Arabic text written in the *fiqh* book or derives her answers from the Qur'an and hadith—and, secondly, that this happens quite frequently. What is remarkable about this story, then, is precisely its ordinary occurrence, the everydayness of fatwa-giving by women.

The second example is different. It shows that the practice of fatwa-giving at the grassroots has become a breeding ground for something new: a more controversial and contested movement geared towards changing mainstream interpretations of sensitive social issues. When we look at this development from a Muslim feminist or secular feminist point of view, the practice of issuing fatwas on child marriage in a conference is, again, unremarkable. It is a common practice for at least some Indonesian women to publicly debate controversial religious issues and, on this basis, to challenge dominant conservative views. However, the point here is that we should not look at the practice from such a perspective only. Given the context, it makes much more sense

to look at it from a traditional religious point of view. In this perspective, the practice of fatwa-giving in the context of KUPI is highly significant. It is significant, firstly, because the issue of preventing child marriage is a subject of contentious debate in Indonesia with progressive and conservative views clashing, and it therefore requires deep understanding of the source of legal reasoning which those involved in this debate draw upon. And secondly, because the very site at which the fatwa was issued—KUPI—illustrates a new movement in Indonesian Islam that affirms and amplifies the juristic authority of women religious scholars, who up until now have not been ascribed the same position as men in this domain.

How, then, should we understand these two examples of fatwa-giving by women? On the one hand, there is the very everyday fatwa-giving at the local level, not particularly controversial, dealing with ritual matters, broadly accepted, and continuously happening in everyday life all around Indonesia. On the other hand, there is the practice of fatwa-giving in the public sphere, involving hundreds of women Islamic scholars from different social, educational, and professional backgrounds, on issues that are contextually controversial, and at a site that is politically contested. These practices and the ways in which they are interlinked require explanation. They raise urgent questions about the role of women in processes of religious interpretation and social change more broadly. How can we explain the proliferation of women leaders giving fatwas as a fact of life in Indonesia both at the local and the national levels? And how are these practices related to the fatwa-giving that has been carried out, so far in Indonesia, mostly by men and by male-dominated Islamic organizations?

These questions led me to formulate a set of more general research questions that this study will answer, namely: (1) Who are the women who are recognized as ulama. Where do they come from, and what is their authority based on? (2) Why and how can Muslim female leaders become ulama and issue fatwas? (3) Do

they wield religious authority as strong as that of male ulama in issuing fatwas? If so, why and how do they exercise such religious authority? (4) To what extent are female ulama (Islamic women scholars) able to issue—i.e. formulate and communicate—fatwas that are contested and controversial from a traditional Muslim point of view? (5) What are the forces (dominant norms, power structures, and powerful institutions, including the state) that enable women to exert authority and what are the forces that limit them in different social and institutional contexts? (6) What do both everyday practices and more contested interventions regarding fatwa-giving by female ulama reveal about the role and meaning of the fatwa in contemporary Indonesian society and beyond? (7) How do changes in the exercise of religious authority either reveal or feed in to reformulations, remakings, or reinterpretations of the notions of *keulamaan* (ulama-ness), fatwa, and fatwa-making in contemporary Indonesia?

The central argument of this dissertation is that, both at the grassroots and in the public sphere, Muslim women in Indonesia play an increasingly influential role as ulama, both sought by and responding to ordinary believers seeking opinions, and, as such, acting as agents and advocates of change. Although their role is not often recognized by men, once we privilege the perspective of women a completely different picture emerges, one in which women are granted religious authority that turns out to be as strong as that of male ulama in issuing fatwas. As the examples above nicely illustrate, their authority is, on the one hand, a community-based authority contingent on local concerns and networks of knowledge. Yet on the other hand these women also contribute to a larger effort, namely the creation of a national network of Indonesian female ulama. Although rooted in a decidedly traditionalist religious sphere—embodied by Nahdlatul Ulama, a traditionalist mass Muslim organization, and its traditional pedagogical institutions—they are building a progressive movement in Indonesian Islam which has influence that extends beyond the local audiences into the public sphere,

and which has become an influential element in the development of Indonesian Islamic feminism.

Muslim Women and Religious Authority in the Indonesian Context

The movement of female ulama at the centre of my dissertation is tied, organizationally and culturally, to Nahdlatul Ulama, the largest mass Muslim organization in Indonesia. Therefore, it is important to begin this section with the historical context of NU and its wing organizations for women, Muslimat (Nahdlatul Ulama's women's association) and Fatayat (Nahdlatul Ulama's association for young women). At the same time, any explanation of the history of NU cannot ignore the history of Muhammadiyah, the second-largest mass Muslim organization in Indonesia, and the rivalry between both these associations, based on an intense debate between religious "reformists" and "traditionalists" since the 1920s. This debate not only influenced the establishment of NU, it also became a part of NU and invigorated its organization. Therefore, I will start with the organization that was founded first, Muhammadiyah, and its women's wing organizations, Aisyiyah (Muhammadiyah's women's association) and Nasyiatul Aisyiyah (Muhammadiyah's young women's association).

In Indonesia, the most populous Muslim country in the world with 274 million people, a large number of Muslims are affiliated with the country's two largest Muslim organizations, Muhammadiyah and NU.⁶ Muhammadiyah was established in 1912 in the city of Yogyakarta by the Islamic reformer

6 The large number of NU and Muhammadiyah affiliates is shown by a survey conducted by Alvira Research Center in December 2016. This survey covered 1,626 Indonesian Muslims aged 17 years and over in 34 provinces in Indonesia. The aim of the survey was to see the "Portrait of Indonesian Muslim Religiosity". According to this survey, 50.3% of Indonesian Muslim populations show their affiliation to NU, and 14.9% of them are affiliated with Muhammadiyah. It means that 79.04 million Muslims are affiliated with NU and 22.46 million are Muhammadiyah affiliates. The rest is made up of affiliates of other mass organizations and those who are not affiliated with any mass organizations. Interestingly, of the 79.04 million NU affiliates, 79.8% were residents living in Java, while the rest are spread across other islands. However, the followers of Muhammadiyah are found not only in Java but also in Sumatra. Of the total surveyed, 59.8% live in Java and 27.1%, in Sumatra, and the rest are spread over other islands (Ali 2017).

Achmad Dachlan. This organization is an important proponent of a Modernist/Reformist stream, which “consists of a range of movements that strive to reform religious life by purging it of superstition, blind imitation of earlier generations, and beliefs and practices that are not supported by strong and authentic scriptural references” (van Bruinessen 2013, 22). Muhammadiyah has sought to purify Islam from what it has dubbed “illegal innovations”, or *bidah*, returning to the original sources of Islam, both the Qur’an and the hadith. As such, the organization has distanced itself from the authority of the main schools of law in Islam (*madhhab*) (Feillard 1999, 11-2). For Muhammadiyah, returning to the Qur’an and the hadith has been a step of liberation from the confines of the primordialism of *madhhab* and *taqlid* (adhering to *madhhab*) that supposedly shackles the creativity of *ijtihad*, the process of independent legal reasoning based on the Islamic sources (Muhammadiyah 2020). Reformist Muslim teachings have contested traditional Muslim beliefs, including practices that were considered *furu’* (subsidiary) in worship and supposedly never taught by the Prophet. For example, traditionalist Muslims have recited the *niat* (intention) aloud before praying while reformers have maintained the *niat* silently in their hearts because they there is no hadith that supports recitation (van Bruinessen 1994, 13).⁷

The debate between traditionalist ulama, including Kiai Wahab Hasbulloh, and reformist religious scholars such as Achmad Soorkati, founder of the Al-Irshad reform movement, and the Muhammadiyah leader Achmad Dachlan culminated in 1922 in the Indonesian Al-Islam Congress in Cirebon. The debate even turned into accusations of *kufr* (unbelief) and *shirk* (belief in more than one God). In response, Kiai Wahab proposed to Hasyim Asy’ari, a traditionalist Muslim scholar from Jombang, East Java, to counter Muhammadiyah and establish a movement to

7 *Niat* is “a strong will to do something for the sake of Allah” (Ilham 2022). *Niat* is an important aspect of worship and it is mandatory to intend it either in the heart (as believed by Muhammadiyah) or literary state it (as practiced by NU).

accommodate traditionalist scholars. Initially, Hasyim Asy'ari did not agree. However, after 1924, two major global events changed his views. These were the abolition of the Caliphate by Turkey and the invasion of the Wahhabis in Mecca. The traditionalists worried because the puritan Wahhabis challenged the practices of their religious worship, such as building graves, pilgrimages to shrines, and the teachings of the Shafi'i schools adopted by most Muslims in Indonesia. NU was therefore established in 1926 in Surabaya by Hasyim Asy'ari to counter these developments (Feillard 1999, 9-11).

Muhammadiyah and NU are characterized both by theological and sociological divides. One of the main theological differences between Muhammadiyah and NU concerns the continued importance attached by traditionalists to the ulama as authoritative figures whom it is mandatory to follow. Unlike Muhammadiyah, which carries the spirit of independence in Islamic legal reasoning, NU emphasizes respect for authority in tradition, which involves scholars who have closely studied questions in Islam and who cannot be simply supplanted by individuals practicing *ijtihad*. Jurisprudence (*fiqh*) in NU provides the guideline for Islamic traditionalists to practice *taqlid*, meaning adhering to a respected person or *madhhab* (Huda 2007).⁸ This theological difference is tied to a sociological difference between Muhammadiyah and NU. Muhammadiyah is strong among the urban middle classes. NU, by contrast, is associated much more with rural Indonesia and to some extent with a lower-class segment of followers.⁹ Thus, it is not surprising to see NU

8 Kiai Machfoezh Siddiq, NU chairman-general from 1937-1942, argues that *taqlid* in NU is not a blind *taqlid*, but still requires new interpretations and opinions, especially on matters which are not explained by the great Imam. This practice, at its nominal level, can be called *ijtihad* as intended by Muhammadiyah (van Bruinessen 1996, 11).

9 The spreading of traditionalist Islam is rooted in history because it existed as the primary practice of Islam in Indonesia, especially on the island of Java, long before the establishment of NU as an organization. The application of Islamic teachings that are integrated with pre-existing beliefs and culture is proven to produce a relatively peaceful penetration of Islam, and this flexibility seems to be the pluralist nature of traditional Islam (Bush 2009, 29). In the past, Muslims who lived in urban areas were the modernist Muslims, and they normally lived in a Javanese town quarter called *kauman*, where there was a big mosque nearby. Meanwhile, Muslims who lived in rural areas tended to represent a more traditionalist version of Islam. See also Ricklefs (1993, 166).

followers at the grassroots practicing *taqlid* by approaching local Islamic leaders with obedience and respect. For laypeople, following *mujtahid* ulama is mandatory because of the general view that not everyone has the ability and opportunity to fully fathom or advance religious knowledge (Huda 2007).

The sociological divide between Muhammadiyah and NU goes some way in explaining how these organizations maintain and disseminate their doctrines and teachings. Muhammadiyah built formal schools in the cities offering the combination of a non-religious and Islamic curriculum, while NU conducted advanced religious study and learning through its network of mostly rural, traditional Islamic boarding schools called *pesantren* (van Doorn-Harder 2006, 29). A *pesantren* is “a residential school dedicated to the transmission of the classical Islamic sciences, including the study of the Qur’an and hadith, jurisprudence or *fiqh*, Arabic grammar, mysticism or *tasawuf*...” (Azra et al. 2007, 174).¹⁰ Most *pesantren* originated as *pengajian*, concentrated in villages as centres for Islamic scholarly studies, and were developed by *kiai*, the *pesantren* leaders.¹¹ The *pesantren* are often associated with the traditionalist stream because their curricula are aimed at teaching the classical Islamic traditions of knowledge. Therefore, the aims of the *pesantren* system are concerned with how to transfer religious knowledge, protect the Islamic tradition as a whole, and represent a centre for the education and social reproduction of the ulama (Azra et al. 2007, 174-5).

Despite these differences, both Muhammadiyah and NU stand for a moderate understanding of Islam that permits

¹⁰ There is insufficient evidence to determine the first establishment of *pesantren*. However, van Bruinessen (1994, 124) stated that the first *pesantren* established in Java was Pesantren Tegalsari, and it was built in 1742. Since the sixteenth century, small *pesantren* had been found in Java, particularly in coastal areas where Islam was first introduced, but *pesantren* education was not integrated and organized as well in the beginning as a modern system of education. See also Azra, Afrianty, and Hefner (2007, 174).

¹¹ However, some of the incipient *pesantren* may have vanished if there is no leader to take over after the main *kiai* died. Pesantren Cempaka in Surabaya, Pesantren Maskumambang in Gresik, Pesantren Jamsaren in Surakarta and Pesantren Kademangan in Bangkalan Madura are examples of *pesantren* which became *pengajian* because of a lack of appropriate guidance from a recognized Islamic scholar (Dhofier 1999, xxix and 13).

women to play roles in public lives. They embody the unique characteristics of Indonesian Islam compared to other Islamic countries, especially in the Middle East, where Muslim women's roles are generally more restricted. Pieterella van Doorn-Harder has explained that Muhammadiyah and NU women act as leaders within the organizational circles. She calls these women "leaders because in many of their religious activities they lead, guide, are in charge, or exercise a degree of influence over those with whom they work" (van Doorn-Harder 2006, 5). They use their experience at the grassroots to negotiate with male leaders, for example, on the importance of generating religious opinions that are sensitive to gender equality. "Their leadership roles are embedded within the organizational structures of Muhammadiyah and NU. Thus, in some instances we will not be able to find comparable roles for women in the West or in other Muslim countries" (van Doorn-Harder 2006, 5). Aisyiyah, the Muhammadiyah organization for women, was established in 1917, while Nasyiatul Aisyiyah or Nasyiyah, the Muhammadiyah organization for young women who are under the age of forty, was set up as an autonomous organization in 1960 (Nasyiatul Aisyiyah 2016). For NU women, Muslimat, which was founded in 1946, is a wing organization for adult women, while Fatayat was established for young women in 1950 (van Doorn-Harder 2006, 3).

Muslim women have successfully claimed autonomy and a certain level of authority through their organizational and social-religious activism. Aisyiyah, Nasyiyah, Muslimat, and Fatayat work through education and economic empowerment programmes for women from the lower and middle classes. Many of them are preachers and activists who teach the Qur'an according to more or less progressive interpretations and improve women's literacy through formal and non-formal education, and as such acquire and teach managerial and leadership skills. These activities have created a basis for women to become leaders, scholars, and activists who advocate for women's rights within an Islamic

framework. Through the organizations, Muslim women leaders and scholars gain scholarly authority. They become agents of change and guidance in the religious, practical, philosophical, and strategic domains for women followers (van Doorn-Harder 2006, 6, 29 and 34). They are followed and listened to by organization members spread across the branches at the village, sub-district, district, and provincial levels.

Pieterella van Doorn-Harder studied women's leadership in Muhammadiyah and NU from these organizations' early history onward, and she reaches the conclusion that Muslim leadership is not fully male, because women leaders have been active for a long time in interpreting and reinterpreting Islamic sources related to the role and rights of women. "Since the 1920s, these leaders have provided guidance in how to interpret the Qur'an and how to apply the teachings of Islam. Even while male scholars of Islam promote archaic opinions, women preachers teach alternative ideas to the women in their audience".¹² For instance, Aisyiyah women started donning headscarves during the 1920s as a symbol of their Muslim identity, in contrast to other Indonesian women, who generally did not wear a headscarf. They presented their progressive Qur'anic interpretations to other women in religious gatherings, for example, on polygyny by referring to certain verses of the Qur'an. "They could not ban the practice, as the father organization of Muhammadiyah did not forbid it; but they did work to make it more difficult for men and more bearable for women" (van Doorn-Harder 2006, 6).

In their activism, these women benefited from technological innovations, such as the ongoing modernization of transport and the printing press, helping them to spread progressive thoughts throughout the country. They also benefited from the increased

12 To get a picture of the number of women who are actively engaged in interpreting Islamic sources, van Doorn-Harder (2006, 5-6) stated about the membership of Aisyiyah: "In 2004, Aisyiyah counted 5,130 women preachers who preached and taught in 6,959 of its study groups, which met at least once a month. These activities have evolved continuously; at the beginning of the twentieth century, they were limited to simple literacy classes for women, as they learned the basic Islamic prayers. Today their activities encompass the grassroots and academic levels, for some groups including advocacy for women's reproductive rights."

number of girls in education, especially after separate schools for girls were established (van Doorn-Harder 2006, 32). As a result, women had more possibilities to access education and knowledge, including Islamic education. As religious guides, the activist women gained in-depth understanding of Islamic classical knowledge and *fiqh* at special religious schools such as *pesantren*. “Because of the *pesantren* network connected to NU, Indonesia is one of the few countries where considerable numbers of women have this specific knowledge” (van Doorn-Harder 2006, 9). The first *pesantren* to provide housing for female pupils was Pesantren Denanyar in Jombang, which was established in 1917. Before that time, female *santri* only had a chance to learn about Islam through *pengajian* (Dhofier 1999).

The mastering of Islamic classical knowledge enabled women to exercise religious authority and improve their position in Islamic organizations and institutions such as the *pesantren*. There are some early examples of this achievement. As noted by Eka Srimulyani (2012, 15), “[d]ata from the 1930s reveal that a female leader of a *pesantren* in Jombang, Nyai Khoiriyah, was a learned ulama who was influential both in the *pesantren* leadership and the wider community. She and her [first] husband established a *pesantren*, and she was actively involved in its leadership.”¹³ However, the rise in women’s leadership of *pesantren*—throughout the country—is a more recent phenomenon (see Srimulyani 2008, Kull 2009, Ismah 2014 and 2016, Takdir 2015, Chusniyah and Alimi 2015, Kloos 2016, Razak and Mundzir 2019, and Jannah 2020). Nyai Masriyah Amva, for instance, is the leader of Pesantren Kebon Jambu al-Islamy, Cirebon, West Java, which she established in 1993 together with Kiai Muhammad, her second husband. In

13 Nyai Khoiriyah Hasyim (1906-1983) was proficient in education and skills management. She led Pesantren Tebuireng from the age of twenty-seven (1933-1938). While living in Mecca, she founded the Lil Banaat Madrasa in 1942, and she became the teacher. Returning from Mecca (1938-1956), she founded Pondok Putri Seblak in Jombang. Her work and intellectual capability were recognized among NU circles, so she was placed on the national board of Syuriah NU (Supreme Council) and sat as a resource person in NU’s Bahtsul Masail forums (Tim KUPI 2017a, 16-7).

2007 her husband passed away and left the *pesantren* without a successor. Up to 350 *santri* (*pesantren* students) also left the school, leaving the *pesantren* in crisis. Facing this hard situation, Nyai Masriyah decided not to give up and instead to assume leadership of the *pesantren*, successfully as it turned out (Kloos and Ismah, forthcoming).

Another factor that enables women to exercise authority is their involvement in social activism. In the 1990s, several new Islamic NGOs were established by people who had ideological ties to NU, although these institutions were not formally connected to NU. These young people were born and raised in a NU cultural environment. Some of them graduated from *pesantren* and were active in NU-affiliated organizations. A study conducted by Pusat Penelitian Islam dan Masyarakat (PPIM, Center for the Study of Islam and Community) in 2002 clearly revealed this connection. The research shows that respondents who identify themselves as affiliated with NU and Muhammadiyah had an active involvement in issues of public interest through various non-religious civil society activities, such as cultural groups, cooperatives, labour unions, and professional organizations. The correlation between organizational activism and concerns about social justice shows the importance of the role of community organizations such as NU and Muhammadiyah, as what van Bruinessen called “pillars of civil society”, in cultivating citizenship values in their members (van Bruinessen 2013, 340-1).

However, the autonomy and authority of these women are limited when it comes to the organization of Muhammadiyah and NU as a whole, especially regarding Islamic legal authority. This juristic authority ultimately remains firmly in the hands of men as they control the main decision-making bodies and fatwa councils, the Majelis Tarjih of Muhammadiyah and the Bahtsul Masail of NU. Women are underrepresented and play subordinate roles in these councils. Majelis Tarjih was established at Muhammadiyah’s sixteenth congress in 1927. The term *tarjih* has an identical meaning to *ijtihad*, which became the principal

basis of law as practiced by Muhammadiyah. *Tarjih* “conveyed the meaning of examining the various opinions of Muslim jurists on a certain question and evaluating them in order to determine which is most faithful to the original shari‘a sources” (Anwar 2005, 33-4). The fatwa issued by Majelis Tarjih “has a function as an instrument of purifying faith and dynamizing social life” of its members (Anwar 2005, 28). Meanwhile, NU established a Bahtsul Masail (Arabic: *bahts al-masail*) soon after its founding, at the first NU conference held in Surabaya in October 1926, one year before the establishment of Majelis Tarjih. The Bahtsul Masail, which literally means “discussion of issues”, is responsible for issuing fatwas at the central level of the NU organization (Laffan 2005, 95-6). The implementation of the principle of adhering to *madhhab* and *taqlid* can be seen in this NU fatwa forum (Ramdhan, 2018, 54).

Women are also underrepresented in Majelis Ulama Indonesia (MUI, the Indonesian Ulama Council). MUI is a state-funded but independently operating organization and an increasingly powerful institution politically in Indonesia. It was established in Jakarta in 1975.¹⁴ MUI typically has included scholars from both NU and Muhammadiyah, and other Islamic organizations as well. As written in its statutes, cited by Nadirsyah Hosen, “the Council’s role is defined as providing fatwas and advice, both to the government and to the Muslim community, on issues related to religion in particular, and to all problems facing the nation in general”. Only a few women have been involved in MUI. During 1975-1998, no more than five female ulama became members of the Fatwa Committee (Hosen 2004, 152). Currently, there are five women on the Leadership Council of MUI, out of a total of thirty-eight members (MUI n.d.a). In the

14 The establishment of MUI was preceded by the establishment of regional councils of ulama in the province of Aceh in December 1965 and in West Sumatra province in 1966. See Mudzhar (1993). After the fall of Suharto, “MUI continues to use its fatwas and *tausiyahs* to affirm its claim to be the national institution with authority in Islamic affairs. It calls upon both the state and the people to heed its legal opinions and advice. Nevertheless, MUI’s fatwas and *tausiyahs* are not legally binding on the government and society. Rather, the actual influence of each utterance is very much related to the prevailing social and political context” (Ikhwan 2005, 71).

Fatwa Commission, only seven of the seventy-two members are women (MUI n.d.b).

However, this male dominance is increasingly contested. As this dissertation documents, women are increasingly able to claim juristic authority. Muslim NGOs have been very significant in encouraging critical thinking among Indonesian women and mobilizing them in line with feminist thinking, critical social theory, ideas about women's agency, women's rights, and so forth, and they are now investing this energy in the religious field. In the social and cultural context of traditionalist Islam, they do this by strengthening and encouraging women's juristic authority. "Traditionalist Muslims connected to NU started to address problematic issues concerning women's status during the 1980s, but they always have included reference to the *fiqh* texts. Often this has led to clear answers, even to the problems of the most misogynist texts" (van Doorn-Harder 2006, 10). Therefore, in the study of female ulama, religious authority and juristic authority are two crucial approaches and frameworks to employ. I will elaborate on them in the next section.

Female Religious Authority

The research questions I seek to answer in this dissertation deal with the legitimacy of Muslim women as ulama and the right ascribed to them by society to interpret religious texts and issue fatwas in response both to the everyday concerns of their followers (*jamaah*) and to urgent social problems. This study is therefore primarily concerned with the concept of religious authority and how it is modulated through gender.

Following Max Weber (1864-1920), Gudrun Krämer and Sabine Schmidtke (2014, 1) defined religious authority as "the ability (or 'chance' as Weber put it) to have one's rules and rulings followed, or obeyed, without recourse to coercive power." Weber differentiated between two related concepts: authority (*Autorität*) and power (*Macht*). Indeed, authority and legitimacy

are close concepts. Authority is also linked to the concept of trust, and can be attributed to individuals, groups of people, or institutions. Authority does not depend on coercive power, but is rooted in specific qualities and/or requirements that are given to or gained by the leaders with authority, and generates willingness in the community to obey and follow because they recognize the legitimacy of the leaders (Krämer and Sabine Schmidtke 2014, 2).

Further explaining the forms and functions of religious authority, Krämer and Sabine Schmidtke (2014, 1-2) find that religious authority in monotheistic religions, including Islam, is formed through the ability to constitute the principle of authoritative texts and to interpret the texts applying valid methods. In order to analyse different sources and modes of authority, Weber's classic framework distinguishes between three ideal types: charismatic, legal-rational, and traditional. Charismatic authority relies on personal enchantment, legal-rational authority arises from the institutionalization of rules and practices, while traditional authority emerges from common notions, structures, and practices, and is often inheritable (Kalmbach 2012, 6).

However, Weber's conceptualization of authority does not fully account for the basis of women's authority as observed in this research. In order to grasp this authority, it is necessary to also take into account the social field in which these women move and the various kinds of external factors impacting their ability to amass followings. It is not just their specific positions in the social field that may be charismatic, legal-rational, or traditional, it is also the alliances and social relationships they build and the social capital they acquire that must be assessed. For this, Weber does not offer sufficient analytical tools. Therefore, I combine Weberian theory with Pierre Bourdieu's (Bourdieu 2007) concept of capital to analyse the sources and basis of authority of the women leaders I have studied. As I will argue, combining these theories allows for a very appropriate theoretical basis

for understanding the grounds on which women ulama have authority.

Bourdieu (1930-2002) brings to the table key theoretical concepts of capital which determine an individual's role and legitimacy in any social field (Maton 2008, 53). Bourdieu classifies capital into: symbolic capital, such as beliefs, religion, and charisma; cultural capital, gained from education, training, and achievement; social capital, including social networks; and economic capital, including financial resources (Thohari and Harjo 2021, 73). These various forms of capitals constitute critical resources that women bring to the religious domain and enable them to become legitimate religious leaders and to issue authoritative fatwas.

These resources are significant because the more capital an individual brings to the field, the more legitimacy the individual likely holds. For example, a person who was born into a family of charismatic Islamic leaders and trained in the *pesantren* system is generally considered to be able to play a more legitimate role as an Islamic guide compared to another person who comes from an "ordinary" family and is trained in secular schools. The capital amassed by each individual is different and contributes to his or her habitus (Thohari and Harjo 2021, 74-5). Habitus is "a social subjectivity" and "the social embodied" that links the social and the individual. Habitus includes perceptions, appreciations, decisions, and actions that are inherent in human life as a result of a period of internalization, either with awareness or without. In a social field, a person's habitus then interacts with the habitus of other people, whereby this interaction is influenced by the capitals owned by the individuals involved (Maton 2008, 53).

In the scholarly literature on female Islamic authority, a key contribution has been a volume compiled by Masooda Bano and Hilary Kalmbach, which elaborates on women's Islamic authority comparatively within the contours of traditional Islamic institutions, that is, mosques and Islamic schools (*madrasah*). In her introduction to the volume, Hilary Kalmbach identifies three

key factors that enable women to exercise Islamic authority. The first factor is state action, that is, the “attempts by various states to increase their control over the instruction and employment of religious leaders” (Kalmbach 2012, 13). For example, a study of *murshidat* (women religious guides) in Morocco shows that religious authority among *murshidat* has been endorsed and legitimated by the state. Yet this endorsement alone cannot guarantee the legitimacy to speak for Islam due to the suspicion of being supporters of the decisive state power. Their authority depends on the initiative of the *murshidat* in performing their actual knowledge and behaviour (Rausch 2012; Hoover 2015). Another example concerns 350 women preachers in Turkey who are appointed by Turkey’s Directorate of Religious Affairs as “well-trained and certified women to official positions of religious influence, whereby they are energetically engaged in (re)shaping the populace’s understanding and interpretations of Islam” (Hassan 2012, 85).

The second factor is male invitation, meaning that male scholars are increasingly willing or interested in putting women in a position of authority or granting them authority. In China, Hui women utilize the space provided by male authorities to run women-only mosques, engaging with female followers through religious and ritual leadership (Jaschok 2012). Kalmbach (2012) points out that the authority of female religious leaders in many Muslim communities is still subservient and cannot be separated from male authority and the male-dominated tradition. However, she emphasizes that this does not necessarily mean that female leaders have less impact on the social and religious practices of their communities, as I also observed in my research. They are agentive and creative in dealing with the challenges they encounter. As the roles and achievements of female Islamic leaders account for a significant shift in structures of Islamic authority, their appearance, re-appearance, and cultivation of leadership roles in many different Muslim communities deserves a more elaborate scholarly treatment than this has received so far.

The third factor is women's initiatives in exercising Islamic authority. Formal Islamic education has been particularly important in this respect, as it has enabled some women to enter the career paths and public spaces that are normally associated with male scholars. A study by Künkler and Fazaeli (2012) of two Iranian female *mujtahidahs* is a good example. Firstly, Nusrat Amin (1886–1983), one of the most authoritative Shi'ah female religious authorities of modern times, delivered *ijazahs* of *ijtihad* and *riwayat* to men in her own right. Secondly, Zuhrah Sifati (1948–), another leading female religious authority in Iran, was a long-time member of the Women's Socio-Cultural Council (*shura-yi farhangi i'jtima-i zanan*) and led the committee on jurisprudence and law. Künkler and Fazaeli's analysis of these two cases reveal the importance of women's initiative as a factor driving these women to pursue knowledge and generate scholarly works (Künkler and Fazaeli 2012, 128).

Besides state action, male invitation, and women's initiatives, the lives and experiences of the female ulama central to this study emphasize community ascription of authority as a very important factor, although it does not feature very prominently in Kalmbach's framework. When I look at the relationships between individual women leaders and their followers at the grassroots, I observe a strong community engagement that legitimizes women as juristic authorities in a way that is on a par with the factors of state sponsorship, male intervention, and women's agency. Female juristic authority cannot emerge solely from the ability of the women to choose, decide, and take action as Islamic leaders. Women's interactions with local communities and organizations constitute a significant factor in the making of their religious authority because of the the legitimacy ascribed through these interactions. Thus, the authority exerted by the women scholars at the centre of this study is essentially a community-based authority, by which I mean the authority ascribed by communities to individual women leaders and guides after long periods of interaction and

engagement. I consider advancing this aspect as a crucial yet overlooked factor of women's Islamic authority as one of the key contributions of this dissertation.

Studies of female Islamic authority have applied institutional and leadership approaches focused on leadership in mosques, madrasah, and *pesantren* (Bano and Kalmbach 2012; Srimulyani 2006; Smith and Woodward 2014) and top-down approaches that "have focused on questions of where and how these women are trained, what kind of *ijazat* (certificates of study) and academic degrees they have collected, and how they establish their expertise in *ifta'* (the granting of legal opinions)" (Kloos and Künkler 2016, 480). In contrast, my examination of community-based authority emerges from a focus on juristic authority that I identified as a key missing aspect in the emerging literature on female Islamic authority and "bottom-up certification", which is the certification of female Islamic authorities "through the reconfiguration of established forms of community, such as villages, religious schools, informal study groups and religious congregations" (Kloos and Künkler 2016, 485). Women's interaction with the community can be seen from their engagement with members of mass Muslim women's organizations (such as Muslimat and Fatayat of NU), village communities, the community of female ulama, NGOs or other activist networks, and readers of magazines and other media consumers. The last type of community can be included as "new forms of community" involving "online interactions, which provide female religious leaders with opportunities to engage in activities and religious debates in ways that are difficult or impossible within the (generally male-dominated) confines of physical religious spaces" (Kloos and Künkler 2016, 485).

In the field of juristic authority, particularly related to Islamic knowledge production and fatwa ruling, women Islamic scholars are struggling for acceptance and acknowledgement, not only from the state and male counterparts but also from patriarchal elements in society. This acceptance and acknowledgement

are, as said, partly determined by the various forms of capital possessed by women scholars. The women I observed in my study show that they bring to the field, firstly, symbolic capital, which they inherit from the charisma of their parents as religious leaders. Secondly, they possess advanced religious knowledge, which I categorize as a form of cultural capital, and thirdly, they have the social capital obtained through the long period of interaction and engagement with their communities. These three forms of capital combined ultimately form the basis of the authority of the women and are further strengthened by a fourth form, economic capital. That economic capital enables at least some of them to engage in economic empowerment such as employing people from their communities in the rice field, or to help people in need.

I am interested in juristic authority, community-based authority, and everyday interactions between women leaders and the communities in which they partake, partly as a counterpoint to the formal position. Religious authority is not only about Islamic knowledge per se, that is, degrees or *ijazahs* or formal roles; it is about the combination of Islamic knowledge as a form of cultural capital and social engagement as a form of social capital, and it is about the social fields in which this knowledge is put to practice. This, I argue, is how these women exert authority and why they are recognized as legitimate ulama. These are the key practices through which this juristic authority is exerted. No other practice, moreover, shows this better than the practice of issuing fatwas. It is for these reasons that I concentrate in this dissertation on the process and everyday practice of the women issuing fatwas for their communities.

In my research, I do not just use fatwas that exist on the paper; they are also something that exist in social relationships, and that is where the anthropology of fatwa comes in. But because the practice of issuing fatwas is still considered as men's work and a male area of expertise, I also use a gender perspective in my study of this practice through an anthropological approach.

Studying Fatwas by Women from Anthropological and Gender Perspectives

This study aims to contribute to the anthropology of the fatwa by specifying how Muslim women assert themselves as ulama with the authority to issue fatwas. In this section, I present a general review of the conceptualization of the terms ulama and fatwa and their usages in the literature. I explain both literal meanings and references, the criteria for people to become ulama and for utterances to become fatwa, and how these very processes are fundamentally gendered. Therefore, studying women issuing fatwas cannot be approached from an Islamic studies point of view only. I add to this an anthropological approach that will allow me to analyse the everyday practices, subjectivities, experiences, situations, and nuances that feed into the process of issuing fatwas. It is the anthropology of the fatwa and a gender perspective that provide a foundation for this study alongside a religious studies approach.

The word ulama is derived from the Arabic word *‘alim* (knowledge). *‘Ulama* is the plural form of *‘alim*, from *ism fa‘il* (the subject form in Arabic) meaning “someone who knows” or “someone who has knowledge”. In Indonesian, both *‘alim* and *‘ulama* are commonly used in reference to a single person. To refer to a number of ulama, the word *‘alim* is added to the word *‘ulama* to form the phrase *alim ulama*. The word *‘ulama* originally meant one who had general knowledge of a particular field. For example, *‘ulama al-handasah* was used to refer to experts in technology and *‘ulama al-fiziya* means physicians (Azra 2002, xxxii; Mansoor 1990, xv; Rofiah 2014, xxxii). Influenced by the development of Islamic knowledge such as *shari‘a* and *fiqh* and religious studies that focus more on *fiqh*, the meaning of ulama has changed to become more specific and narrower than its original meaning. “They are plainly a crucial element in Islamic society—the one group which in fact makes it ‘Islamic’ rather than something else—and wherever

we turn we encounter them” (Humphreys 1991, 187). Recently, the word *ulama* has come to refer specifically to a person who has mastered *fiqh* (Rofiah, 2014, xxxiii). *Cendekiawan Muslim* (Muslim intellectuals) or *mubalig* (preachers), therefore, are not considered *ulama* as they have less expertise in *fiqh*. In other word, the key to calling someone an *ulama* is that that person is thought to possess juristic authority: a recognized ability to interpret and apply Islamic law.

Ulama can take up numerous political, social, and cultural roles in Muslim societies, including those of intellectuals, preachers, professors, counsellors, merchants, or bureaucrats. They may come from different social backgrounds. Yet the converse is not the case: not all professors and intellectuals are recognized as *ulama*. Azra (2002, xxix) has suggested some reasons for how and why certain individuals are recognized as *ulama*. First, *ulama* are recognized as having an excellent knowledge of *fiqh* and of classical Islamic knowledge based on the Qur’an, hadith, and classic theological literature. This familiarity is necessary to support *ulama* in making decisions regarding Islamic jurisprudence or practicing *ijtihad*. In other words, *ulama* must have a very good understanding of the sources and methodology of issuing fatwa. Second, *ulama* are individuals who have good character and moral integrity, both in behaviour and religious practice. Because according to a Prophetic tradition they are expected to be *warathat al-anbiya’* (the heirs of the prophets), *ulama* play an important role in guarding the morality of their religious congregation (*jamaah*). Third, *ulama* are leaders of their *jamaah* as well as leaders of the communities of which they are part. *Ulama* who take the role of *pesantren* leaders and direct an Islamic institution such as a *pesantren* or a *madrasah* are expected to lead *jamaah* in socio-religious activities, including preaching in *majelis taklim* and being responsible for offering prayers and blessings for the community. In my research, I use the term “female *ulama*” (*ulama perempuan*) to emphasize the role of Muslim women leaders as *ulama* in accordance with those

criteria, and throughout the dissertation I refer to the women as female ulama. This term is more commonly used among Indonesians compared to other terms, such as *'alimah*, although both these terms have the same meaning.

One of the primary means through which ulama exercise religious authority is the fatwa. “The terminology for fatwa is derived from the same root: *mufti*, the fatwa-giver; *mustafti*, the questioner; *futya* or *ifta'*, fatwa-giving; and *istifta'*, request for a fatwa. A fatwa is an opinion that is neither a legally binding ruling (*hukm*) nor final” (Larsen 2015, 327), therefore there is no obligation for *mustafti* to follow the fatwa. In its conventional structure, a fatwa is formed by two parts: 1) a question about a certain topic put to the ulama; 2) the ulama’s (fatwa-giver’s) opinion as to the answer to the question, following standard jurisprudence guidelines (Kaptein 2004).

The method of issuing fatwas has undergone changes over time. It is not only based on the Qur’an and hadith as the source of authority called *ijtihad* (legal reasoning)—although this is the approach of modernist ulama—but it is also carried out on the basis of *taqlid*, which has been practiced by traditionalist ulama. *Taqlid* is “the acceptance of the authority of earlier traditional scholars from one of the four canonical interpretations of the schools of law (*madhhab*)” (Kaptein 2004, 118). The latest developments with regard to the source are evident in the fatwa-making conducted by KUPI, which I will discuss in Chapter 4. It combines the sources of the Qur’an and hadith, the opinions of earlier and later Muslim scholars, and Indonesian legislation. Another change is related to the fatwa-giver, which previously referred to individual muftis; later, groups of muftis gathered in a fatwa institution to issue fatwas. They also started to issue new forms of the fatwa, such as fatwa-like statements (Kaptein 2004, 114).

Examining the lives and experiences of female ulama and fatwas issued by female ulama, my research gives significant

insights into the dynamics of continuity and change of female ulama authority and tradition as well as the Islamic knowledge production of female ulama. In this process of questions and answers, a relatively clear mechanism of authority is in place. Ulama claim religious authority by issuing fatwas in a way that corresponds as precisely as possible with their knowledge of “God’s judgement”, while petitioners ascribe the authority by accepting or following the fatwa (Larsen 2015). A fatwa can indicate the holder, centre, source, language, and effectiveness of religious authority (Kaptein 2004). A fatwa can also guide the formation of Muslim piety because the question is often raised in order to find guidelines to practicing Islam in better ways (Larsen 2015). Finally, questions raised by *jamaah* also constitute “social data” that contain important information about the challenges faced by Muslims in particular places and times (Larsen 2015, 32).

Women’s right activists and progressive voices in Islam have naturally been very interested in the fatwa, because of its authoritative status but also because it has been used to suppress women or to advance misogynistic interpretations.¹⁵ For instance, the education of female ulama run by Rahima, an Islamic women’s NGO concerning women’s right and Islam, equips its female ulama cadres with the knowledge and skills to issue fatwas. Rahima suggests four aspects of sources of fatwa ruling, which are, first, theological sources including the Qur’an and hadith, the thoughts of classical ulama described in *kitab mu’tabarah* (respected classical texts) and those of contemporary ulama as published in their books. The second and the third matters for consideration are national and international regulations, and the fourth relates to women’s experiences (Ismah 2016). The practice of issuing fatwas has become a key battleground for

15 For example, Sheikha Naeema and two female colleagues have been appointed by the state to issue fatwas through the fatwa hotline on the eighth floor of the General Authority of Islamic Affairs and Endowments in Abu Dhabi or Awqaf. This is the only fatwa centre in the Middle East where the team is made up of women. “They help them navigate elaborate rules and restrictions governing all areas of an observant Muslim’s life” (Ghafour 2016).

contesting gender relations in Islam. What is so crucial about this development is that rather than simply criticizing or dismissing fatwas that are unfriendly to women, women activists and scholars are now actively engaging in issuing fatwas themselves. They can do this because they have the capital to do so, gained through their education, social standing, social networks, and personal charismatic aspects. They use their “tradition” to push doctrinal changes that lead to social change.

Most of the literature on modern fatwa-giving focuses on (state) institutions, fatwa councils, and the fatwa forums of Muslim mass organizations. But fatwa-giving is not necessarily a top-down and institutional-based practice, as has been demonstrated by Umi Hanik and the collective movement, namely KUPI. Their fatwa-giving happens as a rather informal and community-based practice and takes place in a wide variety of contexts. It is very important from a gender and women’s point of view that the practice of fatwa-giving is fundamentally dispersed, while at the same time institutionalized forms are usually heavily dominated by men. Therefore, I am interested in everyday practices to reveal women who are active in fatwa-making. The term “fatwa-giving” here is used simply to indicate a practice: the everyday practice of religious authorities disseminating religious opinions on the basis of scholarship, experiential knowledge, and social relations. Everyday formulations of opinions as responses to the burning questions within a community of believers are also fatwas. By shifting the point of view on fatwas, one can see women as fatwa-givers operating on a daily basis within their villages, in organizations and networks such as Rahima and KUPI, and also within the public sphere, in magazines, at conferences, and on other public stages.

In examining female ulama issuing fatwas, I employ an anthropology of the fatwa as complementary to an Islamic studies perspective. My theoretical framework is drawn by combining these two approaches. I use tools from the field of Islamic studies

as the fatwa is a mode of exercising female juristic authority based on textual exegesis, and tools from anthropology as this is the only way in which I can identify the role of women and the kind of authority they have in issuing fatwas within specific social, often informal contexts.

A significant contribution to the anthropology of the fatwa has been made by Hussein Ali Agrama (2010).¹⁶ I am inspired by the way in which his work has completely opened up the field by approaching the fatwa as an everyday and ethical practice. Based on his largely ethnographic research on the fatwa council of Al-Azhar University in Egypt, Agrama states that the fatwa must be understood as an important instrument for pushing doctrinal change. Islamic law and practices are constantly changing in response to the demands of modernization, and the fatwa is a very important element in that process. However, focusing on the fatwa as a driver of doctrinal change can also lead to another crucial dimension of the fatwa being overlooked, namely the ethical component, which involves the relationship between the fatwa-giver and the fatwa seeker. Therefore, his suggestion is to study the fatwa ethnographically by looking at the everyday interactions between mufti and Muslim believers in the process of *istifta'* (seeking fatwas), and how that communication takes place in practice. That is all about the relationship between the fatwa-giver and *mustafti*, and giving Islamic opinions on a certain thing in a certain way and at a certain moment. Through this practice, a particular doctrinal position can look completely different from one day to the next because the mufti and ulama, when issuing fatwas, look closely at the situation and who is in front of them. Agrama argues that the study of the fatwa as ethical communication has been neglected. "With the ethical turn in anthropology, it may seem unremarkable, even uninspired, to cast the fatwa as an ethical practice, as a form of the care of the

16 After this article Agrama further elaborated his ideas in his book entitled *Questioning Secularism: Islam, Sovereignty and the Rule of Law in Modern Egypt* (Chicago: University of Chicago Press, 2012).

self. What is surprising, however, is how so evidently an ethical practice could have gone unacknowledged as such for so long.” (Agrama 2010, 14).

My study attempts to take up that challenge of further developing an anthropology of the fatwa by looking at the everyday practices of fatwa-making by female ulama and taking into account the relationship and communication between the women and their *jamaah*. This is a topic that has not been considered very much. My study offers three main contributions to the study of the anthropology of the fatwa. Firstly, the study of the role of female ulama as fatwa-givers should in itself be seen as a significant contribution as there is almost no literature on women giving fatwas in the context of everyday life. Agrama identified five dimensions based on his observation of the everyday practices of fatwa-making in the Al-Azhar fatwa council. He suggested the fatwa-making as an ethical process by adopting the idea of “the care of the self”, where several aspects emerge. They are: “its pedagogical dimension; its broad ranging discussions of proper conduct; its understood point as the facilitation of people’s affairs; its conditions of good faith, and its sense of shared responsibility between muftis and fatwa seekers, especially the fact that the muftis bear a level of responsibility for the fatwas they dispense” (Agrama 2010, 13). In the process of *istifta’*, women ulama offer a safe space and an empowering dimension to women seeking fatwas. It is different for women when they seek a fatwa from women compared to when they seek a fatwa from men; women’s knowledge and experience can emerge from the interaction between the women *mustaftiyat* and women fatwa-giver and influence the process of building a situation and giving responses. My study enriches Agrama’s five dimensions with two new dimensions, namely a safe space and empowerment, which are more specific to situations in which it is women who are issuing fatwas.

The second contribution is that the study of women practicing fatwa cannot rely only on the observation of a single

established institution or fatwa council, as Agrama has done. Rather, the women I studied automatically and necessarily led me to conduct a multi-sited study as the fatwa is, as said, a scattered phenomenon. A multi-sited study of the fatwa is crucial when we talk about women's everyday practices of fatwa-making, because if we go to the most well-known and arguably most authoritative Islamic institutions in the world, such as Al-Azhar's fatwa council, we will not find many women there. My approach, then, has been to follow the women rather than the established institutions as a way of paying heed to fatwa-giving as a practice that takes place in different spheres of life, different spheres of interaction, and at many different sites, ranging from villages to mosques to religious organizations, to social movements, and to mediascapes. In that sense, my study builds on Agrama's work but also offers a richer landscape and new approach that enables me to uncover women's everyday practices of requesting and issuing fatwas. The kind of interaction and communication between female ulama and fatwa seekers also vary depending on the problems, situations, and places where the female religious authority is being exercised through fatwa-making.

The third contribution pertains to the relationship between the process of doctrinal change and the process of the fatwa as an ethical practice. Agrama speaks of a shift in emphasis from the fatwa as a means of "doctrinal reform" to the fatwa as an ethical practice. He writes: "This image of the fatwa as facilitating a journey takes us far from the conventional view of it as primarily a doctrinal pronouncement and an instrument of doctrinal reform ... And that capacity is found not in the pronouncement of doctrinal principles and rules for how to act nor in reforming them to fit modern times but, instead, in the skill of using them discerningly to 'say the right words at the right time' for the person who seeks guidance" (Agrama 2010, 14). My study suggests, however, that instead of separating these two dimensions, we should approach the fatwa as an ethical and everyday practice and the way of communicating the fatwa with

the fatwa seeker as something that feeds back into the process of doctrinal change. They are not distinct and separate processes. The female ulama I studied are not just interested in fatwas as an ethical practice. They are also interested in doctrinal change and the capacity enshrined in these daily interactions to challenge mainstream, gender-insensitive Islamic interpretations. They are not just performing their authority and guiding people, but also actively generating precedence, resources, texts, and arguments, and publishing these in books. They have magazines, build networks, and disseminate the material to society through paper and online records. The goal of these efforts is to change gender-insensitive doctrine, and the process of reinterpreting Islam and doctrinal change adapting Islam to modern times is inseparable from those everyday moments of fatwa-giving.

The two examples of fatwa-giving described at the beginning of this chapter show the connection and the continuity of fatwa-making by female ulama as an ethical practice and means of doctrinal change that takes place everywhere, in villages and at national conferences. The fatwa-giving is part of something bigger: a gradual change in which women assume authority and, on that basis, intervene in processes of doctrinal change. So I contend that it is very important that, as we shift the emphasis in studying fatwas by taking fatwas as an ethical practice into account, we should not forget about that other side of the coin, that of “doctrinal reform”. This is especially important when studying fatwa-making from women’s point of view. It seems quite convenient to focus primarily on the ethical dimensions of the fatwa in the context of Al-Azhar as this is one of the most established Islamic scholarly centres in the world. The muftis of Al-Azhar, one might say, *are* the doctrine. However, once we focus on female ulama, the perspective changes quite radically. They are very interested in doctrinal change because, firstly, women traditionally tend to be on the receiving end of a doctrine that is not very beneficial to their position as women. Secondly, while women ulama use the doctrine and tradition as sources of their

legitimacy as ulama in producing fatwa, they also seek to change the non-gender-sensitive doctrine into a more gender-sensitive doctrine for their community through fatwa-making. As such, the community-based authority practiced by female ulama supports them in the process of doctrinal change.

Fieldwork

For this dissertation, I combined two methods of data collection. Firstly, I conducted desk research by reviewing written primary and secondary sources to set the historical background of female religious leadership, ulama and fatwa ruling, and female Islamic authority in the global and Indonesian Muslim context. I also analysed a range of relevant documents including programme reports, monthly publications, magazines, and compilations of fatwas. I collected these sources from the libraries of organizations and institutions such as Rahima, the National Board of NU in Jakarta, and magazine offices such as the *AuleeA* office in Surabaya. Some documents were handed to me because I participated in the programmes as an observer or because the person whom I interviewed gave me the documents for further analysis. For instance, I received a series of *NooR* magazines from its editor-in-chief in Jakarta.

Secondly, I carried out extensive ethnographic fieldwork from February 2017 to February 2018 in Indonesia. I was based in Yogyakarta, but I regularly travelled to other cities in Java. I selected key interlocutors, as I will discuss below in more detail, through a snowballing technique that led me to others in turn. They are important people in this network of female ulama. They lived and were active in various places across Java. They invited me to events and programmes organized in cities and towns including Demak and Pati in Central Java, some cities in East Java—Bondowoso, Jombang, Surabaya, and Malang—and some cities in the West part of Java, including Cirebon and Jakarta. I also went to Mataram in West Nusa Tenggara to attend the 2017 National Meeting and Conference of NU. In those cities,

I visited the *pesantren* where most of my informants lived, Islamic schools, and the offices of mass Muslim organizations. I participated in Islamic gatherings, study groups (*majelis taklim*), fatwa forums including the Bahtsul Masail of NU, Forum Bahtsul Masail Pondok Pesantren Puteri (Women's Islamic Boarding School Deliberation Forum) in Jombang, and a fatwa forum conducted by Wahid Foundation in Jakarta. As mentioned above, I also participated in the Congress of Indonesian Female Ulama in Cirebon on 25-27 April 2017.

I selected my interlocutors in such a way that I spoke to both established authorities and to women in the process of being trained to become ulama. I did not observe all the institutions and programmes for training female religious leaders, however, since that would be impossible within the scope of this research. To narrow down my pool of possible respondents, I decided to focus on the network around Pengkaderan Ulama Perempuan (PUP), the educational programme conducted by Rahima, in which I was also personally involved. This programme is noteworthy because of its distinctly progressive nature and its ability, nonetheless, to empower a number of female religious leaders who were subsequently able to claim religious authority in their respective communities. Rahima introduced PUP in August 2005, and four different cohorts of female ulama cadres from all over Java have since graduated. Through PUP, Rahima provided them with knowledge and a kind of social capital needed to be able to claim religious authority. I discuss the founding and development of Rahima and PUP in more detail in Chapter 2.

My research is not, however, a study of Rahima and the PUP programme. It is rather a broad investigation and analysis of the emergence of a progressive, gender-sensitive movement in the context of Indonesian traditionalist Islam. Rahima and its female ulama network served as a crucial entry point, enabling me to both access and participate in this new, partly gender-based field of juristic authority. This dissertation is the result of a close ethnographic and text-based analysis of the everyday practices

of female ulama in issuing fatwas for their communities, as well as the community-based authority these leaders exercise, both at the grassroots level and at the national level, through what I argue is the emergence of a new social movement of female Islamic authorities.

Among the PUP graduates and female ulama who are connected to KUPI's network, I spoke to around thirty interlocutors and more intensively to four individual female ulama from different areas in Indonesia: Afwah Mumtazah from Cirebon, West Java; Khotimatul Husna from Yogyakarta; Umi Hanik from Demak, Central Java; and Siti Ruqayah from Bondowoso, East Java. I present their short biographies as interludes in the narrative of my dissertation. I chose to talk to and observe the everyday lives of the four female ulama because their biographies enable me to illustrate key trends and they already hold established authority in their communities. I also wanted to understand these women's choices and motivation, their abilities and constraints, social networks, the dilemmas they have to grapple with, the connections they create, and the social settings in which they participate. In other words, my interest lies in a certain level of ethnographic detail on how it is possible for women to exercise and claim juristic authority in religious institutions, the grassroots, social movements, and print media. This is possible only by observing these women and their everyday experiences intensively. This number of interlocutors appeared sufficient because it gave me the necessary ethnographic detail, yet at the same times it still allowed me to make meaningful comparisons with regard to their background, positioning, education, social status, and so forth.

I made a very conscious decision to study this particular women's group, location, and network of female ulama for scholarly reasons, because their stories need to be told and analysed, and urgently need to be added in the academic debate. The fact that they are Javanese and located in Java comes with particular advantages with regard to the local culture, norms,

and language, which I am familiar with as a Javanese. I graduated from a Javanese *pesantren*, namely Pesantren Al-Fathimiyyah in Jombang, East Java as well as from Rahima's PUP programme. My position as a female Muslim and Javanese who graduated from the *pesantren* and PUP has enabled me to gain access and build a rapport with the interlocutors, allowing me to conduct ethnographic fieldwork. For this study, I did not randomly choose the cities and towns I went to for my fieldwork. Java is full of places that are considered to be centres of religious learning, and I consciously chose places such as Cirebon, Demak, and Bondowoso, where many *pesantren* are located. In particular, Cirebon and Demak have longstanding connections with historical *kesultanan* (sultanates) that up until this day influence the form of local Muslim society socially, culturally, and politically. In addition, the Congress of Indonesian Female Ulama held on 25-27 April 2017 took place in Cirebon.

I studied those four female ulama most intensively; not only did I carry out interviews with those four individuals but I also observed their networks and the broader context of their social movement. Therefore, my research was not limited to those four cases alone. I simultaneously broadened my research to include: (1) female ulama who had been participating in the fatwa forum conducted by Nahdlatul Ulama, Muhammadiyah, MUI, and KUPI, as well as female ulama who become the resource persons for Question & Answer sections in magazines; (2) female ulama and male Islamic scholars who were actively involved with KUPI and the organization's network, including Rahima, Fahmina, and Alimat; (3) members of the *jamaah* of the four female ulama; (4) the participants in KUPI; (5) the editorial staff of magazines including *Swara Rahima*, *AuleeA*, and *Noor*; (6) male counterparts of the four key informants, and religious leaders who are in their circle; (5) male religious leaders from male-dominated religious institutions and organizations; (6) religious institutions for advancing Islamic knowledge such as Ma'had Ali, *pesantren*, and their students.

My fieldwork consisted mostly of semi-structured, in-depth interviews and participant observation in field sites and events and programmes such as *majelis taklim*, formal learning classes, seminars, fatwa forums, and KUPI. I transcribed and analysed the interviews using open and thematic-coding techniques to identify common themes within and across the groups of informants. I visited the places where my key informants live two or three times during my fieldwork and stayed there in one visit for around one week in their homes, except for Khotimatul Husna, whom I visited more often as we live in the same city. I usually contacted my key informants through WhatsApp to set a date or to ask what activities I might be able to join. It was not always easy to find a date that was suitable for them as they were generally very busy and had many responsibilities. I travelled to them from Yogyakarta by train or renting a car, and accompanied the key informants, attending their programmes with them. Sometimes I also conducted participant observation and stayed in friends' places that were located nearby, for example, when I observed the Forum Musyawarah Pondok Pesantren Puteri in Jombang, East Java.

When I was carrying out my fieldwork, I made use of research assistants. Two university graduates, Annise Sri Maftuchin and Nazhifatum Muthahharoh (Zifa), both graduates from Brawijaya University, Malang, majoring in Anthropology, joined me in the field. Annise helped me in the first round of fieldwork in February to March 2017. She assisted me in writing field notes, interviewing *jamaah*, and making additional observations. But she stopped her involvement in my research because she had to move to Jambi. Then Zifa helped in the second round of my research from April 2017 to February 2018, performing the same tasks as Annise had done. In April 2017, I recruited another research assistant—Halimah, a graduate from Sunan Kalijaga State Islamic University majoring in Arabic Language and Literature—to assist in my fieldwork during KUPI. Halimah and Zifa helped me in interviewing KUPI's participants

using interview questionnaires that I developed. They also carried out participant observation as there were many parallel sessions at KUPI that took place at the same time. For example, Zifa joined the *musyawarah keagamaan* on the issue of natural degradation, Halimah joined the session on the issue of sexual violence, and I joined the fatwa forum on child marriage. They helped me in writing notes, taking pictures, and transcribing the recordings. We stayed in my friend's house, namely Yu Lia, who is also the sister of Bu Nyai Masriyah Amva, the *pesantren* leader where KUPI was held.

Naturally, I benefited from my position as a Muslim woman and a fellow alumnus of the Rahima programme. I did not find it difficult to make contact with the four resource persons. These female ulama were generally very pleased to help me even if they found it hard to make time. We were able to talk as woman to woman in a safe space. Sometimes they asked me not to include a certain story from our conversation, and I agreed. I could do interviews with them during breakfast, lunch or dinner, while on the way to an activity, in the morning, afternoon, or evening, adjusting to their free time, in the living room, classroom, or in the room where I stayed. Some of them even fell asleep in the living room before the interview was over. Had I been a man, my interviews would certainly not have yielded the same results; in any case, they would probably have been more fraught.

The fact that I got access to the interlocutors does not mean that there were no challenges in acquiring information. Some of these were general. They had to do with practical constraints such as the fact that those people were very busy, their memory was not always good, and they also had a particular interest in mentioning some things and not mentioning other things, etc. Other factors that led to "presence of absence" (Anderson and Jack 1991, 19), meaning something that was not or could not be spoken by interlocutors in the interview, were socio-cultural aspects. They were related, firstly, to Javanese ways of interacting. Javanese culture is traditionally a very hierarchical

culture and this social culture is also present in the Javanese language; this means that sometimes it is difficult to really get to someone's true feeling or ideas. Secondly, sometimes it was also difficult to ask and get stories related to unpleasant female experiences such as discrimination and violence. Thirdly, challenges sometimes emerged when an interlocutor turned out very reluctant to say anything about female religious authority. For instance, I carried out an interview with a charismatic *kiai* in Cirebon who was willing to meet me for only five minutes. In fact, at that time I was accompanied by his nephew and my friend who was close to the *kiai's* family. "I don't want to comment on the [Indonesian Women's Ulama] congress," he said. "*Kengeng nopo, Kiai (Why, Kiai)?*" I asked. "If I answered, it means I give comment. No, I will not." I smiled wryly and remained silent few moments. "What is a female ulama? How come they recognize the title for themselves [as ulama is normally ascribed by the community]!" he continued.

In dealing with such "presence of absence", I tried to listen to the "moral language", which refers to a self-judgment influenced by self-concept and cultural norms (Anderson and Jack 1991, 19). I was also aware of "meta statements", which mean "a discrepancy within the self—or between what is expected and what is being said" (Anderson and Jack 1991, 20) and the "logic of the narrative" by determining "the internal consistency or contradictions in the person's statements about recurring themes and the way these themes relate to each other" (Anderson and Jack 1991, 20). Gathering data through interviews may be limited by some narratives that are "unspeakable and unspoken" and "silence", which in a psychological anthropological approach can be viewed as a nonverbal element of communication (Samuels 2019, 10). It is "an *affective* action in people's efforts of navigating diverging emotion repertoires" that are "shaped during discursive, practice-based, and embodied processes of socialization and that they enable individuals and collective to decode and interpret felt experiences as discrete emotions" (Heyken 2019). Thus,

“silence” is also data. It contains information about the views, situations, and position of the interlocutors regarding the topic being asked about by a researcher.

I also dealt with emotional situations when I was confronted with negative responses from male interlocutors who were conservative in their views on gender equality, especially because our conversation was about female Islamic authority. “When we talk about *ushul fiqh* which uses reasoning, usually women are not capable (*nggak nyampai*).¹⁷ That’s why a *qadhi* can’t be a woman, a judge can’t be a woman, it must be a man,” said one respondent, a young *kiai* from a *pesantren* in East Java. I sat in front of him and could only stare at him while looking for clues for asking the next question. “How can women not be able to think about *ushul fiqh*?” I asked. He replied, “Yes, that is *sunnatullah* (God’s decision). One of the factors is because, sorry to say this, when women have their period or menstruation, they deal with pre-menstruation syndrome, so they can’t control their emotions and so on.” In this kind of situation, I felt ignited and wanted to retort with my arguments. But I was in the position of gathering their views and thoughts regarding female Islamic authority, whether they are supportive of the authority or not. So I dealt with my emotions by shifting my focus to listening to the “moral language” and “meta statements” and interpreting the responses I received.

There were also challenges with regard to my personal status and situation as a mother of a seven-month-old child. I had to deal with some incidents related to childcare such as handling child tantrums and breastfeeding while doing interviews and making observations. The challenges disturbed my focus at certain points and demanded more energy and ability to manage my emotions and motivations so that they did not affect my fieldwork. For example, when I was conducting an interview with

17 *Usul al-fiqh* are the general principles of Islamic jurisprudence (legal theory) and include maxims (*qarwa’id*), which are special methods of reasoning. “It is the area of the law where the validity and scope of application of legal methods are articulated” (Opwis 2010, 2).

Kang Wawan, the head (*mudir*) of Ma'had Aly Hikamus Salafiyah, Babakan, Cirebon, Zifa took care of my daughter for a while. But not long after, I heard my daughter starting to cry. I called Zifa and took my daughter from her hands. The baby wanted to sleep and asked to be breastfed. The only problem was how could I breastfeed her while doing an interview? So I moved to a chair that was slightly hidden beside the house pillar while listening to Kang Wawan's explanation. I said, "I am sorry, Kang, I moved here." Kang Wawan just nodded, and the interview continued while I breastfed my daughter discretely until she fell asleep.

Researching the everyday practices of women issuing fatwas by combining Islamic studies and anthropological approaches with a gender perspective has allowed me to see the overlooked practices of making fatwas, particularly by women. It is impossible for me to get the experiences of these women if I only use the Islamic studies approach. Reflecting from my experience, I think these approaches were vital in guiding me to answer doubts and questions as to whether these women meet the criteria of a mufti, or whether the religious opinions they issue have gone through the correct method of *ijtihad* so that the opinions can be called fatwas.

Structure of the Dissertation

My dissertation consists of six chapters, including the introduction and conclusion. Each main chapter is preceded by a short biography as an interlude between two chapters. They are biographies of the four main interlocutors in order to illustrate the trend discussed in a chapter. The stories also exemplify real people who stand for women ulama playing various roles as fatwa-givers in different sites and settings according to the topics discussed in the individual chapters.¹⁸

18 During my writing, I will give their names with the title I use when addressing them: Mbak Khotim, Bu Hanik, Bu Afwah, and Nyi Ruq. *Mbak* is used to address an older sister. *Bu* is the short form of Ibu. It means Mrs. *Nyi* is a short form of *nyai*.

Chapter 2 explores NU and its Bahtsul Masail as the first site of women issuing fatwas. This organization becomes my point of departure to examine women's roles and position in a male-dominated religious landscape in Indonesia. I consider religious authority and fatwa-giving, and its influence in giving rise to women's mobilization within NU, its women's wing organizations, Muslimat and Fatayat of NU, and Islamic women's NGOs such as Rahima.

Chapter 3 examines a second site of women issuing fatwa: local grassroots communities. This chapter demonstrates that women from a traditional Muslim background who become ulama derive their passion for teaching and working with communities partly from their parents, who were often also ulama and religious leaders. However, their family background is not the primary factor determining their achievements. Instead, in most cases they have taken a very conscious decision to take part in community empowerment and to create their own path to establish ulama-ness by cultivating a community-based authority.

Chapter 4 investigates women issuing fatwas within the setting of a social movement. The Kongres Ulama Perempuan Indonesia (KUPI, Indonesian Congress of Women Ulama) is my main case study here. In this chapter, I explain KUPI based on my observations and interviews during my fieldwork. I analyse the KUPI fatwas including its methodology, the formulation of the three questions on sexual violence, child marriage, and natural degradation impacting women, and the construction of the answers. I also identify KUPI's strategy in dealing with challenges, especially related to establishing juristic authority in a male-dominated arena.

Chapter 5 studies the public sphere as a site for women issuing fatwas. I start this chapter with a general overview of Muslim women in the public sphere of Indonesia and the history of the use of the Q&A format in Indonesian women's Islamic

lifestyle magazines. I focus on three women's magazines, namely *Swara Rahima*, *AuleeA*, and *NooR*, to observe the practice of female ulama in issuing fatwas. The chapter offers a detailed content analysis of Question & Answer sections in the magazines, as well as an analysis of the strategies of female ulama in dealing with the challenge of countering a dominant conservative Muslim discourse that has emerged in the public sphere of Indonesia.

The conclusion summarizes the main findings, answers the research questions, and comments on some of the wider implications of the social phenomena at the centre of this dissertation.

Interlude

Mbak Khotim: A Woman in the NU Circle

“She is a limited-edition leader,” was how one member of the provincial board of Fatayat NU in Yogyakarta, Dewi Nur Khasanah, called Mbak Khotimatul Husna. Dewi described her as the head of Fatayat, who really shows her great loyalty to the organization and puts the interests of the organization above her own interests. In addition to Dewi, another Fatayat member, Muyassarotul Hafizhoh stated that one of Mbak Khotim’s leadership qualities is her attention to the importance of nurturing cadres. She is able to bring out the potential of the cadres.

Born in Bojonegoro, on 27 March 1976, Khotimatul Husna is the sixth child of eight siblings in her family. She spent her childhood in Plesungan, Kapas, Bojonegoro, East Java. Her parents, Hajah Siti Maskanah and Anwar Dawud, were *nyai* and *kiai kampung* (Islamic teachers who do not have *pesantren*) who played important roles in building the religiosity of people in Plesungan. The people in her village were mostly *abangan* (non-religious). Among them were prostitutes and recidivists, and there was a high rate of criminality as well. Mbak Khotim’s mother then took the initiative to teach the people. She sold the old house located nearby the highway of Bojonegoro-Surabaya and moved to a new house built in a private street. It was around 1984. Her mother also built a *mushala* (a small mosque) namely al-Hikmah next to the new house. Mbak Khotim’s mother taught the women, while her father taught the children in the *mushala*.

In 1996, Mbak Khotim left her hometown to continue her studies, majoring in Ahwal al-Syakhshiyah (family law) at Institute Agama Islam Negeri (IAIN, the State Islamic Institute) Sunan Kalijaga, Yogyakarta. She took around five years to complete her Bachelor’s degree at the institute. After the long journey of moving from one city to another, in 2008 Mbak Khotim moved back to Yogyakarta. She accompanied her husband, whom she married in 2002, who had gained a promotion at his office. Yogyakarta is an important place for Mbak Khotim’s path of *ulama*-ness.

Firstly, during her Bachelor’s study at the State Islamic University Sunan Kalijaga in Yogyakarta, she not only developed her Islamic knowledge, but also experienced student activism by joining the student *da’wa* organization,

Kodiska, the student magazine *Advokasia*, Pergerakan Mahasiswa Islam Indonesia (PMII, the Indonesian Muslim Student Movement), and Ikatan Puteri-Puteri Nahdhatul Ulama (IPPNU, the Nahdlatul Ulama Female Youth Association). Secondly, she also had opportunities to advance her knowledge on gender and women's issues through workshops and group discussions organized by some NGOs in Yogyakarta, such as Lembaga Kajian Islam dan Sosial (LKIS, Institute for the Study of Islam and Social) and Women's Crisis Centre Rifka Annisa. Thirdly, following her mother's words, Mbak Khotim finally started to "roll out the mat and teach Islamic lessons" to her community in Yogyakarta, following in the footsteps of her mother, and she has continued to do this ever since.

Mbak Khotim participated in the PUP (Pengkaderan Ulama Perempuan) cohort IV organized by Rahima from 2013 to 2014. It was the moment when Mbak Khotim decided to teach in a *pengajian* (Islamic congregation). "I realized that many Islamist groups are aggressively approaching the people in the hamlets and villages with their teachings. [They are confident] although their Islamic knowledge is limited," Mbak Khotim told me, explaining what had moved her to teach. There is a regular female gathering in Kepanjen RT 1 (Rukun Tetangga, meaning neighbourhood) for *arisan* (rotating savings scheme). Mbak Khotim then proposed an initiative to incorporate Islamic teaching in the gathering, and the participants agreed. So, before *arisan*, Mbak Khotim reads a *kitab kuning* and explains the content to the *jamaah*. They like the programme; even other women from different RTs have asked Mbak Khotim to teach them as well.

Now she teaches in two *pengajian*. First, she teaches in the *pengajian* of RT 1 called Nurul Huda, which takes place every Sunday night. In this *pengajian*, the *jamaah* begins by reciting *surah yaasiin*, a part of the Qur'an. Then they recite *barzanji* (a story about the Prophet Muhammad), listen to Mbak Khotim's preaching, and have the *arisan*. Second, she also preaches in the *pengajian* attended by women from RT 2 and RT 3, namely Nurul Ulum (the Light of Knowledge), conducted every Thursday night. The activity is quite similar, but the *jamaah* do money saving instead of *arisan*. In addition to *pengajian* for female *jamaah*, sometimes Mbak Khotim is invited to deliver Islamic teaching in the male *pengajian* in her village where her husband is one of the attendees.

Mbak Khotim became involved with the district board of Fatayat NU in Kota Yogyakarta in 2010, and led the provincial board of Fatayat NU in Yogyakarta

as the head from 2017 to 2022. Her concern is to build a *jam'iyah* (Islamic group) at the local level, which is at the level of the village up to the district, as the basis of the bigger *jam'iyah* of Fatayat at the provincial level. She argued, "NU becomes a large organization because of the consisting number of the lay people who make up a *jam'iyah*. And my role is at the grassroots, which maintains the *tahlilan*, *kenduren*, and lay people." She invites young women from the villages to join Fatayat, and gives them the opportunity to be involved with the Fatayat programme. Linda is one of new Fatayat members invited by Mbak Khotim. She even gets the opportunity to take part in the organization of the 9th Regional Conference of Fatayat NU in Yogyakarta in 2022.

Under Mbak Khotim's leadership, Fatayat NU in Yogyakarta has been developing rapidly. For instance, Fatayat NU in Yogyakarta now consists of five district boards and seventy-eight sub-district boards. In 2019, Fatayat NU established Garda Fatayat/Garfa NU (the Fatayat NU Front Line), which has become a part of the cadre training programme related to the social and cultural contribution to the society. In 2021, Garfa was launched in the national consolidation of the national board of Fatayat attended by all the provincial boards of Fatayat all over Indonesia. Fatayat NU in Yogyakarta has created social media accounts including on Instagram, Facebook, and Twitter, a YouTube channel with 15,000 subscribers and a mini production house for media content creation. In 2021, Fatayat NU also established a Balai Latihan Kerja Komunitas (BLKK, Community-based Vocational Training Institution) funded by the Indonesian Ministry of Transmigration and Manpower to increase the capacity of Fatayat cadres and the community in fashion.

As the head of Fatayat, Mbak Khotim often liaises and communicates with other wing organizations under the auspices of NU in Yogyakarta, such as IPNU, IPPNU, Muslimat, Anshor, and the provincial board of NU itself. She has received appreciation and gained recognition from NU for the progress and success of the Fatayat NU she leads, and she is gradually gaining trust and a position as a person of consequence within NU. She admitted, "I really feel that now that we have contributed and shown that we are sincere and solemn, people are acknowledging Fatayat's authority or contribution, which was not seen before." Through her involvement with Fatayat, she also shows her leadership qualities and capabilities.

As a result, the provincial board of NU in Yogyakarta now recognizes Mbak Khotim's qualities. For examples, Mbak Khotim is one of the two NU women who are included in the board of the Khoirul Ummah (the best *umma*) Foundation, a male-dominated institution formed by the provincial board of NU in Yogyakarta. When the Covid-19 task force was formed, she was even the only woman who was included in the task force. Recently, she has been selected by the provincial board of NU as a member of the provincial board of Majelis Ulama Indonesia (MUI). She has also been requested to recommend other names from Fatayat. This means that she has a certain authority and it is acknowledged that she can contribute to MUI. "I think this is a struggle that is not easy for women to have equal roles and positions [with men] because women have to show their contribution first to be recognized," Mbak Khotim said, reflecting on her experience.

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CHAPTER TWO



Contesting Religious Authority: Women and Fatwa-giving in the Traditionalist Fatwa Council

Introduction

This chapter discusses the Indonesian social and political context in which Muslim women leaders have sought to assert themselves and strengthen their position as Islamic authorities and fatwa-givers. I focus on the nature of their juristic authority, what supports it and how it is exercised. How does juristic authority come about in Indonesian Muslim society? Who can decide when and how women take part? And how is this connected to local notions of *keulamaan* (ulama-ness), fatwas, and fatwa-making? Since my research focuses on women from traditionalist Muslim backgrounds, I specifically address the social and political context of traditionalist Muslim communities and their connection to *pesantren*, mass Muslim organizations, and Non-Governmental Organizations (NGOs), including Nahdlatul Ulama (NU) and its women's wing organizations, Muslimat NU and Fatayat NU.

The chapter begins with a brief description of the social and political positioning of Islam since the establishment of NU in 1926, with a focus on the so-called "New Order" period, President Suharto's dictatorial regime. Suharto took power on 11 March 1966 and began serving as the head of government in the cabinet in 1967 when Sukarno was still the president. In 1968, Suharto was elected the second president of the Republic of Indonesia, replacing Sukarno (Mudzhar 1993, 57). Since the beginning of his rule, Suharto sought to control expressions

of political Islam. In particular Majelis Ulama Indonesia (MUI, the Council of Indonesian Ulama), which was established at the national level in 1975, was one of the tools he used to do this. During this period the interpretations of the concepts of *keulamaan*, fatwa, and fatwa-making in Indonesia were strongly influenced by the state; this changed after 1998, when these interpretations became much more contested. After Suharto's fall in May 1998, some changes occurred in Indonesian Islamic society, especially an increase in freedom of speech and religious expression, which led to a fragmentation of Islamic authority that was further influenced by new media and mass education. This particular context, while ushering in a conservative turn, at the same time created opportunities for women to assume new roles as religious authorities.

Indonesian women have been struggling to get access to education and social activism for a long time. The famous efforts by Kartini (1879-1904) to promote women's right to an education were the first national model that inspired Indonesian women to claim more rights. Others followed, however, including many women who were active in the religious domain. This chapter introduces educational institutions and programmes, such as the *pesantren* and Islamic higher education in Indonesia, that have provided Muslim women with the advanced Islamic knowledge that allows them to become ulama and produce fatwas. In the latter decades of the twentieth century, these institutions increasingly intersected with social activism and (Islamic) feminism to produce new calls for women to be trained as ulama. With regard to social and religious activism among female ulama, I contend that the exercise of female Islamic authority among Indonesian female ulama is crucially dependent on the influence of Islamic feminism and women's rights activism, as well as the ulama's involvement with religious and social activism through Muslim women's organizations, such as Muslimat, Fatayat, and women's NGOs. Training programmes organized by NGOs, such as Perhimpunan Pengembangan Pesantren dan Masyarakat

(P3M, the Centre for Pesantren and Community Development), that emerged in the 1980s have helped Muslim women learn critical thinking and possess a better understanding of Islamic knowledge from a gender and women's rights perspective.

The chapter will also pay attention to the position of women and gender activism within NU, the *pesantren*, and the traditionalist Muslim community more broadly. Muslimat and Fatayat are autonomous bodies of NU that, generally speaking, follow the direction of their mother organization; so when it comes to the issue of central leadership and authority, NU women are excluded from higher decision-making processes. In this environment, religious authority and fatwa-giving are gendered and predominantly male. Fatwas relating to women have been issued by the NU fatwa forum Bahtsul Masail, as this chapter will also look into, but women have remained largely subservient nonetheless (Wahyuni and Wafiroh 2013, 52-3; van Doorn-Harder 2006, 81). In the process of fatwa-making by the NU Bahtsul Masail, women play roles as "observers and participants". They are restricted by certain criteria for becoming ulama and the stereotypes that affect their subjectivities as women. Only a very few NU women have a seat on NU's board, mainly as experts (*a'wan*).¹⁹ NU women from Muslimat and Fatayat struggle to get involved in the Bahtsul Masail, and therefore they have limited access even to fatwa-making in the forum on topics relating to women.

However, this limitation does not mean that NU women have no agency at all in terms of operating strategically or driving social and cultural changes within the organization. Therefore, this chapter also looks at the tensions between the central NU and its wing women's organizations, and to the ways in which women have found ways to participate in the NU fatwa forum. They lobby policymakers at the top level of NU, get involved actively

19 *A'wan* is the plural form of the Arabic word *'awn*, which literally means "help". It is a part of Syuriah NU (Supreme Council) that provides support for the *ra'is* (the head of NU) and consists of a number of prominent ulama who have contributed to NU (Ahmad 2022).

in NU movements and activities, and develop women's capacity through education. I argue that this agency has had a basis in both internal factors, including the emergence of progressive male leaders within NU, such as Abdurrahman Wahid or Gus Dur, who was NU chairman (1984-1998), and in external factors, including political changes and the emergence of civil society movements at the national level. The NU environment has also allowed changes to happen by its very nature and has enabled women's mobilization within NU.

This chapter then provides a discussion of education and training programmes for Muslim women that have aimed to prepare women for becoming ulama and fatwa-givers. I will discuss one NGO-based programme, namely Pengkaderan Ulama Perempuan (PUP, Female Ulama Cadre Programme), which is organized by Rahima. The chapter covers the details of the programme, its goals, the participants, and the question as to what extent women have benefited from it. The discussion of this programme highlights challenges related to women's roles as fatwa-givers, which include the lack of Islamic textual understanding as required to play a role as a juristic authority. In response to these challenges, the *pesantren*-based education programmes are mostly focused on strengthening skills for Islamic textual interpretation, while the NGO-based education emphasizes training in employing a gender perspective and in establishing a network of and for the women.

Nahdlatul Ulama as a Traditionalist Muslim Mass Organization

Nahdlatul Ulama can be labelled 'traditionalist' without many problems, for the concept of "tradition" constitutes "the essence of its self-perception and self-definition" (Van Bruinessen 1996, 164). NU's main goal is to preserve religious traditions in the face of the threat posed in this regard by Islamic reformists. There is no indigenous (Indonesian or Javanese) term that fully captures this self-conscious traditionalism. Instead, Indonesian

has two foreign loanwords, “tradisi” and “tradisional”, which are often applied to describe NU, for instance, “tradisi NU” and “Islam tradisional”.²⁰ Within Islam, the term “tradition” is usually broken down into parts, including hadith, *sunnah*, and *adat* (scholarly tradition). Hadith literally means “reports” but is often translated as “traditions”. These are the (eyewitness) reports on the sayings and deeds of the Prophet Muhammad handed down from generation to generation. There are countless hadith that are awarded different levels of credibility and that legitimize almost all Muslim practices, so it is no wonder to find allegations of fabricated hadith made for certain purposes. For example, there are hadith that deal with issues that did not occur during the lifetime of the Prophet, and hadith that deal with situations where other hadith contradict one another. Traditionalists recognize hadith with sound (*sahih*) qualities, but also argue that these need to be supported by arguments taken from great ulama in *fiqh* (Islamic jurisprudence), authoritative books, or doctrines taught in the *pesantren*. This is different from the attitude of reformists toward hadith. Their slogan of “return to the Qur’an and hadith” means that they see hadith *sahih* as a direct source for their arguments.²¹ The difference between traditionalists and reformists with regard to hadith leads to their different positions in understanding and practicing *sunnah*.

The *sunnah* means “habitual practice”. It consists of the examples, including the customs, practices, words, and decisions, of the Prophet Muhammad for Muslims to follow. The hadith are the primary source of this knowledge. In other words, hadith are “recorded sayings of the Prophet Muhammad”, and they are the only reference for understanding the *sunnah* (Asfaruddin n.d.). *Sunnah* is considered the dominant element in “the self-conscious traditionalism” of the NU ulama. They refer to themselves as *ahlus sunnah wal jamaah* (abbreviated to *aswaja*), “people of the *sunnah*”

20 According to van Bruinessen (1996, 163-189), “The absence of an indigenous term suggests that the present awareness of the tradition as such is relatively recent.”

21 The books on reliable *hadith*, Bukhari and Muslim, were studied in the *pesantren* only in the early twentieth century (van Bruinessen 1996, 165-7).

and the (orthodox) community”. Through this self-identification, traditionalists make a distinction between themselves and other Muslim groups, including “rationalists” who place reason before the *sunnah*, Shi‘is who believe that *sunnah* is not only attributed to the Prophet but also to the twelve Imams who replaced him in leading the Muslim community, and reformist Muslims who deviate from the *sunnah* in their views. The reformists’ counter-argument is that many traditionalist principles and practices do not have Prophetic examples. Therefore, they themselves claim the right to be *ahlus sunnah wal jamaah* (van Bruinessen 1996, 167). Critique of the practices of traditionalists is mostly related to *adat*.

Adat refers to custom or repeated actions and is derived from the Arabic words ‘awd and *al-mu‘awadah*, meaning repetition. It is the whole of local practices in society which is repeated and passed down continuously from one generation to the next. Muslim reformists argue that Islamic practices should not be infiltrated by non-Islamic practices originated from *adat*, whereas the traditionalists place *adat* as an essential element of the dynamism of religious teachings by accepting new aspects of creativity and activity in *adat*. Due to this perception, NU recognizes traditions such as some rituals for dead Muslims through prayers for the deceased (*tahlilan*), communal feasts (*selametan*), remembering the deceased (*haul*), and pilgrimage to shrines (*ziarah kubur*). *Adat* can also be a legal basis based on the significant comprehensive legal maxims (*al-qawa‘id al-fiqhiyah*), namely *al-‘adah muhakkamah* (custom can be used as the rule of law) with provisions. If *adat* conflicts with shari‘a, shari‘a is chosen over *adat*. In my view, NU’s acceptance of Islamic teachings based on *adat* has made its religious practices more flexible and aligned with the changing context and times while still following the procedure of the *aswaja* tradition, that is, supporting the principle of Islamic jurisprudence (*ushul fiqh*) and *al-qawa‘id al-fiqhiyah* guidelines (Ridhwan 2019).

Three other concepts that have served as a basis for NU's Islamic practices are *fiqh*, *madhhab*, and *taqlid*. *Fiqh* is one of the religious sciences that provide Muslims with a guideline for deciding whether certain conducts are allowed or not. However, in formulating their guidance NU's ulama also consider the concepts of *taqlid* and *madhhab*, as opposed to only practicing *ijtihad*, the process of independent legal reasoning based on the Islamic sources, the Qur'an, and hadith. *Taqlid* means adhering to a certain person or *madhhab* (school of law) in all matters of religion. NU's ulama argue that this is not about "blindly" following someone, because they follow ulama and opinions that were shown to be successful in their knowledge and conduct and they perform a certain selection to determine who to follow and who not to follow. In their adherence to *fiqh*, NU's ulama and followers adhere to one of four *madhhab*—the Hanafi, Shafi'i, Maliki, and Hanbali—including their opinions (*qaul*) and methods of legal reasoning (*manhaj*), although in practice they often follow Imam Shafi'i. They also apply *taqlid* regarding Islamic doctrine (*'aqidah*) by following Abu Hasan al-Ash'ari (873–935) and Abu Manshur al-Maturidi (853–944), and Islamic mysticism (*tasawuf*) by adhering to Imam Junayd al-Baghdadi (830–910) and Abu Hamid al-Ghazali (1058–1111) (Ramdhan 2018, 166). According to the view of NU's ulama, it is risky to only rely on the interpretation of the Qur'an and hadith due to the risk of errors leading to sin, quite apart from their attitude of respecting *mujtahid* (*ijtihad* subject) ulama as the heirs of the Prophet (van Bruinessen 1996, 167). Thus it is not surprising to see the NU followers at the grassroots practice *taqlid* by regarding their local Islamic leaders with obedience and respect.

The practice of adhering to *madhhab* and *taqlid* can be observed also in the legal methodology of NU's fatwa forum, the Bahtsul Masail, which discusses ethical and other issues. The Bahtsul Masail was established formally in the same year that NU was founded, but Indonesian ulama had practised Bahtsul Masail

informally for much longer, even in very everyday situations such as coffee-shop conversations (Ramdlan 2018, 54). There are three methods of legal reasoning in the Bahtsul Masail. These are *qawli* (adhering to established opinions of *imam madhhab*), *manhaji* (following the means and the rule of law that have been compiled by *imam madhhab*), and *ilhaqi* (equating the legal judgement of new problems with problems that have been answered by great ulama in the *kitab kuning*). However, in applying these methods, NU's ulama use the particular principles of NU (*al-fikrah al-nahdhiyyah*). These are: firstly, moderation (*tawassutiyyah*), prescribing that NU's position should be balanced (*tawazun*) and fair (*i'tidal*) in addressing various issues; secondly, tolerance (*tasamuhhiyyah*), implying that NU accepts differences in faith, ways of thinking, and culture; thirdly, the mindset of reformation (*ishlahiyyah*), meaning an effort to make improvements in all aspect of life; fourthly, a dynamic mindset (*tathawwuriyyah*), implying that NU considers the context in response to various problems; and fifthly, a methodological mindset (*manhajiyyah*), meaning that NU always arrives at legal judgements by referring to a framework that has been set by the organization in advance (Ramdlan 2018, 165-8).

Taking these principles into consideration, in my view, *madhhab* and *taqlid* as employed within NU are culturally and intellectually dynamic concepts and open for exploration. This inherent dynamism in a traditionalist organization like NU suggests that traditionalism does not mean being hopelessly fixed in orthodoxy and stagnancy. The tradition as operated by NU is a "discursive tradition" (Asad 1986, 14). In the explanation by M. Qasim Zaman (2002, 6): "This discursive tradition is constituted and reconstituted not only by an ongoing interaction between the present and the past, however, but also by the manner in which relations of power and other forms of contestation and conflict impinge on any definition of what it is to be a Muslim." Another example of a discursive tradition in action is the interaction between Muslim tradition and feminist ideas, through which

Islamic feminist knowledge has been developed in critical conversation with the Islamic tradition (Ziba, Mulki, and Jana 2015, 20). A new method of interpreting hadith, *mubadalah* (reciprocal approach)—a term coined by Faqihuddin Abdul Kodir, a traditionalist Muslim scholar from Cirebon, West Java—also takes a critical engagement of feminist ideas with tradition, especially the hadith, as its starting point (Duderija, Alak, and Hissong 2020, 85-7). I will further elaborate on this interaction in Chapter 4.

NU teaches and disseminates the doctrine of its teachings through educational institutions. One of the most established systems is *pesantren*. The institution of the *pesantren* is characterized by at least five elements. A *pesantren* usually consists, firstly, of a complex of houses for students to live in while they engage in their studies. The other elements that identify *pesantren* educational institutions are: the presence of a *kiai*, who serves as the leader of the *pesantren*; the mosque associated with the educational facility; the *kitab kuning* as a textbook used in *pesantren*, which provides a specific curriculum; and finally, the *santri*, or the students who attend the *pesantren* (Dhofier 1999, 25). *Santri* are a critical element of the *pesantren* education system. They are called *talib al-‘ilm*, which means “a searcher for knowledge”. *Pesantren* provide housing for *santri* to stay during their period of study under the instruction of a *kiai*. These students are called *santri mukim* (resident *santri*). They reside in the housing complexes, which are usually located in the same place as the *kiai*’s house, the mosque, and the classrooms. The compounds are surrounded by high walls, so that *santri* cannot go out without permission. If the *pesantren* is not single-sex, accommodation is segregated with separate quarters for male and female students (Dhofier 1999, xxix and 13).

Another category of students is that of *santri kalong*, who do not reside in the *pesantren* complex because they live in the village where the *pesantren* is located. *Santri kalong* attend the

pesantren only for class, and then they return to their homes (Dhofier 1999, 31-3). Usually, *santri* start learning at the *pesantren* when they reach the age of admission for junior high school, thirteen years old, although there are children who attend *pesantren* at an earlier age. Besides *pesantren*, traditionalists also learn Islam through *pengajian*, religious lessons or study groups that are typically organized at mosques, village prayer houses known as *langgar/mushala*, or at home as part of a family's daily activities (Zaini 1998, 39). Unlike *pesantren*, participants in *pengajian* or *jamaah* are mostly adult lay Muslims who live in the area.

Education methods in the *pesantren* are not static. They change, albeit slowly. In term of educational reform, Wahid Hasyim (1914–1953) is an important figure. He was the son of Hasyim Asy'ari, the founder of NU. After returning from Mecca in 1933, he changed the method of teaching and the purpose of the study in his own *pesantren* and introduced Western subjects. For example, he adopted a systematic tutorial method instead of a *bandongan* method.²² The learning method changed from teacher centred to students being actively engaged in the learning; students were given a chance to ask questions. In this new system, ulama were no longer the only source of Islamic knowledge. Books written in the Latin script were included in the curriculum as well. Wahid was not supported by his father, but in 1935 he finally put his ideas into practice by establishing Madrasah Nizamiyah (Dhofier 1999, 54-55). Today, most traditional *pesantren* combine informal and formal Islamic education systems, in line with the national system of education (Hefner 2018, 10).

Another aspect of innovation concerns the space for female *santri*. They have more space today compared to what they had

²² *Bandongan* or *weton* teaching is the system in which a group of students (ranging from five to five hundred) listened to a teacher who read and translated the Arabic text word by word using the Javanese language, later explaining the meaning (Dhofier 1999, 11 and 54-5).

in the past, either as leaders or as students. This development can be seen from the data reported by Badan Pusat Statistik (BPS, the Central Bureau of Statistics) at the district level. For example, the 2014 data of BPS in District Blitar East Java, show that the number of female *santri* was 10,755 students, while male *santri* numbered 11,995 (BPS Kabupaten Blitar n.d.). The 2017 data of BPS in District Brebes, Central Java, showed that there were 4,273 female *santri* who studied and lived in *pesantren*. This number is no different from that for male *santri*, at 4,467 students (BPS Kabupaten Brebes n.d.). Nor is *pesantren* leadership monopolized by *kiais* only. The biographies of the four female ulama central to this dissertation show that female religious leaders also play a role in developing Islamic education institutions and programmes. They run *pesantren* and *pengajian*. They initiated *pengajian* for neighbouring women and children in their villages. Soon after, two of them followed this up by establishing *pesantren* for female students to study and reside in.

Administratively, NU's *pesantren* are connected through an organization under NU called Rabithah Ma'ahid Islamiyyah (RMI), the headquarters of which are in Jakarta. The organizational headquarters of NU are also located in Jakarta. Its structure consists of three boards, namely the legislative (Syuriah), executive (Tanfidziyah), and advisory (Mustasyar) bodies (Ahmad 2022). This structure exists in each provincial, district, sub-district, and village branch as well. NU has several wing organizations, which serve to implement the NU policy relating to specific community groups. Each wing organization has its own members. These are Muslimat for women, Fatayat for young women, Gerakan Pemuda Anshor (GP Anshor) for young men, Ikatan Putera NU (IPNU) for male students, Ikatan Putera Puteri NU (IPPNU) for female students, Pergerakan Mahasiswa Islam Indonesia (PMII, the Islamic Student Movement of Indonesia) for students of NU, and eight other professional bodies (Syakir NF 2020). With these autonomous bodies, the NU attempts to

reach and involve members from different socio-demographic segments in terms of gender, age, profession, and place. The objective is to uphold the teachings of Islam amid people's lives according to the understanding of *Ahlussunnah wal Jamaah*, in the context of Negara Kesatuan Republik Indonesia (NKRI, the Unitary State of the Republic of Indonesia) (Ahmad 2021).

As an Islamic mass organization, NU continues to grow, but at the same time it has also struggled to deal with new challenges and problems, especially after the fall of Suharto. Law 8 of 1985 on Social Organizations was used by the government to control ulama by obliging them to be affiliated to a legal organization recognized by the state. To meet that objective, an organization had to adopt Pancasila (five basis of the Unitary State of the Republic of Indonesia) as the only ideology. But after May 1998 this restriction was replaced by the less coercive Law 17 of 2013, which states that an organization must “not conflict” with Pancasila or the Constitution. On the one hand, this elevation of restriction gives more space to the propagation of religious teachings. On the other hand, it has allowed the increasing circulation in Indonesia of global Islamic teachings and ideas, especially teachings originating in the Middle East. Moderate Muslim organizations like NU and Muhammadiyah face tensions both internally and externally. For example, the emergence of the less moderate “true path of NU” (NU Garis Lurus or NUGL)²³ and the influence of the Tarbiyah movement among Muhammadiyah members and sympathisers have been seen as a threat, advancing ideas and interpretations that are more conservative and intolerant. It has also revived the old tension between NU and Muhammadiyah; for instance, the different notions regarding *bidah* (Islamic innovation) and Islamic

23 The “True Path NU” (NU Garis Lurus or NUGL) is a group founded by young NU generations after the organization's 2015 national congress (*muktamar*). This group claims to be an alternative voice for the organization in opposition to the NU leadership led by chairman Said Aqil Siradj. These young generations mostly graduated in Islamic theology in the Middle East. See Arifianto (2018).

practices that have become fluid recently (Syechbubakr 2018).²⁴ Therefore, some efforts have been made by both organizations to counter the conservative and intolerant narrative spread by the new Muslim movements.²⁵ In NU in particular, even though a group such as NUGL exists, other young followers within NU play significant roles in preserving the moderate spirit of *al-fikrah al-nahdhiyyah* (the particular principles of NU) through socio-religious movements concerning various issues in Indonesia. This effort already started in the 1980s.

Intellectual and Social Activism within Nahdlatul Ulama

Young followers of NU have adopted and are influenced by the particular principles of NU in their intellectual development and social involvement to achieve social change in Indonesia. In the 1990s, several new Islamic NGOs were established by mostly young Muslims who had ideological ties to NU, although these organizations were not necessarily formally affiliated with NU. These young people were born and raised in the culture of the NU family. Some of them were *pesantren* graduates, and/or active in organizations under NU. A study conducted by Pusat Penelitian Islam dan Masyarakat (PPIM, the Center for Islamic and Community Research) in 2002 reveals this influence. The research shows that if respondents identify with NU or Muhammadiyah, this influences their active involvement in issues of public interest through various non-religious civil

24 *Bidah* means innovation related to Islamic practices and usually holds a negative connotation. Two books explaining the practices debated by NU and the Muhammadiyah were written by Aliy As'ad, *Ke-NU-an Buku Pertama* (Yogyakarta: Pengurus Wilayah Ma'arif NU Daerah Istimewa Yogyakarta, 1981) and KH. Ali Ma'shum, *Kebenaran Argumentasi Ahlussunnah wal Jamaah*, translated from the Arabic by KH Ahmad Subki Masyhadiy, (Pekalongan: Udin Putra, 1983). The issues described in the two books include *ziarah*, which is visiting and praying at a grave, *tahlilan*, which is reciting ritualized prayers for dead people, the experience of the soul after death and the other five concerns related to the dead, non-obligatory prayers, and the method of determining the beginning and end of Ramadhan (van Bruinessen 2013, 165 and 171).

25 There has been collaboration between the two institutions in recent years, especially since the massive political hoaxes and the rise of conservative and hardline Muslim groups such as HTI and FPI. They have made statements and expressed shared attitudes in response to several issues that occurred. This collaboration is seen not only among the respective leaders but also among the younger generation of these two organizations, for example between the Wahid Foundation and the Ma'arif Institute.

society activities, such as cultural groups, cooperatives, labour unions, and professional organizations. This correlation explains the importance of the role of community organizations such as NU and Muhammadiyah as what van Bruinessen called “pillars of civil society” in cultivating citizenship values in their members (van Bruinessen 2013, 340-1).



FIGURE 1: A meeting called Musyawarah Kaum Muda NU (deliberation of NU Young Generation) was held at the 33rd NU Muktamar in Jombang in 2015. Photo by the author.

In 1983, the decision to “return to the guidelines (*khittah*) of 1926” was made in the NU National Meeting (Musyawarah Nasional or Munas) at Situbondo. This decision was influenced by political and internal factors. In 1973, President Suharto established a new Muslim party, the United Development Party (PPP), which was a blend of the four existing Muslim parties (NU, Parmusi, PSII, and Perti). Conflicts between NU and other groups within PPP began to emerge. For example, when determining candidates for the 1982 general election, the party decided not to give NU the requested proportion of seats and even placed its candidates at the bottom of the list. In addition, the

role of NU ulama, who dominated the party's Advisory Council (Majelis Syuro), was weakened as the council only functioned as a consultative body. This political situation had an impact on the leadership crisis and upheaval within the NU organization. For instance, NU leaders in the regions strongly criticized the leadership of Idham Chalid (1921-2010), general chairman of Pengurus Besar Nahdhatul Ulama (PBNU, the National Board of NU) from 1956 to 1984 and the first president of PPP, at the NU Semarang congress in 1979, because he did not advocate on behalf of NU in PPP (Bush 2009, 66-68; van Bruinessen 1996, 174).

The text of NU's *khittah* of 1926 is based on the two books entitled *Khitthah Nahdliyah* and *Islam, Pancasila, dan Ukhuwah Islamiyah*, which are a collection of speeches and interviews with Kiai Achmad Siddiq. The 1983 decision contains some guidelines. Firstly, returning to its 1926 *khittah* means that NU is essentially a socio-religious organization (*jam'iyah diniyyah*) i.e. not a political organization, or an organization that should involve itself in formal politics. Secondly, ulama are positioned as key actors who hold institutional authority within the organization and within the community through education. Thirdly, the characteristics of *ahlussunnah wal jamaah* are the essential elements of traditionalist thought, which employ the principles of *tawasuth* (moderation), *tawazun* (balance), *i'tidal* (fairness) and religious objectives such as *rahmatan li al-'alamin* (spreading compassion for all humankind). The last term means that "Islam can be applied anywhere, anytime, by anyone, to be the bearer of mercy to the whole of creation". Fourthly, the concepts of *taqlid* and *ijtihad* do not contradict each other, but can be applied together to obtain the pure teaching of Islam. Fifthly, NU accepts the Unitary State of the Republic of Indonesia based on Pancasila and affirms Pancasila as the sole principle of NU because it is not only harmonious, but its basic elements are also in line with Islamic principles. Sixthly, to create national unity, Muslim brotherhood is needed by respecting other differences,

including in backgrounds and characters, but holding the same vision of Islamic solidarity in Indonesia (Barton 1996, 110-128).

This NU *khittah* of 1926 has inspired the religious character of NU and became a guideline for the social and religious activism of the 1980s, both at the individual and organizational levels. Another change after this reorientation related to the composition of NU's Executive Board. At the 1984 NU National Congress (Muktamar), two progressive scholars were elected to the highest positions of the organization. Abdurrahman Wahid, affectionately known as Gus Dur, was elected General Chair of the Executive Board (Tanfidziyah). Kiai Achmad Siddiq was appointed as Rais Aam, the supreme leader of PBNU. Kiai Achmad Siddiq, born in Jember in 1926, was the son of the esteemed cleric Kiai Siddiq. Kiai Achmad Siddiq was a major proponent of reform in NU. He had once been the personal secretary of KH Wahid Hasyim, the Minister of Religious Affairs of the Republic of Indonesia from 1949 to 1952. Throughout his career, he worked for the ministry. Gus Dur, born in Jombang in 1940, was a grandchild of both Kiai Hasyim Asy'ari and Kiai Bisri Syansuri, the founding fathers of NU. Gus Dur attended Islamic boarding schools and universities in Cairo and Baghdad (Barton 1996, 110-28).

Gur Dur played an important role in building *pesantren* human resources and the capacity of the young generation of NU. Since the Suharto government, NGOs have carried out capacity-building programmes in Indonesia with the support of international donors. One of these NGOs is Lembaga Penelitian, Pendidikan, dan Penerangan Ekonomi dan Sosial (LP3ES, the Institute for Social, Economic, and Social Research, Education, and Information).²⁶ LP3ES, which focused on empowering rural society, worked with Gus Dur to gain access to the *pesantren* as these were seen as one of the most important actors of

26 This NGO was founded in 1971. It was funded by Friedrich Naumann Stiftung in Germany and pioneered research programmes and pilot projects to develop the potential of *pesantren* as a bridge and an empowerment trigger for rural residents. See van Bruinessen (2013, 342) and (2014, 136).

community empowerment at the local level.²⁷ In around 1980, LP3ES conducted appropriate technology (*teknologi tepat guna*) projects in *pesantren* in collaboration with student activists of Institute Teknologi Bandung (ITB, Bandung Technology Institute). Later, the institute also carried out programmes concentrated on training *pesantren* youth and encouraging critical discussions about religion and society that helped them to become NGO activists. In 1983, a new NGO called Perhimpunan dan Pengembangan Pesantren dan Masyarakat (P3M, the Centre for Pesantren and Community Development) continued the *pesantren*-based empowerment programme. The empowerment programme carried out by P3M made a distinct contribution to the development of Islamic thought among traditionalists. For seventeen years, P3M spearheaded important debates about issues of religion and society, including issues of land conflict, gender, and Islam, parliamentary democracy, and corruption (van Bruinessen 2013, 342-344). In the 1990s, new NGOs emerged which were established by beneficiaries of LP3ES or P3M empowerment programmes, such as Lembaga Kajian Islam dan Sosial (LKIS, the Institution of Islamic and Social Studies), Yayasan Kesejahteraan Fatayat (YKF, Fatayat Welfare Foundation) in Yogyakarta, and Rahima in Jakarta. Their programmes were supported by foreign donors in need of programme partners in Indonesia, such as the Ford Foundation, the Asia Foundation, and USAID. These Islamic NGOs had personal or ideological ties with NU (van Doorn-Harder 2006, 237).

Gus Dur was a great inspiration for NU youth, especially with regard to their ideas about social movements and democracy. He published widely on these subjects in the media, besides giving lectures and contributing to discussion forums. In the heyday of NGOs in the 1990s, his intellectual influence was intense. For example, in 1991, a group of NU youth in Yogyakarta initiated

27 *Pesantren* is the only non-state institution that functions at the grassroots level in accordance with the interests of activists who are interested in bottom-up development, not top-down programmes from government to community (van Bruinessen 2013, 383).

street discussions on democracy, Islamic studies, and human rights in addition to being involved with the student cultural movement. They were Imam Aziz, Ahmad Suaedy, Jadul Maula, and Akhmad Fikri. Later, in 1993, they established an NGO called Lembaga Kajian Islam dan Sosial (LKiS, Institute for Islamic and Social Studies). LKiS published its first book, titled *Kiri Islam* ("The Islamic Left"), to inaugurate its establishment. This book, translated from *Al-Islam al-Yasar* written by Kazhuo Shioyaki, discusses the philosophy of Hassan Hanafi, an Egyptian scholar. Subsequently, LKiS published other books which contained the spirit of pluralism and commitment to *pesantren* values and traditions, including *tasamuh* (tolerance), *tawazun* (balance), *ta'adul* (fairness), and *tawasuth* (moderation) (Ismah 2019, 364-365).

In 1999, LKiS published a book titled *Kultur Hibrida, Anak Muda NU di Jalur Kultural* (Hybrid Culture, Young NU Generation on the Cultural Road). This book is about the young generations of NU who brought about social change among the *pesantren* community and NU. It highlights what van Bruinessen (1994, 126) has identified as the new NU youth who, although they came from "a *pesantren* traditionalism and kiai authoritarianism", turned out to be more progressive and active in community development compared to their peers in Islamic modernist groups such as Muhammadiyah. Activists from *pesantren* at the same time tended to be involved in non-NGO types of work, namely discussions and adult education, or charitable and cooperative work. *Kultur Hibrida* suggests four factors that influenced the emergence of the rising young NU generation. These elements are their access to higher education, the possession of deep intellectual traditions gained from *pesantren*, their experience of economic and political marginalization, and the influence of inspirational figures such as Gus Dur (Salim 1999).

That said, the NGOs founded by the younger generation of NU did not operate at the institutional level of NU and had very

little effect in terms of changes to the organization. Therefore, NU as such remained a conservative organization, especially with regard to issues related to women and gender justice. This situation posed a challenge to the women's organizations under the auspices of NU, such as Muslimat and Fatayat. For instance, when there were demands from NU women for NU to issue firm fatwas about the potential harm of child marriage and female circumcision, they did not get a positive response. Instead, NU responded to them with an assumption that their gender activism and progressive views on Islam and women were prompted by (Western) donor agencies. NU did not, in other words, affirm women's efforts within the NU tradition. Likewise, in the post-1998 Reformation era, while NU was getting closer to the state, the needs of women were not accommodated. Thus, NU women sought different approaches, both through the institutional channels of the Fatayat and Muslimat organizations, and through cultural cooperation between individuals outside the institution.²⁸ I will discuss these efforts, including the struggles and work of Fatayat and Muslimat, in more detail in the next section.

NU Women and Gender Activism

NU women engage with social and gender activism through the organization's autonomous bodies, Fatayat and Muslimat. These two women's wing organizations of NU play an important part in social transformation in Indonesia related to the role and position of women from a religious perspective. However, women have gone through a long struggle to achieve a place and recognition in this traditionalist organization. They were hindered by the organization's patriarchal structure and the low level of women's education. During the first decades of its existence, NU did not accept the membership of women. NU women urged the establishment of organizations for women at

²⁸ Author's interview with Lies Marcoes, 2 February 2018.

several NU congresses. They argued that the establishment of a women's organization was necessary not only because of the historical demands of the struggle for independence; they were also driven by a deep concern with the unequal conditions and treatment of women, and views towards women. In 1938, at the 13th congress in Menes, Banten, two female representatives were given the opportunity to speak. They were Nyai R. Djuaesih and Nyai Siti Sarah. One of the points they raised was that women also embraced Islam, and that their large numbers offered potential for developing the organization. If women did not get a place in NU, the organization would as a consequence be left behind. Nyai R. Djuaesih was not alone: 8,000 women joined her. Two thousand women were able to enter the congress venue, while the rest remained outside. They came at their own expense and by their own means from various parts of Indonesia (van Doorn-Harder 2006, 207).

Nyai R. Djuaesih and other women continued their struggle in the 14th NU Congress in Magelang in 1939. She even chaired one of the discussion forums. The following year, at the 15th NU Congress in Surabaya in 1940, the efforts of the women received support from K.H. Dahlan from Pasuruan and Kiai Aziz Dijar, who approached the headquarters of NU to advocate the acceptance of women in the organization. It was finally decided that NU would provide a non-autonomous wing organization for NU women called the Nahdloetul Oelama Muslimat (NOM). After the independence of Indonesia, NU held its 16th Congress in Purwokerto. Kiai Dahlan managed to convince K.H. Hasyim Asy'ari and K.H. Wahab Chasbullah to sign the legalization of NOM as an autonomous body of NU with its own management. Ny Chadijah Dahlan, the wife of K.H. Dahlan, who was a member of the Komite Nasional Indonesia Pusat (KNPI, Central Indonesian National Committee), was elected as the first chairwoman of Muslimat NU (van Doorn-Harder 2006, 207). The initial establishment of NOM in Surabaya apparently met with an enthusiastic response among young NU women and this motivated Murthasiyah from

Surabaya, Khuzaimah Mansur from Gresik, and Aminah from Sidoarjo to also establish local branches.

During the Congress of NU in 1940, young women from various branches also held meetings and agreed to form Puteri Nahdloetul Oelama Muslimat (Puteri NOM). They asked the NU Congress to recognize it as an autonomous organization within NU, but the Congress only approved it as part of NOM. After two years, Puteri NOM again asked to have their central executive board recognized as separate from NOM because the Puteri NOM organization continued to grow at the local level. In February 1950, the headquarters of NU approved the formation of Puteri NOM's headquarters, which from then onwards was called the Central Board of Fatayat NU. Furthermore, the 18th NU Congress on 20 April-3 May 1950 in Jakarta officially accepted Fatayat NU as one of the autonomous bodies of NU. The first head of Fatayat NU was Nihayah Bakri of Surabaya as Chair I, and Aminah Mansur from Sidoarjo as Chair II (van Doorn-Harder 2006, 207).

Although Fatayat and Muslimat became part of NU institutionally, this does not mean that NU women had formal authority within NU. Instead, they were only "observers and participants" with limited authority, and had authority only within their own women's organization (van Doorn-Harder 2006, 82). Nevertheless, during the 1950s and 1960s, three women were appointed members of the highest body of NU, the Syuriah (Supreme Council): Nyai Choiriyah Hasyim (the sister of Hasyim Asy'ari), Nyai Fatimah, and Nyai Mahmudah Mawardi. The presence of women in this council means that any women who had the quality and knowledge to be recognized as ulama might have a seat. But, as Pieterella van Doorn-Harder has noted, during the 1960s, women were absent from the council since they tended to pursue secular studies supported by the government, rather than religious studies. Years later, in 2000, two new names appeared on the list of Syuriah NU: Mursyidah Thohir and Huzaemah T. Yanggo (van Doorn-Harder 2006, 81

and 208). More female names were listed among the NU board members during the 2015-2020 period as experts (*a'wan*), and thus part of Syuriah. These were Sinta Nuriyah, Mahfudhoh Ali Ubaid, Nafisah Sahal Mahfudh, Huzaemah T. Yanggo, Faizah Ali Sibromalisi, Ibtisyaroh, and Sri Mulyati (Ahmad 2015).²⁹

Pieterella van Doorn-Harder (2006, 224-5) has argued that since the beginning of the establishment of Muslimat and Fatayat, NU women were concerned about equal rights and opportunities for women. They also played active roles during the independence struggle and after independence in political discussions. The goals of Muslimat and Fatayat have developed to focus on the education of Muslim women and allowing them to play a broader role in religion and the nation. Furthermore, they have committed to advocating for social justice, equal rights, and prosperity following Islam *ahlussunnah wal jamaah*. Since 1984, when NU returned to the *Khittah* as a religious and social mass organization, Muslimat has focused more on programmes to improve the quality of health and education for women and children by establishing birth clinics and kindergartens, as well as on women's economic empowerment programmes.

Likewise, Fatayat NU took part in social changes in Indonesia. In the 1980s, influenced by the educational programmes of P3M, they began to engage in critical dialogues, bringing together feminist agendas on sexual violence against women and polygyny, and their Islamic traditions.³⁰ The translation of books written by Muslim feminists has become an influencing factor in the emergence of the discourse on Islam and feminism. The writings of Muslim intellectuals from the Middle East, Pakistan, India, and

29 Kiai Mujib Qulyubi, who chairs the Bahtsul Masail Council of NU, states that the presence of women in NU's organizational structure means that NU does not discriminate against women. It is also an appreciation due to women's long involvement with NU and their advanced knowledge. Author's interview on 31 January 2018.

30 It was Lily Zakiyah Munir, a female Muslim scholar and one of the national chairs of Muslimat, who inspired this NU women's organization to start discussing gender issues. In July 1998, for the first time, Muslimat conducted a seminar to discuss the sexual violence against Chinese women during the May 1998 riots in Jakarta. Following this programme, she led Muslimat NU to the discussion on how shari'ah law implicates women and to critique the discourse of polygyny (van Doorn-Harder 2006, 224-5).

Malaysia helped the NU women to deepen their understanding of these critical discourses and to adopt new critical analysis methods in reading and interpreting Islamic texts (van Doorn-Harder 2006, 238). These books included Fatima Mernissi's *Women and Islam: a Historical and Theological Inquiry* (1991), translated into *Wanita dalam Islam* (Bandung: Pustaka, 1994), and Amina Wadud's *Qur'an and Woman: Reading the Sacred Text from a Woman's Perspective* (1992, 1999), translated into *Qur'an Menurut Perempuan: Meluruskan Bias Gender dalam Tradisi Tafsir* (Jakarta: Serambi Ilmu Semesta, 2001).³¹

In implementing women's empowerment programmes, Muslimat and Fatayat carried out collaborative work with international organizations and foreign donors, enabling them to execute programmes on a broader scale (Arnez 2010, 71). They maintained religious activities such as *pengajian* or *majelis taklim* as sites to educate NU women and a means to carry out and instigate intervention programmes, for instance, on health care and information for children and mothers that were funded by the United Nations. The topics of *pengajian* were not always related to religion, but also included secular issues such as birth control and sexual reproductive rights. In 1991, the Fatayat branch in Yogyakarta established Yayasan Kesejahteraan Fatayat (YKF, the Fatayat Welfare Foundation). After the 1994 Cairo International Conference on Population and Development, Fatayat formulated new programmes to promote women's reproductive rights. They thus played a pioneering role among NU women's organizations in addressing this issue (van Doorn-Harder 2006, 208). They also worked on reinterpreting classical Islamic texts including the *kitab kuning* as the basis of *fiqh* related to women and reproductive rights. They invited *pesantren* circles and networks to join a programme called "Badal (assistant of) Kiai and Nyai"

31 Nur Rofiah, a female Islamic scholar of KUPI, talked about the influence of feminist Muslim scholars such as Fatima Mernissi and Amina Wadud. They have both contributed to the building of critical consciousness in religious discourse, which has inspired her to develop a new framework of studying Islam, namely the perspective of substantive justice. Author's interview with Nur Rofiah, 8 May 2017.

guided by *kiai*, *nyai*, and teachers of *pesantren* who had a deep understanding of classical Islamic texts. This programme was influential in improving the knowledge and self-esteem of female religious leaders from *pesantren*. Those NU women who were actively engaged in NGO activism and demanding changes in NU were not always relatives and descendants of important NU leaders, but they mostly had a *pesantren* and university education and were involved with gender training organized by NGOs such as P3M.

Women's Struggle for a Place in NU's Bahtsul Masail

NU women have gained significant knowledge of, and experience in, social activism at the grassroots, but there are not many records of their role in issuing fatwas, either as individuals or as part of collective fatwa forums such as the Bahtsul Masail of NU. Although they lead *pengajian*, in which they answer questions from their *jamaah* related to ethical improvement, their role as fatwa-givers is not generally reported. But as Van Doorn-Harder reported, historical examples of women's influence can be found. Before a fatwa on birth control was issued by Syuriah in 1972, Ibu Muhammad Baidawi from Jombang thought that this issue was important to convey to her *jamaah*. Therefore, she asked her husband, the chairman of NU in his area, to issue a fatwa that allowed birth control and its methods. Finally, a fatwa on the oral contraceptive pill as a method of birth control was issued. Ibu Muhammad Baidawi and other NU women conveyed and explained this fatwa to their female *jamaah*. However, the *jamaah* did not use the method because they did not trust the clinic. Responding to this situation, the NU women built their own clinic for birth control services. Soon after, a fatwa on another method of birth control was issued by NU, which allowed coitus interruptus on condition that it is agreed by the husband and wife (van Doorn-Harder 2006, 218).



FIGURE 2: The Bahtsul Masail forum concerning legal rules (*qonuniyah*) in the 2017 NU Munas in Lombok. Photo by the author.

Wahyuni and Wafiroh (2014, 109 and 111) noted that in the period 1926-1999, the Bahtsul Masail of NU discussed forty-five issues related to women out of a total of 438 problems. Among the forty-five issues were questions of worship, marriage, and social issues, such as women leaving the house, giving speeches in public, riding bicycles, working at night, and occupying positions as legislative members and village heads. These fatwas showed significant gender bias, emphasizing gender stereotypes and advocating the domestication of women. Likewise, the result of the Bahtsul Masail in the 1997 NU Munas in Lombok regarding the position of women in Islam or *makanatul mar'ah fil Islam* was not very progressive at all with regard to gender equality. It said that women were allowed to play a role in the public sphere as long as they did not abandon the domestic role that was thought to be their natural duty (*kodrat*) (Mahbib 2017).

However, the 30th NU Mukhtamar in 1999 in Lirboyo, Kediri, East Java, indicated a shift in NU thinking related to gender equality. The Bahtsul Masail issued fatwas on Islam and gender equality in the religious field, culture, and politics as a response to the growth of the feminist and gender equality movement in Indonesia. The fatwas stated that gender inequalities are prevalent in religion, culture, and politics. In religion, for example, gender-insensitive interpretation of the Qur'an and hadith becomes the basis for practices that discriminate against women in society. Meanwhile,

discrimination and marginalization continue to be perpetuated by a patriarchal society, such as providing opportunities only to men and marginalizing women, and seeing the roles of men in the public area and women in the domestic area as the norm. Gender inequality is also perpetuated in political life; for instance, due to the low representation of women, they cannot take part in the political decision-making process. The NU fatwa forum then issued three recommendations. The first was to reinterpret the Qur'an and hadith in a way that is more sensitive toward gender equality. The second was to review cultural understandings critically. The third was to overhaul political practices that discriminated against women (Wahyuni and Wafiroh 2014, 97-8).

NU women are generally of the view that obtaining a formal position within the organization is important. They are particularly interested in the Administrative Council (Tanfidziyah), because this will involve them in the decision-making process. However, it seems that a lot of individual effort is needed to realize this hope. The most prominent leader of Muslimat in the late 1990s, Asmah Sjachruni, tried to gain a position in the Administrative Council at the 1999 NU Mukhtar. But she was unsuccessful. In the Mukhtar and Munas NU and also Bahtsul Masail held by the provincial branch of NU, NU women are usually only involved in open events where anyone is allowed to come.³² The exceptions are a few women who serve as members of *a'wan* advising Syuriyah, or women envoys representing the NU autonomous bodies; they are also involved in the Bahtsul Masail of NU. In the Bahtsul Masail of the 2002 NU Munas in Hajj Dormitory, Jakarta, Laffan (2005) identified only one female participant,

32 Umdatul Baroroh, a *nyai* from Pati, Central Java, shared her experience of being refused when she tried to join the Bahtsul Masail forum at the 2015 NU Mukhtar in Jombang because all of the participants were men. So she was allowed to listen to the discussion only from outside the room in the neighbouring house terrace. Likewise, Umma Farida, a board member of the provincial branch of Muslimat in Semarang, said that NU women function as listeners only in the Bahtsul Masail conducted by the NU in her area. Therefore, she is reluctant to accept the invitation to attend the forum. Both Umdatul and Umma shared these experiences at the Bahtsul Masail forum conducted by Wahid Foundation in Jakarta that I participated in. Author's note, 1 February 2018.

Najichah Muchtarom of Kendal, Central Java, who participated in a discussion about the creation of Partai Kebangkitan Bangsa (PKB, the National Awakening Party) and the implication of the return to NU's 1926 *Khittah*. She also participated in the 1997 NU Munas in Lombok along with Safira Machrusah as delegates of NU women's wing organization for female students, Ikatan Putera Puteri NU (IPPNU) (PCINU Mesir n.d.). There are only a few examples like this.

Having limited access to the Bahtsul Masail has led women to work out and design alternative strategies for seeking support e.g. in the Administrative Council so that their voices can be heard. First, NU women hold a meeting or *halaqah* before or during the NU Munas or Mukhtamar concerning their issues and agenda. During the Munas or Mukhtamar, they may approach authoritative persons who share similar concerns. For instance, in the 33rd NU Mukhtamar in Jombang in 2015, a group of NU women called the NU Cultural Women's Movement held a meeting titled "Together with Ulama Combating Sexual Crimes against Women and Children". The *halaqah* discussed the results of a previous NU Bahtsul Masail concerning women's issues and the latest report from the National Commission on Violence against Women (Komisi Nasional Perempuan or Komnas Perempuan) about cases of violence against women. They urged the Mukhtamar committee in Jombang to open a plenary session on sexual crimes against women and children. This group was joined by Ruby Khalifah, director of the Asian Muslim Action Network (AMAN), Siti Masruchah, a commissioner of Komnas Perempuan, and Kiai Husein Muhammad.³³ Likewise, during the 2017 NU Munas in Lombok, Siti Masruchah handed over a booklet to a member of the House of Representatives who was also a member of NU, which included a description of the Draft Law on the Elimination of Sexual Violence.³⁴

33 I attended the 33rd NU Mukhtamar in Jombang in 2015 on a voluntary basis and joined the meeting of the NU Cultural Women's Movement. Author's note, 1-5 August 2015.

34 I did fieldwork at the 2017 NU Munas in Lombok and met some NU women including Masruchah. Author's note, 23-25 November 2017.



FIGURE 3: Halaqah Gerakan Perempuan NU Kultural (the Halaqah of NU Cultural Women's Movement) in the 33rd NU Mukhtamar in Jombang in 2015. Photo by the author.

Another type of effort concerns NU women joining the deliberation of the Bahtsul Masail at the NU Mukhtamar as ordinary participants, allowing them to get involved in the heated debates that often ensue between participants and the NU council members. As such, they can voice their opinions and ensure that their views will be taken into consideration by Bahtsul Masail. For example, the *maudhu'iyah* commission of the Bahtsul Masail at the 31st NU Mukhtamar in Makassar in 2010 discussed *sunat* (Indonesian circumcision).³⁵ The question was: "How can *sunat* for women be explained with the arguments that are obligated by shari'a (*masyru'iyah*, being ruled according to shari'a), its wisdom, legal judgement, methods, and the time for practising it?" Fatayat argued that *sunat* is not part of Islamic worship.

35 There are three different commissions in the Bahtsul Masail. *Firstly*, Bahtsul Masail *Diniyah Waqi'iyah* (related to daily religious questions) is oriented towards finding firmness in the legal status of "halal-haram". *Secondly*, Bahtsul Masail *Diniyah Maudhu'iyah* examines specific topics to be explained descriptively-narratively, for example, about the position of women in Islam (*makanatul mar'ah fil Islam*), which was discussed in the 1997 NU Munas in Lombok. *Thirdly*, Bahtsul Masail *Qonuniyyah* focuses on discussions of Indonesian regulations and legislations (Syakir NF 2021).

Therefore, it is better to abolish it as there is the possibility of endangering women, and the hadith that is used as the legal basis for *sunat* is *dhaif* (unreliable). Maria Ulfa, the chair of the National Board of Fatayat, had begun to publicize this view since the NU Pre-Muktamar in Cirebon in 2010. She was assisted by a doctor who explained that, according to medical research, *sunat* using traditional methods as it is practised outside Java causes infection. Therefore, Fatayat contended that *sunat* should be seen as harmful to women and should be avoided. Fatayat's view was not shared by the majority of NU ulama, however, including Kiai M. Aniq Muhammadun, the vice head of the provincial branch of NU in Central Java, and two women from the NU expert (*a'wan*) council, namely Huzaemah T. Yanggo and Faizah Ali Sibramalisi. In this Muktamar, Fatayat was not allowed a place to hold a *halaqah*, while in the discussion forum of the Bahtsul Masail, Fatayat only got five to ten minutes to convey their views, which was not enough for them to explain the matter in detail. The majority of ulama subsequently ruled that the *sunat* for women was supported by authoritative fatwas. According to Imam Shafi'i, they stated, *sunat* for women is lawful, similar to *sunat* for men being deemed lawful by Imam Nawawi (1233-1277), the well-known medieval Shafi'i scholar. The opinions that prohibit *sunat* for women, they argued, are not supported by arguments rooted in the shari'a (Ma'mur 2014, 66-69).

Hindun Anisah, one of the board members of Lembaga Kemaslahatan Keluarga Nahdlatul Ulama (LKKNU, the Nahdlatul Ulama Family Welfare Institute) of Jepara, Central Java, had also put an effort into issuing a gender-sensitive fatwa regarding unregistered marriage (*nikah sirri*) in 2007.³⁶ As women of NU did not have authority to do so, LKKNU invited *kiais* from Syuriah NU in Jepara to issue their legal opinion on *nikah sirri*, and also to discuss women's reproductive rights in relation to the concept of *ijbar* (the guardian's "coercive" authority). On the basis of

36 LKKNU (Lembaga Kemaslahatan Keluarga, Family Welfare Institute) is a body within NU to promote family welfare through reproductive health and family planning.

this discussion, the forum decided that *nikah sirri* is considered *haram lighairihi* (unlawful for another reason). This means that *nikah sirri* is deemed forbidden, not because the marriage itself is not in line with Islamic rules but because of something else, namely its negative impact on women and children. When a marriage is unregistered, a wife is potentially in a weak position when the husband leaves her, and their children cannot obtain a birth certificate from the government.

However, this legal opinion was still opposed by the majority of NU *kiais* in Jepara. They said that the results of the Bahtsul Masail of LKKNU were invalid because the latter is not an authoritative council like the one that is conducted formally and affiliated to NU. These *kiais* then held a Bahtsul Masail discussing *nikah sirri*. Before the event was held, Hindun and the LKKNU committee approached all the *kiais* involved in the LKKNU programme, reminding them of the arguments reached before by distributing the agreed draft of the *nikah sirri* opinion reached within LKKNU. When the NU Bahtsul Masail was finally held in Jepara, women were relegated to being listeners again until a decision had been reached. The entire representative assembly of NU (Majelis Wakil Cabang Nahdlatul Ulama or MWC NU) except for one member turned out to be of the same opinion as the Bahtsul Masail of LKKNU. Still, the final decision taken by *mushahhah* (the final reviewer) upheld the permissibility of the *nikah sirri*. Hindun did not accept the result. She filed an objection because the person who was in charge as a final reviewer of the fatwa before it was declared did not respect the majority of the committee. After the discussion was postponed, it was finally decided that *nikah sirri* was *haram lighairihi*.³⁷

The experiences of Fatayat and LKKNU show that producing fatwas on religious issues touching on women often raises a fierce debate between conservatives, who argue that they stand for consistency in the *fiqh* of the school of Islamic law

37 Author's interview with Hindun Anisah, December 2014.

followed (*fiqh madhhab*), and progressives, who advance ideas they believe represent the basic message in Islamic teachings. That basic message, for example, is *tauhid* (monotheism), the oneness of God, which implies the need to oppose forms of power over humans other than God's power, and this would include patriarchy, a system that positions men as superior. The logical consequence of monotheism, in this argument, is to treat humans, both male and female, equally as humans. According to the Qur'an, *tauhid* emphasizes that women are perfectly human like men (QS. al-Hujurat, 49:13) so they must also be treated humanely (Kodir 2019, 11-13). But this message, progressives believe, has been neglected by conservative supporters as their only focus is on what is written on the *fiqh* text, without considering the context.

NU women are voicing a need for progressive fatwas that bring *maslaha* for women.³⁸ The problem, as the examples above make emphatically clear, is that they do not have a place in authoritative institutions such as the Bahtsul Masail of NU while at the same time that institution fails to accommodate the needs of these women. In response to this gap, Islamic NGOs have stepped in to provide educational programmes for women aimed at developing their classical Islamic knowledge. These programmes, such as Fiqhunnisa' (Arabic: *fiqh* on women's matters) of P3M and YKF's Badal Kiai and Nyai, have been able to extend the empowerment and capacity building of women. Although the programmes did not explicitly develop the capacity of women as ulama and their ability to issue fatwas, through the programmes NU women had the opportunity to develop their critical thinking when reading biased interpretations of the Qur'an and hadith. So, instead of following discriminative fatwas, they resorted to alternative ways by utilizing their scholarly capacity to make gender-sensitive fatwas at the local level.

38 *Maşlahā* that literally means "a source or cause of well-being and good, is sometimes translated as 'public interest' or 'social good.'" It is a principle that becomes the main consideration in achieving the purpose of shari'ah (*maqashid shari'ah*), namely "to attain the well-being (*maşlahā*) of humanity in all their mundane and other worldly affairs" (Opwis 2010, 1-2).

In the 2000s, Rahima started its programme of empowering Muslim women as *ulama* by explicitly using the term *ulama perempuan*. Rahima not only provides a training programme for the women, it also creates a network through which women can build alliances and potentially issue fatwas on a broader scale.

Rahima and the PUP Programme

Rahima was established in August 2000 by Muslim activists who were engaged with the Fiqhunnisa' programme of Perhimpunan Pengembangan Pesantren dan Masyarakat (P3M, the Centre for Pesantren and Community Development). These activists included Lies Marcoes, Farha Ciciek, A.D. Eridani, and Syafiq Hasyim. P3M is generally considered the first NGO in Indonesia that raised the issue of Islam and democracy while explicitly addressing the Islamic traditionalist, *pesantren*-based community. It introduced gender analysis and the issue of reproductive rights to this community by holding training and discussion sessions that were attended by both male and female *pesantren* leaders. They used classical Islamic texts, *kitab kuning*, as resources to analyse issues, but they also criticized these texts and suggested new interpretations on key issues (Yafie 2010, 18). Fiqhunnisa' was one of the programmes of P3M that focused specifically on women, providing a series of discussions on Islam and reproductive health directed at women leaders of *pesantren* (*ibu nyai*).

Prior to the establishment of Rahima, the founder activists were disgruntled by the P3M's leadership regarding the issue of polygamy. They brought the issues initiated by Fiqhunnisa' of P3M and developed them further in line with women's rights in Rahima. For instance, Rahima has organized critical discussions of religious discourses regarding women and reproductive issues written in the *kitab kuning* to contextualize these texts and make interpretations more reliable. Rahima also proposes a new methodology for analysing texts and issuing fatwas

through the Bahtsul Masail forum (Yafie 2010, 19). Faqihuddin, one of Rahima's board members, has suggested a method called *mubadalah* (reciprocity) to interpret hadith that speak of gender relations to make sure that the interpretation addresses men and women equally.³⁹ In regard to the Bahtsul Masail, Rahima requires four pillars of consideration. They are, first, theological sources, including Al-Qur'an, hadith, the thoughts of classical ulama described in *kitab mu'tabarah* (credible resources of *kitab kuning*), and the thoughts of contemporary ulama written in their books. The second and the third pillars are national and international regulations, and the fourth is women's experiences.⁴⁰ Rahima has used this new method as the basis for its programmes, particularly Pengkaderan Ulama Perempuan (PUP, Female Ulama Cadre Programme).

PUP is one of the essential programmes of Rahima. It was started in 2001, with a *madrasah* Rahima held in a small *mushalla* attended by some students of State University for Islamic Studies (UIN) Syarif Hidayatullah Jakarta, most of them women. These women studied an advanced *kitab kuning* that was usually studied only by male *santri*. Kiai Husein Muhammad was the mentor in this programme. He is the *kiai* of Pesantren Dar al-Tauhid Arjawinangun and the founder of the Fahmina Institute foundation in Cirebon. He was born in Cirebon on 9 May 1953. He became acquainted with gender issues and the analysis of Mansour Fakhri, Lies Marcoes, and Masdar Farid Mas'udi through the Halaqah forum for ulama held by P3M in the early days of the programme. He then used gender analysis to examine classical Islamic texts in the fields of *fiqh*, *tafsir* (Qur'anic interpretation), hadith (Prophet tradition), and *tasawuf*.⁴¹

39 *Mubadalah* is a method of interpreting hadith by finding a general value of the message and applying the value reciprocally to gender, men and women. Author's note from Tadarrus 4, 9-12 January 2014.

40 Author's note, Tadarrus 6 of PUP, 16-18 May 2014.

41 Author's interview with Kiai Husein Muhammad, 24 April 2017.



FIGURE 4: The tadarrus II of PUP cohort 4 on “Religion and Social Changes” held in Pesantren Krapyak, Yogyakarta, 5-8 September 2013. Photo by the author.

Rahima started the development of the small *madrasah* by conducting a workshop on formulating a PUP module on 23-25 January 2005, attended by its board members. After that, in August 2005, Rahima started the PUP programme. The goal of PUP is to prepare female ulama cadre by giving them expertise in classical Islamic knowledge sourced from Al-Qur’an, hadith, and *kitab kuning*, combined with the development of a gender perspective and critical thinking on injustice, the ability to organize and mobilize, and the cultivation of a legitimate position in society needed to issue fatwas authoritatively and with an eye on realizing social changes (Yafie 2011, xiii). Regarding financial support, Rahima received funds from international donors, such as Ford Foundation, Hivos, MM Netherlands, and Porticus Hongkong. This has enabled the PUP programme to be offered free of charge.⁴²

Considering that PUP is an intensive and advanced programme for female Muslim leaders, the PUP participants have to meet some criteria. They should be aged between twenty and fifty-five years old, not be affiliated to any political parties, be able to read *kitab kuning*, be open-minded and have

42 Author’s interview with A.D. Eridani, 20 March 2016.

progressive ideas (which can be assessed during the admission test), and be capable of becoming a leader of a community. However, sometimes, Rahima cannot find the ideal participants who fulfil all the required criteria. There were cases, for example, of candidates who could read *kitab kuning* but who did not yet have a local following. This led to a serious discussion among the board members of Rahima regarding the preconditions that should be considered a priority. As a conclusion to this discussion, Rahima adopted an idea suggested by Abdullah Ahmad al-Naim in a seminar with Rahima.⁴³ He stated, “The recognized ulama are those who live in the society and are committed to its people.” (Eridani 2014, viii).⁴⁴ This, the Rahima board, decided, should be the key priority in selecting participants.

The first cohort of the PUP programme was divided into two groups of participants. The first group consisted of fifteen female Muslim leaders from West Java areas and Magelang, Central Java, while another fifteen female leaders from East Java participated in the second group. In subsequent cohorts, the group size was increased from 15 to 25 female leaders. The second cohort consisted of female leaders from West Java. The third: Central Java. The fourth: Yogyakarta and Central Java.⁴⁵ The PUP participants were recommended by Rahima’s network, which was also the network from the Fiqhunnisa’ programme. They were selected through an admission test procedure, including the reading of *kitab kuning* and an interview.

For the fourth cohort a slightly different method was applied because the board of Rahima thought that the participant candidates already had sufficient knowledge and skills in reading and understanding *kitab kuning*. Therefore, instead of conducting a one-on-one *kitab kuning* reading and

43 Abdullah Ahmad al-Naim is a Sudanese-born Islamic scholar who lives in the United States and teaches at Emory University. He is known as an expert on Islam and human rights. *Toward an Islamic Reformation: Civil Liberties, Human Right, and International Law* is one of his books that was translated and published into Indonesian by LKiS in Yogyakarta in 1996 under the title *Dekonstruksi Syariat: Wacana Kebebasan Sipil, Hak Asasi Manusia dan Hubungan Internasional dalam Islam*.

44 Author’s interview with A.D. Eridani, 28 October 2014.

45 Ibid.

interview, on 21 May 2013 Rahima organized “Lokakarya Ulama Perempuan untuk Kemaslahatan Umat” (Workshop on Female Ulama for the Wellbeing of Umat) in Yogyakarta. Around seventy Muslim women from Central Java and Yogyakarta attended. They included members of Fatayat NU, Nasyyiatul Aisyiyah of Muhammadiyah, and Ahmadiyah, *nyais* of *pesantren*, as well as teachers and lecturers from Islamic schools and institutes. Rahima held the workshop to introduce PUP to the attendees and recruit participants for its fourth cohort by giving them a task: to write up their understanding of a passage of Qur’an exegesis. Finally, thirty-five of the attendees were selected as the PUP participants.⁴⁶

The PUP meetings were divided into several *tadarrus* (learning classes) depending on the number of subjects that were developing from one cohort to the next. In the first PUP training, the participants attended five *tadarrus* (classes) focused on Gender Perspective, Social Change, Social Analysis, Islamic Discourse Methodology, and Organizing Community and Transformative Proselytization. For the next instalment, Rahima revised the subjects, particularly on *Tafsir*, Hadith, and *Fiqh* Studies. The subjects were expanded into eight *tadarrus* for the fourth cohort with the addition of topics on Reproductive Health, Bahtsul Masail and Methods of Issuing Fatwas, and Female Leadership (Eridani 2014, viii-x).

Participants in the PUP programme learn some guiding principles for the interpretation of Islamic texts. These are: 1) To consider the history and social situation during which a verse or a hadith was revealed; 2) To be aware of gender equality while interpreting the texts; 3) To cite and use the verses that textually support gender equality; 4) To consider gender equality as one of the acceptable parameters of interpretation; 5) To consider women’s voices while interpreting the texts (Yafie, 2011 79). They also apply the method of *mubadalah* (reciprocity). This

46 I was one of the participants invited by Rahima as a delegate from the Provincial Board of Fatayat NU in Yogyakarta.

method deals with the gender-relationship message in the verses and hadith so that the interpretation addresses men and women equally.⁴⁷

PUP applies Pendidikan Orang Dewasa (POD, adult learning method), which emphasizes action, reflection, and learning from the experiences of the participants. It is not merely based on theories but also on practices (Yafie 2011, xiv). This method of learning enables participants to share experiences and enrich their own practices as community leaders. One *tadarrus* on one subject in PUP takes four or six days. On the first day, the participants explore experiences in dealing with religious and social problems such as sexual violence and intolerance in the community, make some reflections on the problems and connect them with the *tadarrus* subject, for example on reproductive health (Yafie 2011, xv). There is a two-month period between one *tadarrus* and the next *tadarrus* in which they can apply their newly acquired knowledge and action plans, and find new cases to discuss and reflect on in the subsequent *tadarrus*.

A.D. Eridani, the director of Rahima from 2007 to 2018, understands that eight *tadarrus* are not sufficient to meet the PUP goals. However, most of the participants in PUP are *pesantren* graduates who already have basic classical Islamic knowledge. In the PUP programme, they recall and sharpen their knowledge with analytical methods including Islamic, gender, and social tool analysis. In the process of becoming female ulama, they have improved their skills in organizing communities and cultivating community-based authority. They have benefited from the network of female ulama created by Rahima in strengthening their role as religious leaders in the community.

Conclusion

In this chapter I have discussed NU as a traditionalist Muslim mass organization that is followed by the majority of Muslims in

47 I was one of the PUP participants from cohort four. Author's note from Tadarrus 4, 9-12 January 2014.

Indonesia and has a member base in rural areas. The philosophy of NU has been to maintain existing religious traditions in the face of pressure by reformists calling for the “purification” of Islamic teachings. The NU tradition is reflected, firstly, in the sources of religious ritual practices, with reference to hadith, *sunnah*, and *adat*. Secondly, it is reflected in determining the foundation and legal methodology of NU, namely *fiqh*, *madhhab*, and *taqlid*.

History shows that tradition within NU is something dynamic, accommodating, and flexible, allowing for changes on the basis of *al-fikrah al-nahdhiyah*. Principles of NU include moderatism (*tawassuttiyyah*), meaning that NU’s pathway is balanced (*tawazun*) and fair (*i’tidal*) in dealing with various issues; tolerance (*tasamuhiyyah*), which means accepting differences in faith, ways of thinking, and culture; and that NU should adopt the mindset of reformation (*ishlahiyyah*), a dynamic mindset (*tathawwuriyyah*), and a methodological mindset (*manhajiyyah*), meaning the use of a framework in producing legal judgement. The application of these principles has allowed gradual changes at the organizational and individual levels regarding religious thoughts and attitudes. The fatwas on gender equality and the emergence of a young NU generation called “Kultur Hibrida” are two examples of the changes within NU.

At the same time, NU is also a deeply conservative and patriarchal organization in which women are structurally relegated to a subordinate position. We see women are structurally in a subordinate position once we look at actual practices in the organization’s decision-making bodies and its Fatwa Council, the Bahtsul Masail. Some women have made it to these bodies but only after a long struggle for a place and recognition, and they remain a small minority. In this environment, religious authority and fatwa-giving are gendered, characterized by rigid gender boundaries, and controlled by men. In the context of fatwa-making, women are only “observers and participants” with limited involvement in its process. Muslim

women are constrained through gendered stereotypes, such as the idea that women are less “reasonable”, and the criteria for becoming ulama that are in place.

However, this limitation has not paralyzed the women of NU. Instead, it has triggered many of them to realize social and cultural changes through careful strategies. They have lobbied policymakers at the top level of NU, they have become involved actively in subsidiary NU movements and activities, and they have developed women’s capacity through educational programmes. The emergence of this NU women’s agency was influenced by internal factors, including the emergence of progressive male leaders, such as Gus Dur, and external factors, including regime change in 1998 and the emergence of civil society movements at the national level. The environment of NU by its nature has also allowed changes to happen and give rise to women’s mobilization within NU and its cultural affiliations.

One of the Islamic women’s NGOs that provide capacity-building programmes for women is Rahima. It was founded in August 2000 by a group of Muslim activists from the Fiqhunnisa’ programme in P3M who were disgruntled by the P3M’s leadership regarding the issue of polygamy. Rahima conducted a series of discussions and training courses on Islam, gender, and female leadership. One of its most important programmes is PUP, an intensive training programme for women religious leaders from *pesantran*, *majelis taklim*, and universities aiming at developing their capacity to become ulama. The women participants learn about classical Islamic knowledge such as *tafsir* and hadith, and methodology for interpreting Islamic texts and analysing social problems. Since 2005, PUP has produced four groups of alumni, and a total of 105 female ulama have graduated from the programme. These women return to their communities and play their roles as ulama with the knowledge and network gained from PUP. How they use their knowledge and strengthen community-based authority is the subject of the next chapter.

Interlude

Bu Hanik: Breaking the Pattern, Devoting Life to the Community

Born in Purwodadi on 1 June 1970, Bu Hanik, as she is called, was raised in a *pesantren* tradition. Her parents, Kiai Masyhuri and Nyai Musyarofah, ran up Pesantren Daruttaqwa in Gingsang, Gubug, Purwodadi, Central Java. Founded in the 1970s by Bu Hanik's grandfather, Kiai Abdullah Sajad, this *pesantren* was a typical *salaf pesantren* that provided classical Islamic learning and organized Majelis Tarekat (mystical brotherhood gatherings). The *salaf* tradition was also reflected in the daily life and rules that applied to the whole family. For instance, men were usually considered more important than women and had to be obeyed by women. Some rules restricted women from accessing and taking up roles in the public sphere. Bu Hanik remembers that she and other women in her family were forbidden to ride a bicycle, so they were not used to leaving home by themselves. They had an education, but most of them went to the *salaf pesantren* without enrolling in regular schools. In her extended family, only men appeared in the public sphere. In the schools, all the teachers were men. No woman was teaching. For women, being able to memorize the Qur'an was necessary because then they could get married.

However, Bu Hanik tried to break that pattern. She began to join Muslim women's mass organizations, such as IPPNU and Fatayat NU in the late 1980s when she was in senior high school. However, she became active only after she finished school. Her father was the one who encouraged her to do so. "He said, *ben nggawe gerak* (Javanese: to take action)," Bu Hanik explains. By becoming involving with those organizations, Bu Hanik experienced leadership and learned about women's empowerment. She taught women in a Quranic recitation programme and also coordinated an Aids program for people in poverty. She became the first woman in her extended family who was brave enough to lead and perform in public. She called her braveness *mendobrak* (Indonesian: to break in).

Bu Hanik is the fourth child of five siblings. She got her first lesson in caring and devotion to the community from her parents, who passionately played roles as religious and community leaders. "My father always reminded me:

life is the time that always goes ahead. Older adults will retreat in time. Then you all must step forward to take a turn. Therefore, you have to be capable and willing to do so. To me, the word ‘capable’ implies the demand of a lot of learning,” says Bu Hanik. Therefore, she was motivated to learn not only *salaf* Islamic education, but also modern education. She managed to convince her parents to let her attend formal education while she studied in the *pesantren*. After her primary education, she went to Pesantren Al-Muayyad in Solo, Central Java. She finished her study in Madrasah Aliyah Al-Muayyad in 1990. She also studied classical Islamic knowledge in other *salaf* and modern *pesantren* in East Java, such as Pesantren Bangil Gresik and Pesantren as-Shidiqiyyah Jember. She completed her memorizing of the Qur’an in 1998 at Pesantren Roudlotul Ulum, Cidahu, Cadasari, Pandeglang, Banten. Nevertheless, Bu Hanik realizes that the *salaf* upbringing has formed her toughness and strong religious foundation rooted in the *salaf* culture.

In 1998, Bu Hanik married Zubaidi Mansur and moved to her husband’s village in Brambang, Karangawen, Demak, Central Java. When she came, the condition in Brambang was different from Ginggang. In Brambang the people were less religious and mostly educated in secular schools. They did not go to *pesantren* for their Islamic learning. However, they were more open regarding women’s position and participation in public life. Like men, women also went to school. Therefore, at the time she arrived women had attained some positions and played roles in society. Bu Hanik benefited from this situation as she had more opportunities to interact and communicate quickly with the people and continue her activities in Islamic teaching. Bu Hanik began to participate in the local female *majelis taklim* (Islamic study group) while she also started her *pesantren* in 1999, with only two *santris* brought from her parents’ *pesantren*.

She held *pengajian sema’an* (listening to Qur’an recitation) every Monday night in her house with the two *santris*. She recited the Qur’an from memory while they listened to her recitation. Gradually, the neighbouring people heard about this, and they were interested in joining her *pengajian*. The numbers of participants were increasing, especially after Bu Hanik left the local female *majelis taklim* after the leader opposed her. Then around twenty-three members of the *majelis taklim* asked Bu Hanik to establish a *majelis taklim* of her own. She adds, “I also got support from my husband, a local *kiai*, and men from the village who wanted their wives to learn from

me.” Bu Hanik established a *majelis taklim*, namely *Sabilun Naja* (the Path of Fortune).

Bu Hanik’s work teaching in the *pesantren* and preaching in the *majelis taklim* did not stop her enthusiasm to learn and develop her knowledge. She started her Bachelor’s degree, majoring in Islamic education, in 2006 at Sekolah Tinggi Ilmu Pendidikan Islam (STIPI, the Higher School for Islamic Education) in Yogyakarta. At the time, she enrolled for classes in Demak, but for some courses that were given in Yogyakarta, she had to travel back and forth from Demak to Yogyakarta. She graduated with an excellent grade point average (GPA) of 8.94. Besides completing her formal education, Bu Hanik also participated in other capacity-building programmes, the most important being the PUP programme organized by Rahima. She joined the third cohort of the programme, one of twenty-five female Muslim leaders from Central Java, from 2011 to 2012.

In PUP, Bu Hanik met and learned from Kiai Husein Muhammad about the *manaqib* (biography) of Muslim women leaders throughout history. The lessons learned in PUP were useful as resources to fulfil the demands and needs of the community and have helped her to improve her confidence. Before joining PUP, she always rejected any invitations to preach in front of mixed-gender audiences. But as she gained more knowledge and had better self-esteem thanks to PUP, she started to also teach in front of male *jamaah* and incorporate gender equality in her preaching as well. She joined some meeting forums attended by alumnae of the PUP programme organized by Rahima. However, she was not able to participate in KUPI, held in Cirebon in April 2017, due to her busy schedule.

While assisting around seventy *santris* in her *pesantren* and preaching in the *Sabilun Naja*, Bu Hanik continues her organizational activities in Fatayat NU and Muslimat NU from the village level to the district level in Demak. Through these two women’s mass organizations, she manages and preaches in different *majelis taklim* held by turn every day in different villages. She has also initiated a *selapanan* (every thirty-five days) Qur’anic recitation *pengajian* called Jam’iyatul Quran, conducted by turn on Friday Legi (a name of Javanese daily calendar) in different villages in Karangawen. “I gather all the *hafizahs* (female Quranic reciters from memory) in the sub-district. They are around 180, and the listeners are around 2,000 women,” she said. With her leadership, the Karangawen sub-district branch of Fatayat NU has managed to establish pre-school and other education institutions

in some villages, namely four Taman Kanan-Kanan (secular kindergartens), two Raudhatul Athfal (Islamic kindergartens), one Madrasah Ibtidaiyah (Islamic primary school), and two Taman Pendidikan Qur'an (Qur'anic Education Institutions).

Reflecting on her achievements, Bu Hanik found out the importance of having Islamic knowledge, long-lasting engagement and devotion, and building a good relationship with the community for establishing Islamic authority. The authority that she has works not only among female *jamaah*, but also among male *jamaah* and in her social life in general. In 2015, she was elected as the first woman to sit as a member on the Badan Pertimbangan Desa (BPD, the Village Representative Board). Nevertheless, male members always rely on her input in the decision-making process. "It is perhaps because they consider me not just as a BPD member, but also a religious leader so that they are respectful," Bu Hanik said. Besides BPD, at the district level, the Demak government always involves Bu Hanik in any community empowerment programmes that relate to religious and educational affairs.

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CHAPTER THREE



Building Community-based Authority: Everyday Practices of Female Ulama in Issuing Fatwas at the Grassroots

Introduction

In the previous chapter, I analysed how NU women have tried to create space for exercising juristic authority within the organizational framework of NU. While it has been very difficult for women to obtain seats in both the supreme and administrative councils, an alternative strategy has been to actively utilize male authority in their network to seek fatwas that are sensitive to gender equality, as shown for example by Ibu Muhammad Baidhowi from Jombang, East Java, on the issue of birth control, and by Hindun Anisah on the issue of unregistered marriage. These two cases exemplify a kind of women leader who is able to exercise their agency through their networks in male-dominated institutions. Such leaders are Muslim women from the middle class who benefit from their *pesantren* family background and inherited charisma from their family, that is, they have been able to employ their symbolic and social capital in a traditional field of authority.

This chapter continues the discussion of women exercising juristic authority in another setting, namely the community grassroots level. As elaborated in the previous chapter, one response to the dominance of male Islamic authority in the practice of fatwa-giving has been to establish Islamic women's NGOs, such as Rahima, that target the development of women's capacity as ulama. The graduates of Rahima's PUP programme have become members of the organization's female ulama

network and are spread all over Java. The PUP graduates draw on their authority as female ulama in their everyday lives by taking up roles or stepping up their efforts as leaders, teachers, preachers, and also fatwa-givers for their *jamaah*.

This chapter examines the PUP graduates' experiences of working with their local communities and issuing fatwas for their *jamaah*. It focuses on the following questions: How is religious authority exercised in local communities and what are the challenges? Who are the women who can play a role as ulama in local communities and what is their authority based on? What does it mean for a woman to become an ulama, and what does "female" mean in the context of Islamic scholarly authority? To what extent are Muslim women able to issue, i.e. formulate and communicate, fatwas in local communities? What are the forces (norms, power structures, and institutions such as the state) that enable women to exert authority in local communities and what are the forces that limit them?

This chapter has two broad goals. Firstly, it examines the thoughts and reflections of the former participants in the PUP programme on the knowledge and experience they gained from it. After finishing the PUP programme, they establish and bring the ulama-ness of women (*keulamaan perempuan*) to the grassroots with the knowledge and capabilities they have gained in PUP. Ulama-ness is a neologism derived from the word ulama and means "the making of Islamic scholars" (Srimulyani 2012, 33 and 92) or capacity as an ulama. In her book on women leaders in *pesantren*, Srimulyani uses both ulama-ness and *ulamanisation* to refer to the Indonesian term *keulamaan*. It is important to explain the purchase of this neologism from a women's point of view. The terms "ulama" and "fatwa" are gendered configurations of authority. Therefore, women have to take a long path to be able to build their ulama-ness and play a role as ulama and fatwa-givers. Secondly, the chapter explores the ways in which these women apply their understanding of their gendered subjectivities in taking up social positions as ulama and in using their various

forms of capital to build their juristic authority at the grassroots level through fatwa-giving. I argue that the authority of a female ulama depends on its acceptance, ascription, and recognition by a community. The question of whom to accept as ulama, and why, depends on a range of social and historical factors. What circumstances have changed, as a result of which women can claim ulama-ness? How and why do women seek to change the “criteria”? Both positive and negative responses from male authorities regarding women who play a role as ulama indicate the changing circumstances of Islamic authority and ulama-ness. Women are now entering the field and playing a role that was previously dominated by men.

This chapter is mainly based on my observation of the four figures whom I consciously chose as my sources of information for the discussion on exercising juristic authority at the grassroots level. They are Bu Afwah Mumtazah (b. 1973) from Cirebon, West Java, Mbak Khotimatul Husna (b. 1976) from Bantul, Yogyakarta, Nyi Siti Ruqayyah (b. 1970) from Bondowoso, East Java, and Bu Umi Hanik (b. 1970) from Demak, Central Java. I have come to know these four key interlocutors very well, and their different locations, background, and subjectivities have allowed me to gather a rich experience of women exercising juristic authority in different social and cultural contexts and circumstances.

After her marriage in 1994, Bu Afwah moved from her parent’s *pesantren* to her husband’s *pesantren*. She claimed a role as an Islamic authority in the new *pesantren* and through her leadership in the Fahmina Institute of Islamic Studies. Mbak Khotim, who does not come from a *pesantren* family background, moved from Bojonegoro, East Java, to Yogyakarta with her family. She is a Fatayat NU activist and built her community-based and organizational-based authority in her new home base. Bu Hanik comes from a *pesantren* family background and moved from Purwodadi to Demak, Central Java. She combines responsibilities as an Ibu Nyai (female *pesantren* leader), *mubaligah* (female preacher), Muslimat NU activist, a member of

takmir masjid (mosque board), and a member of the local Badan Permusyawaratan Desa (BPD, Village Representative Board). Nyi Ruqayah hails from a family of charismatic *pesantren* leaders and has continued this legacy by establishing a *pesantren* for female pupils and a *majelis taklim* in her place of birth, in Prajekan, Bondowoso, East Java. She is also a prominent *mubaligah* who delivers Islamic sermons for both male and female audiences.

The first section of this chapter deals with the neologism of *ulama-ness* and its relation to the concepts of *ulama* and *fatwa* as they are taught and understood by the female *ulama* I observed. It will be followed by a discussion of responses on the part of male *ulama* regarding the concept of female *ulama* and *ulama-ness* of women. According to mainstream religious argumentation, women can take up certain roles as *ulama*, and not others. The chapter will then examine the experience of female *ulama* in issuing *fatwas* for their community, including the method they use, the topics of questions, and the strategies in their engagement with the community.

Encountering the Term of *Ulama Perempuan* and the *Ulama-ness* of Women

The term *ulama perempuan* specifically refers to women possessing the quality of being an authoritative Islamic source and is less widespread than the terms *nyai*, *mubaligah*, and *ustazah* in Indonesia. In terms of language and daily use, these three designations indicate less quality, capability, or authority compared to the term *ulama*. *Nyai* refers to the wife of a *kiai*, a leader of a *pesantren*. A *mubaligah* is a female preacher who usually delivers Islamic speeches for public audiences. An *ustazah* is a female Islamic teacher who teaches students in a school or in *majelis taklim*. These terms are sometimes used interchangeably, meaning that a *nyai* can be seen as a *mubaligah* and *ustazah* and that also goes for the two other terms. However, not all *nyais* are *mubaligah* or *ustazah*; likewise not all *mubaligah* or *ustazah* are a *nyai* (Srimulyani 2012, 52).

Nyi Ruqayah or Nyi Ruq, Bu Afwah, Mbak Khotim, and Bu Hanik first heard and learned about the term female ulama (*ulama perempuan*) through PUP. It was a new perspective for them. Nyi Ruq stated that the term *ulama perempuan* was known and used in the *pesantren* only when referring to virtuous and knowledgeable women in Islamic history, such as the wives of the Prophet Muhammad, Siti Khadijah and Siti Aisyah, and one notable *Sufi* woman, Rabiatal Adawiyah.⁴⁸ Thus, according to her, women with Islamic knowledge could not meet the criteria set for female ulama because the latter would need to be exceedingly charismatic and noble.

But these female ulama gained a new perspective from PUP regarding the meaning of *ulama perempuan*. They agreed that the addition of the word *perempuan* to the term ulama was acceptable because becoming ulama is not exclusively reserved for men. According to them, *ulama perempuan* are women who have the qualities of individual piety and mastery of Islamic knowledge. These two qualities are the primary prerequisites for becoming ulama as expected by Indonesian Muslims in general. Another condition is the expression of public piety in combination with a drive to use their knowledge for the benefit of others. "If someone is pious, but the piety is only for herself, I don't think that she can be considered an ulama. So the most important aspect is the usefulness and dedication for the surrounding community," Bu Afwah added. Vice versa, if a woman has laboured for community empowerment, but she has not mastered Islamic knowledge, she cannot be called an ulama according to Bu Afwah, as Muslims in general also understand it.⁴⁹

Besides mastering Islamic knowledge and becoming a role model in society, a criterion that is essential for ulama, according to my women interlocutors, is to have a gender perspective and a concern for disadvantaged and oppressed people, including

48 Author's interview with Nyi Siti Ruqayah, 15 April 2017.

49 Author's interview with Bu Afwah Mumtazah, 29 January 2018.

women. Mbak Khotim spoke as an example of her role in Fatayat NU in Yogyakarta, designing empowerment programmes that are beneficial and considering the social good (*maslaha*) of women and vulnerable people.⁵⁰ With this new perspective, *ulama perempuan* does not refer only to impeccable and noble women; it makes the term grounded and applicable in real life. As graduates of PUP, Bu Afwah, Mbak Khotim, Nyi Ruq, and Bu Hanik represent a grounded religious authority as female ulama in their local communities.

The meaning of female ulama explained by the four female leaders is similar to the definition given by Rahima. It says that female ulama are those who have knowledge of classical and contemporary Islamic texts in combination with a gender perspective, sensitivity, and concern about social realities and local traditions, as well as the courage to make social changes using their knowledge for the benefit of local, national, or global lives (Rofiah, 2014, xxxiv-v). The alignment of this understanding shows that the concept of female ulama as proposed by Rahima can be accepted by female ulama cadres. This acceptance further strengthens their roles and visions that they have formed through their works with their *jamaah* before their involvement with Rahima's network. They have become increasingly confident in encouraging social changes within their respective communities, for example, by conveying arguments and religious interpretations with a gender perspective on issues that discriminate against women. These issues include female circumcision, polygyny, and Islamic textual narratives that limit women's involvement in the public sphere (Ismah 2016).

The title of ulama cannot be conflated with degrees obtained by graduating from specific educational programmes. Instead, it is ascribed by the *jamaah*, meaning that community members acknowledge someone as having the ability and the role of an ulama. Furthermore, because of the cultivated modesty of

50 Author's interview with Mbak Kotimatul Husna, 14 May 2017.

women Islamic leaders, they will usually not declare themselves ulama. Therefore, when I asked Bu Afwah, Mbak Khotim, Nyi Ruq, and Bu Hanik whether they would call themselves ulama, none of them admitted this. Nyi Ruq said, “Actually I am not one (ulama). I only have a will, a strong will to do something from the little I have and know, and then I observe.”⁵¹ Bu Afwah felt comfortable when people called her “umi” (Arabic for “mother”), as her students do. She thinks that this designation suits her in representing herself, in contrast to the words “ibu nyai” or “ulama”, which sound unfamiliar to her.⁵²



FIGURE 5: Nyi Ruqayyah was preaching to commemorate the day of the Prophet Muhammad’s birth, called *Maulid Nabi*, at a mosque in December 2017. Photo by the author.

Observing the Islamic congregations of Bu Afwah, Mbak Khotim, Nyi Ruq, and Bu Hanik, I saw how their *jamaah* showed obedience and a willingness to listen to their preaching and treat them as authoritative sources of Islamic, cultural, and social opinions. On one occasion, I attended Nyi Ruq preaching to commemorate the day of the Prophet Muhammad’s birth,

51 Author’s interview with Nyi Siti Ruqayyah, 15 April 2017.

52 Author’s interview with Bu Afwah Mumtazah, 29 January 2018.

called *Maulid Nabi*, at a mosque. Nyi Ruq and all attendees sat on the floor. When the time came to recite *tahlil*, a man who had the title of *haji* was called by the master of ceremonies. The man was invited to lead the *tahlil* and the *doa* (prayer) at the end of the event. He solemnly guided the recitation from short verses to *shalawat* as part of *tahlil*. After the recitation had finished—I was already raising my hands to follow his *doa*—I saw him getting up from his seat while holding the microphone, which he then handed to Nyi Ruq. She accepted the microphone without hesitation and led the *doa*, followed by all the *jamaah*, men and women. After the event, I asked the *kiai* why he did not just lead the *doa*, but instead handed over to Nyi Ruq. He replied, “Nyai Mas Ruq is more senior than me. I am still in *ibtidaiyyah* (Islamic primary school), she has been to anywhere, preaching everywhere.”⁵³ From his answer, I understood that he recognizes Nyi Ruq as a more important Islamic authority due to her knowledge and experience.

The significant social and religious positions of the four women can also be seen through their daily practice of issuing fatwas. They are able to do this because their *jamaah* acknowledge the quality of their character and knowledge, which leads the *jamaah* in turn to ask questions, listen to their answers, and try to apply them in their daily lives. Ustaz Ikrom, a Muslim teacher of Pesantren Kempek, said that by looking at Bu Afwah’s piety, knowledge, perseverance in worship, understanding of what benefits society, and devotion to education and charity, Bu Afwah deserves to be called *ulama*.⁵⁴ Budhe Wasiroh, one of Mbak Khotim’s *jamaah*, opined that Mbak Khotim is knowledgeable, as a result of which her *jamaah* can learn especially about *fiqh* as written in the *kitab kuning* and ask her for Islamic opinions.⁵⁵ Bu Yayak Andriani and Bu Rahmawati, two other followers, similarly remarked on Nyi Ruq’s religious roles.⁵⁶ Meanwhile, Pak Rahmat,

53 Author’s interview with Kiai Husnul, 12 December 2017.

54 Author’s interview with Ustaz Ikrom, 26 May 2018.

55 Author’s interview with Budhe Wasiroh, 12 May 2017.

56 Author’s interview with Bu Yayak Andriani and Bu Rahmawati, 15 April 2017.

the (male) Head of Coordinating Board of Islamic Pre-School in Karangawen, in which Bu Hanik is also involved, acknowledged Bu Hanik as an ulama because she uses her knowledge to make changes in her society. He contended that her role as an ulama is essential. “The community must be handled not only by men because it is possible that women will be simultaneously oppressed by men when no women argue against them,” he explained.⁵⁷

Turning back to the Bourdieuan concept of capital, the female ulama’s experiences demonstrate what it takes for them to exercise their authority and act as religious guides for their community. Their authority is closely linked to their cultural and social capital because the *jamaah* acknowledge them due to their Islamic educational background, advanced knowledge of *fiqh* and other Islamic fields of knowledge, their attitude as a role model, and their daily interaction with the *jamaah* through which they build meaningful relationships and networks. These sources of authority feed back into the concept of ulama and ulama-ness, which they adopted from their training by Rahima and embody in their everyday practice of teaching, guiding, and issuing fatwas.

Male Resistance to the Female Ulama Concept

Despite the recognition of the ulama-ness of Bu Afwah, Mbak Khotim, Nyi Ruq, and Bu Hanik by the *jamaah* and some male leaders, other men view their qualities from a different point of view. Mbak Khotim’s husband supports his wife by agreeing on her programmes and activities and he never seeks to limit her roles in society. He also acts as a mediator between Mbak Khotim and the male *jamaah*, especially when they invite Mbak Khotim to preach in front of mixed-gender *jamaah*. However, he also thinks that Mbak Khotim cannot be called an ulama. “*Ustazah* or *mubaligah* might suit her better than ulama. Because in my view,

57 Author’s interview with Pak Rahmat, 12 March 2017.

an ulama must be profound in their religious knowledge, in all aspects of it,” Kang Irfan argued.⁵⁸ Pak Fahmi, one of the board members of the Provincial Branch of NU in Yogyakarta, who knows Mbak Khotim from her work as the head of the Provincial Branch of Fatayat NU, holds a similar view. “If ulama is defined as a knowledgeable person, I think Mbak Khotim is knowledgeable. But if ulama refers to someone who issues a fatwa, I think she has not reached that capacity,” he explained.⁵⁹

The interpretation of the term ulama followed by both Kang Irfan and Pak Fahmi is based on the general concept of ulama, which focuses more on excellent Islamic knowledge and piety. While according to the understanding of the four female ulama, two other aspects of ulama-ness that are no less important are, firstly, the measure in which knowledge and piety can be beneficial to the *jamaah*, and, secondly, a religious leader’s sensitivity to social injustice. These two qualities are of course closely related to the experience of the *jamaah* that indirectly resulted from the social piety of the ulama. Thus, the extent to which *jamaah* benefit from the actions of an ulama may influence the latter’s recognition. Regarding the acceptance by the *jamaah*, Pak Fahmi realizes that Mbak Khotim’s *jamaah* may see her as a female ulama, meaning that she holds religious authority within her community and plays a role as a fatwa-giver. He says, “It is possible that in Jambidan Mbak Khotim may become the Islamic source, where the people come and ask her for religious opinions.”⁶⁰

Some men have opinions that acknowledge the role of women as leaders due to the authority and charisma derived from grandfathers, fathers, or husbands. In some cases, this leads to a playing down of their own individual qualities. For instance, Ustaz Ahfaz, Bu Afwah’s nephew who teaches in Pesantren Aisyah, notes that, despite her achievements, her husband, K.H.

58 Author’s interview with Kang Irfan, 29 July 2018.

59 Author’s interview with Pak Fahmi, 20 July 2018.

60 Ibid.

Muhammad Nawawi Umar, remains the leader. Ustaz Ahfaz respects Bu Afwah because he respects Bu Afwah's husband. Ustaz Ahfaz also claims that Bu Afwah holds the position as head of Yayasan Al-Ma'had al-Islamy al-Kempeky simply because she is a woman and is supposed to lead the female *pesantren*.⁶¹ In the case of Nyi Ruq, some *kiais* do not agree with her ideas and gender activism but they are still respectful because of her family background. "They feel indebted as they were the students of my elders. My great-grandfathers were teachers of people in Bondowoso," Nyi Ruq said. Because of that respect, they do not demonstrate their rejection openly.⁶²

However, other experiences of Bu Afwah, Bu Hanik, and Nyi Ruq show that some men do consider female ulamanness as a real challenge to men's prerogative as ulama and the established male-dominant interpretation of the Islamic texts. This is because female ulama bring a new awareness of gender justice and concern about social injustice from the perspective of women through their preaching and Islamic learning in the *majelis taklim*. Bu Hanik has had clashed with male *modins* (Islamic guides appointed in a village) because of statements she made in a *majelis taklim*. She had said that women should also be able to take on the role of *modin*, especially with regard to the caring for deceased women community members' bodies. Hearing this statement, around five *modins* from Karangawen Sub-district were offended and accused Bu Hanik and Fatayat NU of usurping the role of male *modin*. They argued that being a *modin* is a man's duty because they know more about the *niat* (intentions) and how to care for dead bodies.⁶³ Facing the *modin*, Bu Hanik again challenged them, asking them to open the *kitab kuning* as a reference regarding the *niat* and procedures for the treatment of the body. The dispute ended, eventually, when the

61 Author's interview with Ustaz Ahfaz, 26 October 2014.

62 Author's interview with Nyi Siti Ruqayyah, 15 April 2017.

63 There is a *niat* prior to caring for a dead body that should be stated in Arabic, and can be done only by a literate Muslim who possesses good understanding of Islam and Arabic. The male *modin* argued that men know better than women about how to read *niat* in Arabic.

Head of the sub-district Religious Affairs Office gave Bu Hanik and her competent female congregation the opportunity to become a *modin*.⁶⁴ In another instance, Bu Hanik was asked to put down the microphone while leading a Qur'anic recitation because her voice was considered *aurat*.⁶⁵

Bu Hanik's experiences show instances of discrimination against and "othering" of women in the area of ulama-ness from a male's point of view. Bu Hanik told me that the *modin* quoted a very crude proverb, "*Perempuan bisanya cuma bikin sambal sama pegang cowek* (Indonesian: women can only cook the spicy sauce and hold the grinder)," indicating that a women's only rightful territory is the domestic sphere.⁶⁶ It is like Ustaz Ahfaz's response to Bu Afwah's effort to develop the education of female students in her *pesantren*. He thought that she should only promote the study of *kitab kuning* such as *Fiqhunnisa'* and *Mamba'u al-Sa'adah* (the sources of happiness) that are about *fiqh* and Islamic ethics and are suitable for female students rather than other *kitab kuning* on Arabic grammar that are considered advanced and challenging. From this response, it seems that there is a clear distinction between the male and female domains in Pesantren Aisyah and that there is a tension between this division and Bu Afwah's efforts. These responses show the obstacles that women such as Bu Hanik and Bu Afwah face when they advocate equal opportunities in Islamic education for women.

At the beginning of Bu Afwah's involvement in Kempek, she received a very unsupportive response from a senior *kiai* in the *pesantren*. She was considered a newcomer in Kempek who brought new views and models of women leaders who are educated and active in the public sphere. The senior *kiai* was not the only *kiai* who opposed her. Another senior *kiai* also showed

64 Author's interview with Bu Umi Hanik, 30 November 2014.

65 *Aurat* refers to parts of the human body that are shameful and must be covered, such as the genital areas. There are different views in *fiqh* (Islamic jurisprudence) about women's *aurat*, and whether or not all parts of women's bodies including their voices have to be concealed (Rasmussen 2010, 222).

66 Author's interview with Bu Umi Hanik, 30 November 2014.

his disapproval of women's activism. He was anti-Fahmina, that is, opposed to the Institute Studi Islam Fahmina (ISIF, Fahmina Institute of Islamic Studies) and its focus on gender issues. As a result of these comments, Bu Afwah felt challenged in her motivation and alone in her struggle to bring about the justice that she believes in. But she kept her activism going, and soon after, they softened their attitude towards her.⁶⁷



FIGURE 6: Bu Afwah teaching her *santri* at Pesantren Aisyah, Kempek, Cirebon, East Java, in March 2017. Photo by the author.

Nyi Ruq has encountered similar resistance to her work. The Islamic culture of Bondowoso is still firmly rooted in textual interpretations that tend to benefit men. Therefore, *kiais* have a rather essential place in ordinary people's lives. As a result, the *kiais* often go unchallenged. Pak Saiful Bahar, one of the board members of the Bondowoso branch of NU, and Mbak Anisatul Hamidah, a member of the Bondowoso branch of Muslimat NU, explained this to me, using the common practice of polygyny among *kiais* as an example. "There is a senior *kiai* who has had many wives; get married with the second, third, and fourth, then divorce them and marry other new women, and only the first

67 Author's interview with Bu Afwah Mumtazah, 29 January 2018.

wife remains the same. Maybe now the number of his [ex-]wives is already a dozen. Interestingly, he is not even actively looking for a new wife. But some people give their children as brides,” Pak Bahar said.⁶⁸ In this patriarchal society, many *kiais* certainly refuse the gender perspective brought in by Nyi Ruq. Even some people from her extended family maintain a distance from it. “There was a male relative who told his wife: don’t get close to Mbak Ruq, later you may be influenced by her thoughts. It was because he wanted to practice polygamy, but he was worried that his wife might not support him. His wife told me,” Nyi Ruq said.⁶⁹

Also, the status of Nyi Ruq as a divorcee after her two marriages became an issue for conservative *kiais* in Bondowoso on which to challenge her. Pak Bahar heard from the crowd of *kiais* of NU that Nyi Ruq’s failure in marriage has stereotyped her. They say that she will always blame and fight against men in her activism because of that experience. According to Pak Bahar, Nyi Ruq has failed in her efforts to make changes among conservative *kiais* because she does not succeed in her marriages. This failure might be because Nyi Ruq has been too strong in holding her principles so that she is not able to build an equal relationship with men and find a role model in her family. Pak Bahar argues that in the context of Bondowoso, where the *kiais* place a great deal of emphasis on Islamic texts, her failure shows that her gender-justice principles will not be accepted. He also questions Nyi Ruq’s roles and achievement in conveying gender justice among women counterparts. “Does she have a special position at Muslimat NU? I don’t think so. Does she have a place in Fatayat NU? It doesn’t seem so either. It could be that she failed not only among men but also among women,” he suggested.⁷⁰

Nyi Ruq realizes that her status as a divorcee requires her to be more careful in taking up roles in society. Especially in the

68 Author’s interview with Pak Saiful Bahar, 17 April 2018.

69 Author’s interview with Nyi Siti Ruqayyah, 15 April 2017.

70 Author’s interview with Pak Saiful Bahar, 17 April 2018.

early days of her divorce, she often suffered harassment that annoyed her, sometimes even from *kiais*. These experiences show how Nyi Ruq, despite her family background and her position as a female leader, continues to struggle against stereotypes as a divorcee. On the one hand, Nyi Ruq succeeds in pointing out that her achievement is to her own credit and is not reliant on the name of her father or husband, but on the other hand, from the view of some conservative *kiais* she is not seen as having the charisma and capacity that shows her authority.

Nevertheless, the fact that she has been asked, for instance, to give a marriage sermon at the *walimatul urys* (wedding ceremony) that is usually only attended by men is proof of the fact that she is seen as a religious authority by male *jamaah* as well. The same can be said about the many invitations she receives to preach at weekly *majelis taklim* and other Islamic congregations in Bondowoso. In a patriarchal society such as Bondowoso, the acceptance and recognition of scholarly authority, according to Nyi Ruq, is a matter of whether or not the opinions and thought of an ulama suit the *jamaah*. "If it doesn't suit them, however smart as I am, it will be impossible for me to be accepted by the *jamaah*," she argued.⁷¹

The resistance from male opponents to the role of women as ulama indicates that in their view the role of ulama and the world of ulama-ness are incompatible with women's presence because women cannot meet the quality of ulama that has been attributed to men. For example, the role of giving fatwas is still viewed from a male perspective, which sees it as something that is carried out collectively in (male-dominated) fatwa assemblies such as NU's Bahtsul Masail. However, the experience of these four women demonstrates that they have succeeded in entering the male arena with the capital they have and getting recognition as ulama from their *jamaah*.

71 Author's interview with Nyi Siti Ruqayyah, 15 April 2017.

The Inclusion of a Gender Perspective in Religious Debates and Interpretations

Nyi Ruq told me about a conversation with a male leader. He asked her a question, “Why are there female ulama?” Nyi Ruq replied with another question, “If there are female ulama, will you recognize them? Only men are considered as ulama, all the time.” The male leader argued that female ulama had been represented by the presence of male ulama and Majelis Ulama Indonesia (MUI, the Indonesian Ulama Council). But Nyi Ruq rejected this statement with the argument that the main points of the thoughts conveyed by the female ulama are different from those of male ulama regarding their alignment with women’s issues. The ignorance of male ulama about women’s issues became very clear to her during her involvement in the Bondowoso branch of MUI. Once, she was attending a MUI meeting to discuss the draft of the law on the legality of children born from unregistered marriages. There was a fierce exchange of opinions about polygynous marriages between Nyi Ruq and a young *kiai* who had multiple wives. Nyi Ruq said, “Please don’t think about the women just from a religious perspective, but please understand them also from the side of women who are victims.” The *kiai*, whose body had been affected by a stroke, immediately got up. Holding on to his walking stick, he hobbled towards the podium. Angrily, he replied to Nyi Ruq, “Don’t ever consider a woman who is in polygamous marriage as a victim because the Qur’anic text talks about polygamy.”⁷²

Nyi Ruq’s experience was an example of how intense debates can get between male religious authorities and female ulama when it comes to sensitive women’s issues such as polygyny. Ulama and ulama-ness are indeed male-occupied spaces, as is shown from Nyi Ruq’s experience. So when women assert themselves as female ulama and advance their own ulama-ness, they destabilize the male domination over the ulama

72 Author’s interview with Nyi Siti Ruqayyah, 15 April 2017.

field and challenge the male-dominant interpretation of Islamic texts. For instance, Mbak Khotim began her work in Jambidan as an Islamic preacher in front of mixed-gender audiences, a role that had been played only by male religious leaders over the years in the village. Meanwhile, Nyi Ruq attempts to fight the dominant perspective on the issue of polygyny, which tends to be viewed only from a textual perspective without involving the context, including the real experiences of women. Not only Mbak Khotim and Nyi Ruq, but also Bu Afwah and Bu Hanik discuss these issues in their respective communities. The fact that they do so shows that the potential of women Islamic leaders lies not only in their right to become ulama, but also in the significance of reformulating the values of Islam so that these are benevolent and humanistic, creating justice for humanity in a way that is not limited to gender, ethnicity, or social status. This is in line with what Nur Rofiah, a prominent woman Islamic scholar who is actively engaged in PUP as a resource person, has stated, namely that being a female ulama is a call to the task of faith and humanity.⁷³

The four Muslim women leaders I observed have challenged male-dominant analyses and interpretations of Islamic texts through an alternative analysis that applies a gender perspective they learnt from PUP. Applying a gender perspective means considering the relationships between men and women, but also equality and justice for both men and women in analysing social and religious problems and interpreting the verses of the Qur'an and hadith. There are some issues regarding women in Islam that are in real need of being reinterpreted from a gender-sensitive perspective, such as female leadership, female voices as *aurat*, women in public spaces, and polygyny. Thus, one of the important roles of female ulama is to explain these issues from Islamic perspectives that are progressive with respect to gender equality. They become mediators between Islamic texts and society. For instance, at the commemoration of *isra' mi'raj*

73 Author's interview with Nur Rofiah, 8 May 2017.

(nightly voyage of Prophet Muhammad through heaven), male and female preachers are used to conveying a hadith about the journey of *mi'raj*. "The hadith says that when the Prophet had the time to see hell, there were more women in it than men. But the ulama don't explain why," Nyi Ruq said. She always tries to counter the ulama who preach on this topic in the forums in which she also preaches. In one particular event of celebrating *isra' mi'raj*, she spoke:

"Alhamdulillah, the first *kiai* has explained that during the *mi'raj*, the Prophet saw many women in the hell. 'Are you afraid or not?' I asked the audiences. 'Afraid!' the audience replied. 'Do you want to go to hell?' 'No, we don't!' I continued: 'I am sure that the *kiai* also doesn't want his daughter going to hell, his wife, his mother, his sister also.' It is impossible for the women that they also want to go to hell. Why are women in hell, what did the Prophet see actually, what did he mean? I read in the *kitab kuning*, a chapter on *taharah* (purification). Why were many women in the hell? It is because they did not understand *taharah* and how to clean *najis* (excrement, ritually unclean substances). This chapter deals with worship issues. What does it mean? We can gain this knowledge by learning it. In the past there were no women who went to *pesantren*, no one went to schools. They were not allowed to go out because they were afraid of being robbed, there were wild animals. Now women go to *pesantren*, learning about *taharah*, so they know how to clean *najis*. If they understand it, they will not make a mistake, so they will not go to hell. I explained that way. 'Hayo, will you allow your daughters to go to schools or not?' 'We will, Nyi,' the *jamaah* replied. So, if there is such information, women should not fear. I apologize, Pak Kiai. I mentioned the *kiai* in the forum directly. So, this is your responsibility, Pak Kiai, to make sure women don't go to hell as seen by the Prophet."⁷⁴

Bu Afwah also reinterprets the meaning of *perempuan salehah* (pious women) when she teaches *santri* in the class. *Perempuan salehah* is a woman who can help and support her husband to do good works. She does not use the terms "*taat*" (obedient) and "*tunduk*" (docile), which are commonly used to

74 Author's interview with Nyi Siti Ruqayyah, 15 April 2017.

describe pious women. Eventually, the relationship between women and men should not be a power relationship of one in power over the other. Instead, they should be able to help and support each other. This relationship is called a reciprocal relationship (*hubungan kesalingan*), which is related to the Islamic teaching of *hablu minallah* (the relationship between human and God) and *hablu minannas* (the relationship between human and human). “When a woman can carry out this task, in my opinion, she is a pious woman. So she is not the woman who obeys every time her husband calls on her, or smiles every time her husband looks at her. That is the mainstream understanding of *perempuan salehah*,” Bu Afwah said.⁷⁵ Similarly, Bu Hanik interprets the Qur’an and the hadith as sources for her religious advice and preaching. She gave an example, “When I elaborate the meaning of hadith on *mar’ah shalihah* (pious woman), I compare it with other hadith that contain the lesson of being a good man or husband.” She also admits that the “gender perspective” transforms the way she analyses, for instance, a case of marital violence described by one of her *jamaah*, enabling her to propose a more respectful response that positions the woman as a victim. She noted, “Before I joined Rahima, I could only suggest that she should be patient and accept violence. But now I can suggest a solution, and offer help for legal advocacy.”⁷⁶

Women’s experiences and empathy have been absent in the male-dominant interpretation of the Islamic texts as well as in the Islamic ethical decision-making in relation to social life, although these two aspects are essential parts of women knowledge production and responses to women’s problems and social problems in general, including discrimination and violence against women. Thus, the absence of female ulama in ethical decision-making processes may lead to proposing a biased solution or even one that is harmful to women (Rofiah, 2014, xxxi). Bu Afwah gave the example of the idea that women

75 Author’s interview with Bu Afwah Mumtazah, 29 January 2018.

76 Author’s interview with Bu Umi Hanik, 30 November 2014.

should be housewives. From the viewpoint of ulama who are also women, career development and employment hold clear benefits for women in terms of their capacity building, and Islamic legal opinions about this issue should recognize this and not harm the women.⁷⁷



FIGURE 7: Mbak Khotim delivered a speech in her inauguration ceremony as the head of the Provincial Board of Fatayat NU in Yogyakarta in February 2019. Photo by Abey Ya'la Ar Robbani.

A woman's empathy may emerge from personal experience, as shown by Nyi Ruq's life story, or from long-term involvement with and learning from other experiences within communities. For instance, based on her observation within her community, Mbak Khotim learned that most of the people did not send their children and grandchildren to pre-school programmes because of the cost. She then initiated an education institution called Pendidikan Anak Usia Dini (PAUD, Early Childhood Education Programme) Flamboyan that allows children to have a pre-school education for free. She has also helped several women in her community to finish their basic education by taking *Kejar Paket* (acceleration package) in a neighbouring village.⁷⁸ Similar to Mbak Khotim, Bu Afwah has set up a *pesantren* curriculum that

⁷⁷ Author's interview with Bu Afwah Mumtazah, 29 January 2018.

⁷⁸ *Kejar Paket* is formal education services through non-formal channels provided for students who cannot access formal schools, and at the end of this programme, the students receive a diploma.

provides female *santri* with education in *nahwu* and *sharf*, which are Arabic grammar. Another example came from Bu Hanik who learned that providing meals for *jamaah* who come to pray for the deceased is a burden and worsens the condition of the family. She initiated an end to this tradition, although a male leader and his *jamaah* protested against her decision. These initiatives would probably not have emerged if these women ulama did not have their own experience of unequal treatment as women.

The empathic attitude and willingness to serve shown by female ulama reveals how they interact with the *jamaah* and build their authority so that they are recognized by the *jamaah*. This is the significance of female ulama. They pay attention to hidden problems that are considered small issues by men, in the words of Bu Hanik.⁷⁹ The presence of female ulama who employ a gender perspective and concern about humanitarian issues challenges conventional and androcentric mainstream perspectives in terms of discussing and confronting social problems. Instead of just focusing on public issues and approaching them from a merely textual point of view, female ulama deal with underprivileged issues such as domestic problems and approach them from women's lived realities and the point of view of the social context. This perspective of female ulama is in line with feminist perspectives. "Feminists were the first to show that the personal is not just social; it is political" (Sprague 2005, 9). If this perspective is actually also important for the criteria of ulama-ness and men can also carry it out, it means that, vice versa, women can also play the supposedly "male" role of ulama and achieve the same capability.

Performing the Role of Ulama: What Women Can Do and What They Cannot Do

The roles that have been enacted by the four female ulama show that they have to deal with some pushback from local male

79 Author's interview with Bu Umi Hanik, 11 March 2017.

leaders, which can also be seen as an obstacle in their works and activities that they experience because of their gender. Bu Afwah, Mbak Khotim, Nyi Ruq, and Bu Hanik act as mediators between Muslim followers and Islamic sources by teaching in classes and preaching in *majelis taklim*. They explain Islamic materials from the *kitab kuning*, the Qur'an, and hadith using gender-sensitive interpretations. They also become mediators who discuss social problems occurring in society as there is no one else to provide the religious framework for what they see, hear, experience, etc. "If there is new information or something happens, they [*jamaah*] watch television, then who will explain it all? There is no [explanation] if it is not in the *majelis taklim*," Nyi Ruq says.⁸⁰ In addition to family background, their achievement in taking up these roles is based on their religious knowledge and their capabilities, as well as a long process of mingling and gaining trust in their communities. In my opinion, this process is, to some extent, not much different from the process experienced by male ulama. The way of achieving such a position may look differently comparatively when it is viewed in terms of the challenges and strength of religious authority gained by both genders. Women usually have to deal with obstacles and restrictions that men do not face due to their gender.

Bu Afwah, Mbak Khotim, Nyi Ruq, and Bu Hanik have been able to cultivate a community-based authority in their respective locations. Community-based authority is an authority grounded in community circles. Being educated in and graduating from an Islamic institution such as a *pesantren* is not the only prerequisite for female ulama to gain this authority. They must also demonstrate their ability in leading the community, and solving religious and social problems by providing guidance and advice. This is different from men, who have the privilege of becoming a religious leader and ulama because they are men, making it much easier for them to gain authority within the community. Women, in contrast to men, often get questions about their qualifications,

80 Author's interview with Nyi Siti Ruqayyah, 14 December 2017.

virtues, and abilities. Moreover, as I have explained already, formal religious institutions in Indonesia are dominated by men. Judging from the experiences of these four female figures, rather than having positions that are traditional, they have positions and practices as religious and institutional leaders, preachers, teachers, and religious advisers for the community that are the vital sources of the authority of female ulama. This authority, built and strengthened by and within the local community, is therefore different from a mere institutional or collective authority. So an important part of the struggle of these women and Rahima is to get people to recognize that the woman is an ulama even if she does not hold a central position in the Islamic institutional landscape.

The establishment of community-based authority is an ongoing process that may prove successful or turn out less successful in the course of time, depending on the solidarity of the community. However, holding such authority does not guarantee that these four female ulama are able to claim roles that according to mainstream interpretations of traditional Islamic texts are reserved for men. In other words, they have the authority to carry out religious roles related to social relations, such as preaching and teaching, as gender does not matter in this sphere. However, female ulama do not have the authority to take up roles such as leadership in worship, for example, becoming an imam and leading prayer for men. Women cannot become marriage guardians and *penghulu* (religious marriage official). In these two examples, gender matters, and the religious role of female ulama is still limited. There is indeed an Islamic feminist position as advanced by Amina Wadud and others that allows women to take part in these two cases, but that view is not popular in the Indonesian Muslim community.

Regarding the question of whether women may become an imam or lead prayer, Bu Afwah, Nyi Ruq, and Mbak Khotim are of different opinions. They all argue that it is important firstly to consider the requirements for becoming an imam or

leading prayer for male *jamaah* according to the (Islamic) law. “The consideration is not based on gender. If it is about worship, the consideration is based on knowledge; who knows more about the procedure. Like the story of a woman who led male prayers [at the time of the Prophet]. Why was the woman told to lead? Because there were men but they were not able [to lead the prayer],” Nyi Ruq said.⁸¹ However, Bu Afwah, Nyi Ruq, and Mbak Khotim also take into account the social-cultural factors of the people, who have not been able to accept women as prayer leaders for men. They avoid the confusion and rejection of the people if they impose this progressive view. It is different again in the case of Bu Hanik, who insists that she sticks with the opinions of mainstream *fiqh*, which require male gender as a precondition for a lawful imam of mixed-gender prayers. Nevertheless, she considers fluency in reciting the Qur’an as the second requirement. So when she meets a male imam who is not fluent in reciting the Qur’an, she chooses not to follow him.

Restrictions on the role of female ulama appear to be softening with regard to social religious roles. For instance, in the scope of traditional educational institutions, such as *pesantren*, women are increasingly given the responsibility to teach male students, lead *doa* in front of male audiences, and deliver marriage sermons. Bu Afwah, for instance, does not have male students in her class, but male students who want to learn to memorize the Qur’an go to her to have their memorization corrected. She was also invited to lead a closing prayer at the opening ceremony of the Indonesian Women’s Ulama Congress in Cirebon in April 2017, which was attended by male and female audiences. Bu Hanik, in contrast, has been reluctant to lead a general *doa* before the *kiai*. This is out of a sense of *tawadhu* (modesty), however, rather than because she is a woman who has less power than *kiais*. “But for leading a particular *doa* which is *doa Qur’an* (Qur’anic prayer), I am confident,” she said.⁸² This is

81 Ibid.

82 Author’s interview with Bu Umi Hanik, 29 January 2018.

because on the particular occasion of the *khatmil Qur'an* (reciting the full section of the Qur'an), the prayer leader is always a person who has memorized the Qur'an and she has done this. Meanwhile Pak Kiai has not memorized the Qur'an. That is, gender is not a barrier preventing women from taking up this role.

However, when it comes to their involvement in fatwa-making institutions, the four female figures still encounter limitations. This is not surprising because the main existing fatwa institutions, such as MUI, Nahdlatul Ulama, and Muhammadiyah, continue to be dominated by men, as I have already explained. Although Mbak Khotim has a position as the head of Fatayat NU, she has never been involved in the NU Bahtsul Masail forum in Yogyakarta. Bu Hanik has once attended the family Bahtsul Masail forum, but this was only as a listener. She once proposed to the board members of Karangawen sub-district branch of NU to involve women in the Bahtsul Masail, but there was no response.

Although Bu Afwah, Mbak Khotim, Nyi Ruq, and Bu Hanik encounter limitations to playing a role in fatwa-making institutions, their role in issuing individual fatwas is, nonetheless, very open. They have been taking up this role at the local level for years, making themselves available as a source of advice, but also of legal opinions related to religious, social, and cultural issues. I will elaborate on their practices in issuing individual fatwas for Muslim communities in the next section.

Female Ulama and their Everyday Practices of Issuing Fatwas

On 27 January 2018, I accompanied Bu Hanik to her monthly routine *majelis taklim* on Saturday *Pahing*.⁸³ After travelling some twenty minutes from the village of Brambang, where Bu Hanik lives, we arrived at the Margohayu Mosque at 1:30 p.m. Around a hundred women sat on the floor waiting for her. At the front, a row of low, long tables had been set up as a stage where Bu Hanik

83 *Pahing*, or "pasarán," is the name of a day in the Javanese calendar.

would take her place. After the opening ceremony, she was given the opportunity to speak. She was standing behind the tables. After giving an introduction, she said in Javanese:

I continue the lesson about *banyu sakiprit* [Javanese: a little water]. How little is that? All of you and I before doing the main worship, especially prayer, begin with purification, ablution [using water]. If the washing is not perfect, the prayer is not perfect either. A lot happens in the field, because of the limited location, people built small bath tubs. The contents are only a few water drops, *sakiprit banyune* [very little water]. *Ibu-ibu* [Indonesian: Ladies], I have already said, if you want to make the bathtub, first of all, measure it, at least one cubic metre. According to Imam Shafi'i, *dua kulah* water means one cubic metre. So [a cubic] metre is one metre [length], one metre [width], one metre [height]. That is safe. Then, how to deal with limited water, because you already have a small bathtub? Let it be safe; the water should flow. You attach a hose, connected to the faucet, if you want ablution, take water from the hose to the face. If the amount of the water is less than *qullataini* (Arabic: water measurement according to *fiqh*), if you have used the water, it is considered *musta'mal* (used) water. *Musta'mal* water cannot be used for ablution, unlawful to clean *najis*. Except, the *musta'mal* water is added with more water, for example, three buckets are added. If you take a bath using the *musta'mal* water, it's okay. When it's finished, use tap water [running water].

Bu Hanik conveyed the material with a loud and firm voice. She repeated the explanation several times to make sure that the *jamaah* understood the lesson that day. She also illustrated her explanation with examples of everyday events, and occasionally used humour to make the audience laugh. After speaking for about twenty minutes, she invited the *jamaah* to ask questions. Five attendees spoke. They used Javanese. One of the questions was as follows:

Jamaah: For example, the bathtub is more than two *kulah*, but it is splashed with used water into the tub, and the water doesn't flow. How is it [the law]?"

Bu Hanik: Whether the water is flowing or not, if the amount meets *qullataini*, that is two *kulah*, splashed with water or not, the law says it is *suci* (pure). If you have a lot of

water, you can jump in it, it is permissible, whether it is flowing or not. But if the water gets excrement or filth, there are some conditions. Tubs of water less than one cubic metre are likely to get excrement, whether they change or not, the water becomes unclean. But if the water is a lot, and it gets excrement, if it doesn't turn, so the law of it is still *suci*. If the water's appearance changes, including its taste, colour, and smell, the water becomes unclean. For instance, there is a well, the water is full, but a chicken carcass falls into the well, if the water changes, the law says it is not pure. If it doesn't change, the water remains *suci*. You only lift the carcass, throw it away, then it is finished.

This exchange shows how Bu Hanik produces a legal opinion about *fiqh taharah*, started with a general explanation on the topic and followed by a question from *jamaah* and an answer from Bu Hanik. The *jamaah* asks about the law about water used for ablution, and Bu Hanik gives a reply based on the view of Imam Shafi'i's *fiqh*. Taking notice of the use of the basic fatwa formulation consisting of a question about legal issues and an answer, later during our conversation I asked her, "Can this question and answer be seen as fatwa-making and can the answer be called a fatwa?" She replied, "I heard among the *jamaah* that when they want to decide something, they say: 'We are waiting for a fatwa from Bu Hanik.'" By this she meant that her *jamaah* consider her opinions fatwas. But in her own view, the answers she gives are not fatwas. Because, according to her, the question of whether a piece of legal advice can be called a fatwa depends on the person who gives the opinion. A fatwa-giver should be knowledgeable in many fields, mastering the issues that have been asked and the answers. The fatwa-giver should have deep insight and be mature in age. Second, a fatwa-giver should make use of countless references that indicate her extensive knowledge on the issue. Bu Hanik thinks that she cannot meet these conditions.⁸⁴

84 Author's interview with Bu Umi Hanik, 27 January 2018.

Mbak Khotim gave me the same answer. She told me that one of her *jamaah* had asked about the law regarding a wife who leads a prayer for her husband who cannot read the Qur'an fluently. Mbak Khotim provided answers by providing several alternatives that allow and also prohibit women from becoming an imam. "If you feel confident, leading his prayer is allowed. No problem. If you feel uncertain, follow this view, but still your husband has to learn," she replied. Then, I asked, "That means you also give a legal opinion, Mbak?" Mbak Khotim refused to call her opinion a legal decision. The reason is that she did not decide on the law based on *ijtihad*. Instead, she drew on the opinions of classical ulama regarding the issue, explained these opinions to her *jamaah*, and left it to them to choose which view follow. She also refused to call her opinion a fatwa. She argued that fatwas are formulated by *ijtima'* ulama (consensus among ulama) and that is not binding for those who ask for it. Her definition implies that a fatwa must be issued by a group of ulama (*ijtima'*), not by individuals like herself.⁸⁵



FIGURE 8: Bu Hanik preaching in the Miftahul Huda Mosque, in Demak, Central Java, in January 2018. Photo by the author.

85 Author's interview with Mbak Kotimatul Husna, 14 May 2017.

Meanwhile, Nyi Ruq and Bu Afwah have different answers. Nyi Ruq thinks that a fatwa is an opinion or *ijtihad* issued by someone which can be accepted or rejected depending on the principle of benefit (*manfaat*) and harm (*mudarat*). Therefore, religious opinions can also be categorized as fatwas by looking at the content of these opinions and whether they are indeed considered legitimate as a legal decision that is accepted and implemented by *jamaah*. In other words, religious views that are approved and executed by *jamaah* show the strength of the authority of the fatwa-giver, and such opinions deserve to be called fatwas. Bu Afwah initially seemed reluctant to say that she also issues fatwas. However, she later admitted that the answers she gives to her *jamaah* contain religious opinions which are similar to what is meant by fatwas. According to her, a fatwa is an opinion on religious issues that is intended for people. That is, it can be issued by any individual with the capacity to formulate such opinions.

The problem, according to Bu Afwah, is that most people are convinced that a fatwa must be authorized by an institution or person who certifies a fatwa-giver as being an excellent pious person. Because when talking about a fatwa-giver, it is thought he or she must fulfil the requirement of becoming a mufti, such as having advanced Islamic classical knowledge and knowing about the methodology. This understanding has been learned and understood for decades, and it is established. Besides, the modesty of a fatwa-giver does not allow him or her to claim that he or she has issued a fatwa. Just like the term “ulama”, the term “fatwa” refers to Islamic authority, to the right to speak about Islam, and thus to a message from Allah. “So when we are asked, ‘Are you an ulama?’ [We say] oh no, I am not, because I am afraid [of not fulfilling the criteria as an ulama],” Bu Afwah added. If Bu Afwah claims that her opinion is a fatwa to someone who understands the terminology of fatwas, there would be no problem. “But when I talk to people who understand a fatwa as something sacred, something that is only authorized by the great

ulama, recognized ulama, by the state, by ulama *jumhur* (the majority of ulama), it is inappropriate if I say I am a fatwa-giver,” she continued.⁸⁶

Because of this reason, Bu Afwah, Mbak Khotim, Nyi Ruq, and Bu Hanik generally feel more comfortable using the terms *jawaban* (Indonesian: answer), *pemahaman keagamaan* (Indonesian: religious understanding), or *pendapat keagamaan* (Indonesian: religious opinion) instead of fatwa in order to refer to answers about legal questions from their *jamaah*. Besides, for Bu Afwah, using these other terms rather than fatwa is also a soft strategy that eases their involvement in society, because the most important aim is for people to accept their views, not to focus on linguistics. It is called *wa jadhilhum billati hiya ahsan* (Arabic: “argue with them in the most beautiful way”, QS. Al-nahl [16]: 125). Bu Afwah also understands the tendency of her *jamaah*. “[By saying our religious opinion is a fatwa] people will say that we are arrogant. In the end, we will not succeed in conveying what we want because people have skinned us before skinning our fatwa,” Bu Afwah added.⁸⁷

Also, the four female figures argue that their *jamaah* do not care about the term used. They only need the content of the answer to solve their everyday questions regarding Islamic legal issues. However, if the meaning of fatwa—a legal opinion that can be issued by any individual knowledgeable Muslim scholar—can be mainstreamed at the grassroots, Bu Afwah feels optimistic that people will openly accept the term fatwa. She gave the terms gender and feminist as an example, for these were also previously rejected by people in the *pesantren*. But because many discussion forums have come to embrace these two terms, slowly they have become familiar.

The use of the term fatwa as well as the term ulama, I argue, actually has the implication of affirming the religious authority

86 Author's interview with Bu Afwah Mumtazah, 29 January 2018.

87 Ibid.

of someone who plays the role of ulama and issues fatwas, because the semantics, the choice of words, and the meaning ascribed to them, are of central importance. Much of the struggle faced by female ulama revolves around the claim that people make to certain concepts and to decide their meaning and the permissibility of using these concepts in a particular context, particularly the terms ulama and fatwa.

The everyday lives of Bu Afwah, Mbak Khotim, Nyi Ruq, and Bu Hanik demonstrate that they act as resource persons for their *jamaah*—both men and women—when it comes to Islamic legal opinions. Usually, the *jamaah* raise questions during a Q&A (Question-and-Answer) session after the lecture session is completed in a routine or occasional *majelis taklim*. Or alternatively, the problem is written and sent via text message or WhatsApp. Some *jamaah* may come to the female ulama to ask questions directly. In the case of Bu Hanik, questions raised during her *majelis taklim* are usually related to the topic that she presented. In most cases, however, *jamaah* ask questions about daily or personal problems outside the *majelis taklim*. In a week, Bu Hanik regularly receives around three to ten questions from the *jamaah*, most often on the Tuesday night *majelis taklim*. Likewise, Nyi Ruq gets about five to ten questions in a week. Meanwhile, Mbak Khotim and Bu Afwah do not mention the exact number. Mbak Khotim had opened a Q&A session after describing a topic in the *majelis taklim*, but it did not last long because of insufficient time. Nevertheless, Bu Afwah says that she receives at least one question every day either through text messaging, WhatsApp, or direct consultation.

A fatwa does not emerge from empty space. It is a combination of text and lived realities (Larsen 2018, 3). It appears from a close connection between the needs and trust of the community or an individual (who asks for a fatwa) and the ability and authority of the female ulama to fulfil those needs. The fatwa production practiced by the female ulama I observed starts with *istifta'*, that is a *mustafti* asking questions about an

issue related to Islamic law. *Mustafti* are usually *jamaah*, *santri*, or the parents of *santri* of Bu Afwah, Mbak Khotim, Nyi Ruq, and Bu Hanik, either men or women. These four female ulama know almost every single one of their *mustafti* personally. But even if there is a question from someone who does not belong to any of the aforementioned groups, as sometimes experienced by Mbak Khotim, the *mustafti* typically introduces herself and explains how she knows Mbak Khotim. By knowing the *mustaftis*, the four female ulama can take the conditions of the *mustaftis* into account in giving them their legal opinions, and the process of *istifta'* becomes less formal and conventional. In this process, issuing fatwas takes place as an “ethical practice”, which means that “... the fatwa, as practiced in the Fatwa Council, is not mainly about dispensing points of correct doctrine. Rather, it is more about what the mufti is able to say to the fatwa seekers based on the information he has been given by them, and within the range and limits of doctrine” (Agrama 2010, 12).

The process of *istifta'* is also related to the language used by *jamaah* in their daily lives. They use their own language and terms to ask the female ulama about religious problems. The *jamaah* of Bu Afwah, Mbak Khotim, Nyi Ruq, and Bu Hanik use Indonesian and Javanese, and Madurese in the case of the *jamaah* of Nyi Ruq, to pose their questions. They sometimes mix Indonesian and Javanese. The sentences they use include: “*saya mau bertanya...* (Indonesian: I want to ask...)”, “*bagaimana hukumnya...* (Indonesian: what is the legal judgement...)”, “*apakah boleh atau tidak?* (Indonesian: is it allowed or not?)”, “*bade nyuwun pirso...* (Javanese: I want to know...)”, “*nderek tanglet...* (Javanese: I want to ask...)”, “*kados pundi mungguhe...* (Javanese: what do you think...)”, “*menawi niki pripun...* (Javanese: what about this...)”, “*nye'ona dhebu...* (Madurese: I want to have a statement)”. Thus, terms such as “*jawaban* (Indonesian: answer)”, “*pendapat* (Indonesian: opinion)”, “*mungguhe* (Javanese: according to opinion)”, “*ngendikane* (Javanese: statement)”, and “*dhebu* (Madurese: statement)” are usually used to refer to the religious

opinions of the female ulama answering the *jamaah's* questions. These terms are more familiar and widely used in their everyday lives than the term fatwa.⁸⁸

Thus I can see that there are two factors that hinder the use of the term fatwa in the everyday lives of female ulama and *jamaah*. Firstly, from the side of the female ulama, the meaning of fatwa implies an understanding of the fatwa-giver as a mufti, which the female ulama think they are not yet qualified to be, and therefore to use it makes them arrogant. The second factor, from the side of *jamaah*, is related to pragmatic reasons. They do not use the term on an everyday basis, but they use the terms derived from their everyday language for communication, such as Indonesian, Javanese, and Madurese, to refer to fatwas.

The process of *istifta'* also shows the connection between the questions raised by the *jamaah* and the need for knowledge and the Islamic legal issues they face in their daily lives. “[Questions] are simple, [that are what they] hear, [that are what] they ask,” Mbak Khotim says. Nyi Ruq and Bu Hanik gave examples related to the issue of *sunat* which their *jamaah* have never asked about because they do not practice it. Bu Hanik said, “*Sunat* is not our culture, so we don’t have an issue. Nobody has asked; no one has raised it. I also never explain the issue.” The answer does not seem to fit the prevailing views in literature on female circumcision in Indonesia, especially the study of female circumcision practiced outside Java. The National Commission on Violence against Women and Center for Population and Policy Study of Gadjah Mada University conducted research on female circumcision in West Java and most parts outside Java such as Bangka Belitung, Jambi, Kalimantan, Sulawesi, and Nusa Tenggara Barat, in 2017. The research showed that only 2.8% of urban areas and 0.05% of women in rural areas do not practice *sunat* for girls (Komnas Perempuan 2021). But, as indicated by the four female ulama,

88 Author’s interviews with Bu Afwah Mumtazah (29 January 2018), Mbak Khotimatul Husna (14 May 2017), Nyi Siti Ruqayyah (15 April 2017), Bu Umi Hanik (27 January 2018), Budhe Wasiroh (12 May 2017), and Nyi Siti Ruqayyah’s *jamaah* (13 April 2017).

people in their communities do not practice this, and so they do not have questions on the issue. Bu Afwah also notices that questions do not emerge about issues that in the experience of *jamaah* are not problematic. She points out that her *santri* have never asked about the law of wearing *jilbab* because the practice has become so mainstream and uncontentious in those circles. These women have always been veiled.

The questions of the *jamaah* generally concern daily *fiqh* (Islamic jurisprudence) related to things like *taharah* (purification), *ubudiah* (worship), *munakahat* (marriage issues), and *muamalah* (social interaction), as well as *fiqh* and Islamic ethics related to contemporary issues such as cosmetic facial surgery and women's roles in society. It is important to note that the questions put to female ulama are not limited to women's issues. Some examples of the questions addressed to Mbak Khotim related to *ubudiah* are: "There is a *jamaah* whose father is sick, and he doesn't want to pray, not even with only gesturing. The point is that he is sick and doesn't want to pray. How is the legal judgement on this?" Another question is about *qurban* worship, which is slaughtering a goat or cow during Eid Adha, "Bu, *ripun* (Javanese: how) if someone brings an animal to slaughter for *qurban*, then he gets paid, what is the legal judgement [on this matter]?"⁸⁹ Bu Afwah once got a question about mortgage property: "Someone left me a motorbike (as pawn), he borrowed two million. He said I may use the motorbike. If I use it, does it involve *riba* (usury)?" Another question about *riba* was, "My child works at a bank, what is the legal judgment of it? Because a bank is [dealing with] usury, is not it? Should my child resign?"⁹⁰ Furthermore, because the social background of the four female ulama is strongly linked to NU, they also receive questions about NU's Islamic practices, such as the law on *ziarah*, *tahlil*, and *takbir mursal*.⁹¹

89 Author's interview with Mbak Kotimatul Husna, 14 May 2017.

90 Author's interview with Bu Afwah Mumtazah, 29 January 2018.

91 *Takbir mursal* is reciting *takbir* (Allahu Akbar) on the night of the last day of Ramadhan and the first day of Eid Fitri.

However, there are also questions that are specifically related to *fiqh* on women, including topics about menstruation and *nifas* (after childbirth) and Islamic rules related to violence against women, rape, and polygamy. Questions that are put to Bu Hanik include: “Bu, I have menstrual bleeding constantly, *ngeten niki pripun salate kulo* (Javanese: if it like this, how should I pray)?” Another example is, “Bu, I use contraception, so my menstruation is not normal, sometimes there is blood, sometimes not. Can I pray or not?”⁹² Questions put to Nyi Ruq include: “Can women attend high school?”, “Can a woman work outside her home?” and “Is the wife guilty if she cannot get pregnant?”⁹³ Bu Afwah has been asked questions about the law of imposing *talaq* (divorce) on a woman who is pregnant. When it comes to violence against women, this usually does not only require a religious viewpoint but also a practical response and assistance with the follow-up. For example, Nyi Ruq once encountered a woman victim of domestic violence. Her face was bruised and blue because her husband beat her. In such cases, Nyi Ruq not only explains the Islamic rules related to violence in marriage, which is forbidden, but she also tries to support the victim by helping her to make a decision about her life and providing her with a safe shelter and mediation with her husband.⁹⁴

In this process, I observed that female ulama issue a fatwa not only based on their knowledge and experience but also by considering the circumstances of the *mustafti*. The close relationship built between female ulama and their *jamaah* requires necessary trust between the two parties. Thus, the *istifta*’ is no longer limited to the space to produce a fatwa, but is a “safe space” where the *mustaftis* can freely share their problems and receive legal solutions, without feeling concerned about their confidentiality, or that their problem is considered a disgrace. Bu Afwah gave the example of a woman with

92 Author’s interview with Bu Ummi Hanik, 27 January 2018.

93 Author’s interview with Nyi Siti Ruqayyah, 15 April 2017.

94 Ibid.

difficulties in dealing with polygyny; the woman could share her stories and ask a female ulama about the law of polygamy and the alternative interpretation of Islamic texts on polygyny.⁹⁵ In addition, *jamaah* also get a place to share the burden and give and receive support, especially for those who become the victims of violence against women. “The reality is like that. In the case of unintended pregnancy before marriage, for instance, women are more relaxed talking to other women compared to men,” Bu Hanik added.⁹⁶

To answer the questions from their *jamaah*, Bu Afwah, Mbak Khotim, Nyi Ruq, and Bu Hanik refer to the Qur’an and hadith and the *kitab kuning* from the Shafi’ite school of *fiqh* while applying gender perspectives and using *mubadalah* (reciprocity) as a means of analysis and interpretation. They also draw on their own experiences as women when they examine a problem and formulate their answer. According to Nyi Ruq, the *kitab kuning* and hadith she refers to may be similar to those referred to by male ulama. However, the way to understand and interpret them is different sometimes. In addition, the female ulama also consider the social and cultural background of *mustafti* in providing answers. For example, not all the answers given require lengthy explanations and references. Bu Afwah, Nyi Ruq, and Bu Hanik do not always mention the references they use in the answers they give, because the *jamaah* need answers that are simple, straightforward, and fast. “Sometimes some *jamaah* ask for the references, for example, if they want to debate my view,” Bu Afwah explains.⁹⁷

Meanwhile, Mbak Khotim usually shows her *jamaah* the reference source she uses if they visit her house for individual consultation. Bude Wasiroh, one of Mbak Khotim’s *jamaah*, says, “The answer [from Mbak Khotim] is satisfying, using a reference that is written in the *kitab kuning*. We [women *jamaah*] can

95 Author’s interview with Bu Afwah Mumtazah, 29 January 2018.

96 Author’s interview with Bu Umi Hanik, 27 January 2018.

97 Author’s interview with Bu Afwah Mumtazah, 29 January 2018.

understand it. She [Mbak Khotim] doesn't answer a question randomly."⁹⁸ Bu Afwah states that the logic of her opinion always adheres to *al-darurat al-khamsah* (Arabic: fundamental elements of human existence), which includes *hifzu al-din* (preserving religion), *hifzu al-nafs* (preserving life), *hifzu al-aql* (preserving intellect), *hifzu al-nasl* (preserving progeny), and *hifzu al-mal* (preserving property).⁹⁹ So when she responds to any questions asked, she tries not to violate the five basic rights. For example, when she answers the problem of working in a bank, she says, "Working at the bank is for survival, so we decide our intention to work." Although she does not explain in detail how she formulates her opinion to her *jamaah*, by adhering to these five principles Bu Afwah believes that the religious views issued will be aligned with the principles of human rights.¹⁰⁰

Bu Afwah, Mbak Khotim, Nyi Ruq, and Bu Hanik occasionally refer to the results of the Bahtsul Masail of NU and the MUI fatwas to answer the questions from *jamaah*. Bu Afwah even answered a question on passing Christmas greetings to a Christian based on a fatwa issued by MUI.¹⁰¹ According to Bu Hanik's experience, referring to the results of the Bahtsul Masail of NU is easier than using the *kitab kuning* as a direct reference, because the results of the Bahtsul Masail have explained the answer, context, and reference derived from the *kitab kuning*. Whereas if she refers directly to the *kitab kuning*, she must find the right texts and explain the context and correlation between the texts and the question asked in a way that is easy to understand for her

98 Author's interview with Budhe Wasiroh, 12 May 2017.

99 Opwis (2010, 67) explained, "According to al-Ghazali, God's purpose in revealing His law to humankind is their *maṣlaha*. Not the otherworldly *maṣlaha* of divine reward, rather a *maṣlaha* that is realized in this world and is defined in tangible criteria. It comprises anything that preserves religion (*din*), life (*nafs*), intellect (*aql*), progeny (*nasl*), and property (*mal*)—which he calls the fundamental elements of human existence (*al-darurat al-khamsa*)—and is contrasted to anything that leads to the destruction of these elements."

100 Author's interview with Bu Afwah Mumtazah, 29 January 2018.

101 Fatwa on prohibition of joint Christmas celebrations from 1981 forced Hamka to resign as chair of MUI. The discussion about the greeting was from the 1990s. In 2016 MUI issued a fatwa regarding non-Muslim affairs which was Fatwa No.56/2016. The fatwa of MUI does not exactly discuss Christmas greeting, but is on using non-Muslim religious attributes. It states that first, using non-Muslim religious attributes is unlawful. Second, inviting and/or ordering the use of non-Muslim religious attributes is unlawful (Majelis Ulama Indonesia 2016).

jamaah. In this case, she also acts as a mediator who conveys the fatwa produced by the fatwa-making institutions to the *jamaah* at the grassroots. Nyi Ruq notices that lay Muslims know nothing about the results of the Bahtsul Masail of NU or the MUI fatwas. According to her, it is because the fatwas are only circulated and known by a certain group of people; they are not promoted among the grassroots and lay Muslims do not acknowledge the questions discussed as their problems, so they neglect them.¹⁰²

The female ulama respond to questions orally using language and terms that are easy to understand, as when they give speeches in the *majelis taklim*, because the *jamaah* need to have a clear and direct answer. In to the case of questions sent via text messages or WhatsApp, they convey their views in writing. However, whether oral or written, both have the same structure, namely a question followed by a relatively simple and straightforward answer. The female ulama use the language of their *jamaah* so that their religious views are easily accepted and implemented. Take, for example, the following questions via WhatsApp as sent to and answered by Bu Hanik and Nyi Ruq respectively:

Jamaah: Assalamualaikum. Excuse me, *Bu*. I want to say. The lizard excrement, is it considered *najis* (filth) or not? There is a lot of excrement on the floor in the room, sometimes on the bed. Then, how to clean it, *Bu*? Thank you. *Wassalamualaikum*.

Bu Hanik: Njih Dik (yes, sister). It is *najis ma'fu* (excrement that doesn't need to be cleaned before someone prays). If it is dry, it can be immediately discarded. When it is wet, wipe it and clean the *najis*. It is finished. Droppings from animals that don't flow in blood include *najis ma'fu*. Thank you.

Jamaah: Assalamualaikum. Is it the fault of a wife if she cannot get pregnant?

Nyi Ruq: Rahim (uterus) is a *kodrat* (belongs to the natural disposition) of women, pregnancy is a potential. If

102 Author's interview with Nyi Siti Ruqayyah, 15 December 2017.

pregnancy is considered nature, so all women who cannot get pregnant are considered against the *kodrat*, whereas it is also God's intervention.

According to Nyi Ruq, oral or written fatwas have different advantages and disadvantages. A written fatwa is more precise and more structured than the oral version, but on the other hand, it becomes less effective as it depends on the publication and promotion to reach wider audiences and the extent to which the fatwa-giver has the authority to issue fatwas. If the fatwas are delivered verbally in one *majelis taklim*, at least 50-100 people can listen to it and because the fatwa-giver already knows the audience, she can use the language and terms that can be readily understood by the *jamaah*, especially by lay people.¹⁰³ However, for Bu Hanik, answering a question through writing is more comfortable than in conversation because she does not have to explain it right away. She still has time to think and collect materials. Her mind is also fresher so it is easier to gather ideas. "If answering through WhatsApp, I can think, oh this requires a reference, so I look up a reference, I give [it based on] this certain *kitab*, this page," Bu Hanik explains.¹⁰⁴ For oral fatwas, if Bu Afwah and the other three female ulama are not confident with their answers, they tell the *jamaah* that they will answer the questions later after checking the reference.¹⁰⁵ Meanwhile, to double check the response, Mbak Khotim sometimes discusses the issue from her *jamaah* with her ulama colleagues. For example, she has consulted Pak Ihsanuddin regarding the question about the law of a wife who leads praying instead of her husband who is not fluent in reading his prayers.¹⁰⁶

In addition to the conventional model of fatwa-making which is preceded by *istifta'*, Bu Hanik has issued her Islamic opinion as a response to a problem faced by one of her *jamaah*. So the fatwa is not initiated by a question. For instance, one of

103 Ibid.

104 Author's interview with Bu Umi Hanik, 27 January 2018.

105 Author's interview with Bu Umi Hanik, 29 January 2018.

106 Author's interview with Mbak Kotimatul Husna, 14 May 2017.

the women members asked to stop the recitation to pray for her deceased husband after three days, instead of seven days. Then Bu Hanik got information that the reason behind the request was because she could not afford to pay the cost of catering for participants. “I got inspiration from this incident, and I developed it. [I think what I have done] was considered as issuing an Islamic legal opinion. I also provided the Islamic argument too,” Bu Hanik says. Since then, Bu Hanik has called for an end to the practice of serving food to *jamaah* during the recitation, and the people in her village and several neighbouring villages adhere to her call. Meanwhile, according to Nyi Ruq’s experience, “*dhebu*” (Madurese: statement) can be conveyed without being preceded by questions from an individual *jamaah*. That is, a *dhebu* is issued as a response to a problem occurring in the community. “If, for example, I need to deliver information [about my religious views], I speak. They don’t have to ask first,” she says. However, to make a *dhebu* become information that is needed and rooted in the knowledge of her *jamaah*, every time she preaches, there is always a session for questions and answers. In this session, the question arises from the *jamaah*, and Nyi Ruq gives a response to the question. “So, sometimes these [question-and-answer sessions] are set up as a space to convey [*dhebu*] by provoking questions from them.”



FIGURE 9: The *jamaah* leaving the mosque after attending *pengajian* of Bu Hanik, in Demak, Central Java, in January 2018. Photo by the author.

From the experience of the four female ulama, I observed that their Islamic legal opinions have an authoritative function as a source of Islamic rules among their *jamaah* at the grassroots. The *jamaah* accept and use their views in their everyday lives, for instance, the fatwa by Bu Hanik on changing the tradition of providing catering for attendees praying for deceased people. They do not need an extensive reference or analysis because for them the female ulama are already sufficient reference. The recognition and acceptance of their Islamic views may occur because of the community-based authority established by the individual female ulama in the midst of their community. At the local level, this personal authority is more established and stronger than the institutional authority of fatwa-formulating institutions at the national level, such as the Bahtsul Masail of NU and MUI. Bu Hanik says, “Because according to them [the *jamaah*], *kiai* or *nyai* [religious leaders] is beyond the label of the MUI.” She gives an example: when her *jamaah* find a new product, even though the MUI halal label is written on it, they still have doubts and ask Bu Hanik, “Bu, *ngeten niki pripun* (how about this)?” Likewise, if one product has no halal label, but Bu Hanik has confirmed that the product may be used, her *jamaah* follows her. “They consider *kiai* or *nyai* beyond everything,” Bu Hanik states.

Conclusion

In this chapter, I have demonstrated that women from a traditional Muslim background play a role as ulama. They get their passion for teaching and working with communities from their parents, who were also ulama and religious leaders. However, their family background is not the primary factor determining their achievements. Instead, knowledgeable women have taken the initiative to take part in community empowerment and establish their pathway of ulama-ness. They have built up a community-based authority. In this setting, the basis of religious authority is “bottom-up certification” (Kloos and Künkler 2016), which

results from their ability to lead a religious community on the basis of advanced knowledge of the Qur'an, hadith, and *kitab kuning*, and on the basis of helping ordinary believers solve religious and social problems by providing guidance, advice, and fatwas.

Their fatwas are distinctive in the sense that they involve the perspective of women and progressive Islamic interpretations. Thus, from the ordinary believer's point of view, especially women, these female ulama possess religious authority that is as strong as that of male ulama. However, holding this authority does not guarantee that the women can take up some roles which, according to the interpretation of traditional Islamic texts, are attributed to men. Female ulama do not have the authority to play roles related to taking authority over men in worship, for example, becoming an imam of prayer for men. Or women are not in the same position as men to take authority over others, for example, women cannot become marriage guardians and *penghulu* (religious marriage official). In these two examples, gender matters, and the religious role of female ulama is still limited. There is indeed a Muslim feminist position that allows women to take part in these two cases, but that view is not popular in the Indonesian Muslim community.

Bu Afwah Mumtazah, Mbak Khotimatul Husna, Nyi Siti Ruqqayah, and Bu Umi Hanik have absorbed and examined the needs and problems of the community, and take the initiative to make changes at the grassroots. Their involvement enables them to gain a position and recognition from their *jamaah* as leaders and knowledgeable Islamic sources and has brought them into Rahima's PUP programme. Through this programme, they reflect on the concept of female ulama and sharpen their knowledge to become female ulama.

Female ulama, according to the four female Muslim leaders observed, are women who are pious both in private and in public, have mastered Islamic knowledge, and possess a gender

perspective, and a concern for disadvantaged and oppressed people, including women. Although they are reluctant to call themselves female ulama, in practice, they have incorporated these aspects of ulama-ness into their religious, cultural, and social roles played in society. They teach, preach, criticize interpretations that discriminate against women, reinterpret the verses of the Qur'an and hadith, and become a source of information and moral guidance when their *jamaah* pose their questions related to Islamic rules, social, cultural, and women's issues. They also produce fatwas, even though they are reluctant to call their Islamic legal opinions fatwas. However, their *jamaah* recognize their Islamic authority and their role as female ulama, including their role as fatwa-givers in the communities.

When it comes to religious authority, gender becomes an issue for these women when it is a question of taking authority over others. Female Islamic authority is restricted in these areas. Nonetheless, observing the different views of male counterparts, either in support or opposition, the role of ulama-ness and the Islamic authority of Bu Afwah, Mbak Khotim, Nyi Ruq, and Bu Hanik have affected the male domination in the ulama field and challenged male-dominant interpretation of the Islamic texts. Possessing female Islamic authority allows the female ulama to play a role in Islamic knowledge production that is not only based on Islamic knowledge but also rooted in women's experiences and their empathy as women so they can produce humanist and grounded knowledge and fatwas.

The ulama-ness of women and female ulama issuing fatwas reveals the democratization of the role of ulama and fatwa-making in Indonesia. It means that the terms ulama, fatwa, and fatwa-making are not only interpreted through the perspective of a single established source and roles played by men. However, female ulama and their practices in issuing fatwas may represent different experiences about the role of ulama and the production of fatwas at the grassroots level. The role and fatwa-making

practised by the four female ulama, and their *jamaah* in Java are authentic experiences to fulfil the people's needs for answers to the religious issues faced in their everyday lives. The use of local terms referring to fatwas and fatwa-making also demonstrates the plurality of language in fatwa-making which is grounded and localized. It shows that the fatwa terms and practices of fatwa-making are not homogenous, but they vary according to the context and locality where the individual ulama and Muslim communities are located.

The practice of issuing fatwas by the four female ulama I observed illustrates the practice of the original *istifta'* as a conversational space between female ulama and local *mustafti*. The *mustafti* is well acquainted with the female ulama and acknowledges the ulama-ness of the female ulama by positioning her as a reference for Islamic legal issues. Vice versa, the female ulama recognise the *mustafti* and understand his or her situation, which they can take into consideration when giving a fatwa. Fatwa-making between the four female ulama and their *jamaah* also creates a "safe space" for them to share, question, and express their experiences, feelings, and thoughts without feeling insecure, not only in the domain of women's issues, but also in problems impacting social life.

The four female ulama I observed are involved in a bigger scholarly network and social movement at a national level called Kongres Ulama Perempuan Indonesia (KUPI, the Indonesian Congress of Women Ulama). Like the role played by the ulama at the local level, such as issuing fatwas and spreading gender-sensitive Islamic teachings, KUPI as the Indonesian women's ulama movement also issues fatwas and produces a gender-sensitive Islamic study framework, as will be discussed in the next chapter.

Interlude

Bu Afwah: Defending Women's Rights through the Pesantren

Bu Afwah was actively involved in the preparation, implementation, and post-activities of the 2017 Kongres Ulama Perempuan Indonesia (KUPI, Indonesian Congress of Women Ulama). On the afternoon of the first day of KUPI, she guided the gathering and consolidation of one of the participating groups of KUPI in Pesantren Kebon Jambu al-Islamy, Babakan, Cirebon. This forum was quite important in strengthening understanding of the terms *perempuan ulama* (female ulama) and *ulama perempuan* (women's ulama), because KUPI and the two terms were new to the participants. "My colleagues are confused; what is KUPI? What is the goal? One of the KUPI participants even said, 'does KUPI want to create a female-style MUI?'" Bu Afwah set an example with her actions. In the evening, the opening ceremony of KUPI was held. At the end of the programme, she went up to the main stage to lead the closing prayer in front of all attendees, women and men.

Bu Afwah Mumtazah was born in Babakan, Ciwaringin, Cirebon, West Java, on 9 July 1973. She is the third child of nine siblings, and all of them grew up in the Pesantren Balai Pendidikan Pondok Puteri (BAPENPORI, the Education Institution of Pesantren for Female Pupils) Al-Istiqomah Babakan. When Bu Afwah was in the fifth grade of elementary school, she moved to and studied in Pesantren Kempek with her aunt, Nyai Hajjah Aisyah Syathori, until she finished her primary education. Afterwards, she returned to Babakan to continue her education in the junior high school. At that time, she did not think that in the future, she would be married to her aunt's son, K.H. Muhammad Nawawi Umar, and be living in Kempek.

Bu Afwah grew up in an educated and moderate family. Kiai Fuad Amin (d. 1997), her father, was a progressive *kiai*. He was active in Nahdhatul Ulama (NU). Her father often brought Bu Afwah and her sister when they were small to attend meetings in Pengurus Besar Nahdhatul Ulama (PBNU, the National Board of Nahdhatul Ulama) or with other religious and community leaders. Although they only stayed in hotel rooms, this opportunity inspired and boosted Bu Afwah's move into religious and social activism. Bu Afwah

says, “When I had moved to Kempek, my father liked to say, ‘Teach your *santris* and choose knowledgeable teachers.’” Bu Afwah’s mother, Nyai Izzah Syathori (d. 2013), was a well-known *hafizah* (someone who has memorized the whole Qur’an). Kiai Thohari Shodiq, one of the *kiai sepuh* of Pesantren Raudlatut Tholibin, Babakan, recognized her as the only senior *nyai* who had mastered *kitab kuning* and Quranic study. She taught female *jamaah* both in Babakan and Arjawinangun as well as *santris* in Pesantren Bapenpori, Babakan. She was knowledgeable and very active as a leader in religious and social activities.

After finishing her secondary degree in Babakan, Bu Afwah studied and memorized the Qur’an in the Pesantren Yanbu’ul Qur’an, Kudus, Central Java. But she did not stay for long because she was not able to adjust to the *salaf pesantren* education system. After three months, she moved to the Pesantren Ali Maksum Krapyak, Yogyakarta, where she attended Madrasah Aliyah (Muslim high school) and memorized the Qur’an at the same time. When she graduated from Madrasah Aliyah she could only memorize seventeen sections of the Qur’an and therefore she needed to continue her study at BUQ Betengan in Demak, Central Java. In 1992, she finally completed her task of memorizing the Qur’an. She then studied at the IAIN (State Institute for Islamic Studies) Sunan Kalijaga, Yogyakarta, majoring in *Tafsir* and Hadith at the faculty of Ushuluddin.

In 1994, when Bu Afwah was in the third year of her Bachelor’s study, her parents arranged her marriage with her cousin, K.H. Muhammad Nawawi Umar from Kempek. Bu Afwah was expected to help her aunt to develop her *pesantren* in Kempek. She could not reject the marriage, but she also did not want to leave her education incomplete. Therefore, she asked K.H. Muhammad Nawawi Umar to allow her to complete her study, and he agreed. So after the marriage, she went back and forth from Cirebon to Yogyakarta for one semester before finally, she transferred her education to the IAIN Syeh Nur Jati Cirebon. Because this IAIN did not have a focus on *Tafsir* and Hadith, she enrolled in Arabic Language Teaching. She continued her Master’s and doctorate degrees at the same institute.

Bu Afwah has been known as an activist *Bu Nyai*, who is active both inside and outside the *pesantren*, since her arrival in Kempek. In Pesantren Kempek, it was not common for a *nyai* to leave home to pursue higher education. Hence, Bu Afwah had to put up with negative responses from

relatives, especially from *kiais* whose wives mostly stayed at home and were educated in *pesantren* only. “Until my mother [in law] said, ‘Afwah, no need to go to college. Somebody is commenting that you want to be a PNS [Pegawai Negeri Sipil, civil servant].’ I replied, ‘No, I don’t want to be a PNS. I go to school fulfilling God’s will to search for knowledge,’” Bu Afwah stated. She also got negative responses when she started getting involved with gender activism. Kiai Husein Muhammad was the first kiai to introduce her to critical studies on Islam and women through a programme run by Fahmina and Puan Amal Hayati in 2002. Bu Afwah became involved in managing the Women’s Crisis Center, namely Mawar Balqis, in Pesantren Dar al-Tauhid Arjawinangun, Cirebon. She has been teaching in Institut Studi Islam Fahmina (ISIF, the Institute for Islamic Studies of Fahmina) since 2009, and from 2016 to 2020 she was appointed as the rector.

In 2003 she joined Rahima’s programme, which was the training programme titled “Creating the *Pesantren* Curricula related to Gender Perspectives”. Two years later, she participated in the PUP of Rahima cohort I. Furthermore, she participated in a programme called Dawrah *Fiqh* Perempuan (Study Circle of *Fiqh* on Women) organized by Fahmina in 2006—2007. Through all these programmes, Bu Afwah gained theoretical knowledge especially in interpreting texts from a gender perspective, which lets her justify her works and gender activism. For example, she established Madrasah Takhassus Lil Banat (MTLB), which is a special Islamic school for female *santri* that only teaches the *pesantren* curricula, including advanced subjects. Bu Afwah established it in 1997 because she had a concern about the education imbalance between female and male *santri* in her *pesantren*. In the past, female *santri* only learned *kitab kuning* about *Fiqhunnisa*’ and Islamic ethics because it was assumed that they could not understand advanced subjects such as Arabic grammar and *ushul fiqh*.

In defending women’s rights, Bu Afwah often encountered resistance. For example, at that time she defended one of her female students, who was going to be married even though she was still a minor. Her guardian brought a *kiai* from his place to argue with Bu Afwah that he should marry off the girl so that there would be no adultery, because the girl was already in middle school and dating via cellphone. Bu Afwah replied to the *kiai* with the argument that the girl was not mature enough to get married as she was underage and her reproductive condition was not sufficiently

developed for her to get pregnant and give birth. The case was deadlocked until the female *santri* ran away from her parent's house. Bu Afwah finally found the *santri* and asked her to continue studying at the *pesantren*; she stayed at Bu Afwah's house until she completed memorizing the Qur'an. "She then married a man of her own choice and who was also approved by her family."

For Bu Afwah, the implementation of KUPI has developed the experience and knowledge of *Bu Nyais*, especially from *pesantren* in Cirebon. As a follow-up to KUPI, Bu Afwah and the *nyais* gathered at Nyai Shobihah's house in Kempek to form the Forum for the Association of *Bu Nyais* of *Pesantren* in Cirebon. "With the establishment of KUPI, we can mobilize and have an awareness of developing the strength and consciousness of women. In the meeting, we discussed how we will pass on knowledge about gender injustice, anti-polygamy and child marriage, which often happens in Cirebon to the students." Considering this effort, as a result, the *nyais* not only empower students in the *pesantren*, but also feel and voice a concern about women's problems more broadly.

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CHAPTER FOUR



The Indonesian Congress of Women Ulama (Kongres Ulama Perempuan Indonesia, KUPI 2017): Fatwa-making, Community Network, and the Building of a Social Movement

Introduction

In the previous chapter, I described women who have established and practiced their roles as ulama and fatwa-givers at local levels. This experience is grounded in the grassroots. It is not only everyday practice but also progressive because it breaks through common sense about the ulama-ness and practices of making fatwas that are based on male individuals and also organizations that have been dominated by men for a long time. While in the previous chapter I focused on the experience of individual female ulama at the community level, in this chapter I broaden my view. This chapter focuses on the mobilization and networks of female ulama at the national and international levels. Interestingly, these women do not only take action at the grassroots. They are also involved in the making of a social movement as female ulama with a grander purpose, namely to assert their existence and to reclaim their religious authority at a national level through the Kongres Ulama Perempuan Indonesia (KUPI, Indonesian Congress of Women Ulama). I will use its abbreviation, KUPI, throughout the discussion in this chapter.

This chapter elaborates on KUPI based on my observations and interviews during my fieldwork. I approach KUPI as a network, a site of sharing knowledge and experience, and a social movement of female ulama through which they seek to establish

their collective and female ulama's community-based authority. I will address the following questions. Firstly, how and why was KUPI held and organized? Secondly, what were its goals, and how have the organizers behind the event sought to achieve the goals? Thirdly, what kinds of debates, challenges, and responses emerge at the conference? Fourthly, to what extent does KUPI strengthen the religious authority of female ulama, and provide them with a space to establish a movement of female ulama?

I will examine the background of KUPI by contextualizing it in the history of Islamic feminism in Indonesia and other Muslim countries. I argue that the KUPI movement did not appear all of a sudden. Instead, it emerged from a long history of Islamic feminist mobilization in Indonesia and in the context of the influence of global feminism. KUPI is a national-level movement with local and community-based practices and activism that brought two significant implications in the Third World women's movement, as explained by Mohanty (2003, 17 and 22). Firstly, the Third World women's movement challenges the Western feminist movement, which has assumed that oppressed women everywhere have experienced the same forms of oppression for the same reasons, namely oppression based on their "feminine gender (read: sexually constrained) and her being 'Third World' (read: ignorant, poor, uneducated, tradition-bound, domestic, family-oriented, victimized, etc.)."¹⁰⁷ Secondly, the movement has proposed a locally grounded and distinctive framework that is rooted in the local context. Thus, KUPI implies a circulation of knowledge and ideas that connect the local community with the national and even global community.

This chapter will begin with an explanation of the context of Islamic feminism in Indonesia and the urgency of the presence

107 Mohanty (2003, 23) further described her analysis on some Western feminist writings that represent the Third Women as oppressed women: "women are defined as victims of male violence (Fran Hosken); as universal dependents (Beverly Lindsay and Maria Cutrufelli); victims of the colonial process (Maria Cutrufelli); victims of the Arab familial system (Juliette Minces); victims of the Islamic code (Patricia Jeffery); and, finally, victims of the economic development process (Beverly Lindsay and the [liberal] win school)."

of KUPI. The emergence of KUPI is connected to the community-based authority established by individual female ulama at the grassroots, as I elaborated in the third chapter. There is also a more recent context that needs to be sketched, namely the rise of conservative interpretations of Islam in Indonesia, because this has also inspired (or at least accelerated) the establishment of KUPI. I contend that community-based authority among female ulama is a resource by which they can exercise their agency and achieve their goal in the broader context, nationally and internationally. The goal of KUPI has been to amplify the voices of women ulama and to reclaim their authority through the making of a social movement.

In this section, I also discuss the debates, doubts, hopes, and challenges in the preparation, during the 2017 conference, and afterwards with regard to the exchange of new knowledge, the redefinition of female ulama, fatwas, recommendations, role models, the proponents and opponents, and responses of participants. This chapter then goes to the essence of KUPI, which is the centrality for KUPI of innovating legal methodology. KUPI's process, including in the organization and formulation of fatwas, and its results have become exemplary in some ways. Firstly, KUPI has facilitated the knowledge circulation among female scholars from secular and Islamic backgrounds. What makes KUPI quite unique is that the interaction between secular and Islamic scholars is built on community-based authority, which is different from Muslim feminists who do that more purely on a scholarly level. Secondly, KUPI has stimulated a significant innovation in legal methodology, which advances substantive justice (*keadilan hakiki*) and *mubadalah* in the fatwa-making process and Islamic studies in general to result in a gender-sensitive interpretation. They write, publish, and disseminate their precedents, resources, texts, and arguments in books and online media such as websites and social media to reach and expand their network. This is the approach developed by KUPI and its network to stimulate doctrinal changes in Indonesian

Muslim society. Thirdly, its fatwas and their production constitute a break with the long history of absence of women in the practice of issuing fatwas, as I explained in the second chapter.

Islamic Feminism: Local and International Circulations

The feminist movement as it emerged and was subsequently localized and recontextualized in various parts of the world implied the effects of the circulation of knowledge, ideas, and ideology from the place where it was originally coined. The term “feminism” was first used by Hubertine Auclert in the journal *La Citoyenne* in the late 1880s. Using that term, she criticized the dominance of men and advocated human rights and the emancipation of women. In the early twentieth century the term feminism was used in Britain, it emerged in the United States in the 1910s, and in the early 1920s was known in Egypt (Badran 2009, 242). However, feminism took different forms and was translated into different meanings according to the place and context, even if the central idea remained the same, which was to claim women’s rights and emancipation. One of these different forms and approaches was Islamic feminism.

Margot Badran (2009, 242) defined Islamic feminism as “a feminist discourse and practice articulated within an Islamic paradigm”. It emerged in the 1990s and has been extensively debated because of its connection to controversial issues embedded in terms such as Islam and women’s rights. For instance, there was a false assumption that Islam is an inherent cause of sexual discrimination, especially in the Middle East, and the roles of women prescribed by Islamic code and law were often argued to be the main element of women’s status (Keddie and Beck 1978, 26; Moghadam 1993, 3; Mohanty 2003, 23). Accordingly, Islamic values have often been positioned as conflicting with feminism and women rights. The debate also touches on the position of Muslim women in both majority Muslim and minority Muslim countries. Another debate concerns the exact meaning and use of the terms “Islamic feminist” and “Islamic feminism” because

of the differences in understanding the concept of feminism or the debate between the meaning of ‘Islamic’ or ‘Islamist’ in relation to feminisms (Kynsilehto 2008, 9). For instance, it has been argued that the subjectivity of a Muslim woman conflicts with her subjectivity as a feminist because she is bounded by religious rules that to some extent can be seen as a constraint on her individual autonomy and rights (Khan 2016). Discussion of this term also exacerbates the dichotomy between “East” and “West, and between “secular feminists” and “Islamic feminists”, as apparent also within the context of the 2017 Indonesian Congress of Women Ulama in Indonesia.



FIGURE 10: The road heading to Pesantren Kebon Jambu Al-Islamy, the venue of KUPI, in Babakan, Ciwaringin, Cirebon, West Java, in April 2017. Photo by David Kloos.

Knowledge and ideas about Islamic feminism have circulated globally through books and other publications. Writers in the Iranian journal *Zanan* (est. 1992) published their thoughts on gender equality and justice from an Islamic perspective. Pamphlets criticizing the forgiveness of men beating their wives in the name of Islam were circulated by Sisters in Islam, an

influential organization founded in Malaysia in the mid-1980s. Fatima Mernissi wrote *Women and Islam: An Historical and Theological Inquiry* (1991), which elaborated on the illegitimacy of misogynist hadiths. Amina Wadud's *Qur'an and Woman: Reading the Sacred Text from a Woman's Perspective* (1992, 1999) argued that the scripture contained messages of gender equality and social justice (Badran 2008, 30). The term "Islamic feminism" was already well recognized when Asma Barlas's *Believing Women in Islam: Un-reading Patriarchal Interpretations of the Qur'an* was printed in 2002. Islamic feminism attempts to explain gender equality and social justice grounded in re-readings of the Qur'an and other religious texts because it believes that it is not the texts themselves that contain biased values but rather the interpretations of the texts that have allowed for patriarchal traditions to persist (Badran 2008).

The intersection of Islam with the idea of feminism in Indonesia, as Etin Anwar (2018) has argued, can be divided into five distinct phases. This intersection goes back to the Kartini period (1879-1905), or the era of emancipation. The second period was the era of association, that is, the beginning of the formation of Muslim women's organizations such as Aisyiyah and Muslimat, and their contact and negotiation with Islamic reformism, the 1937 Marriage Bill, and the organization's contribution to society. The third period was the era of development after independence, when the women's movement was directed at the search for progress and emancipation to develop the country. During the New Order, the significant influence of the state in emphasizing gender order led to a different relationship between Islam and feminism. Secular feminism viewed Islam as an obstacle to progress and conducted offensives against Islamic views on women. The fourth period was the era of integration, in which feminist and Islamic ideas came to be accepted in both secular and Islamic settings. The fifth era was the era of proliferation during the early 1990s when Islam and feminism increasingly converged.

Those five eras show that in the Indonesian context, the historical development of Islamic feminism was related to the effort of achieving convergence between Islam and feminist ideas. Therefore, the translation of feminist ideas and methods into Islamic references is one way to revisit the interpretation of Islamic texts which supported the practices of gender injustice. In 1991, Muslim feminist activists together with members of Muslimat NU, Fatayat, and Aisyiyah organized a seminar to develop a local discourse on Islamic feminism. Among the activists were Wardah Hafidz and Lies Marcoes.¹⁰⁸ The seminar concluded that the patriarchal tendencies of Islamic doctrines can be eliminated by incorporating context in the interpretation of Islamic texts based on the equal spirit of the Qur'an and hadith (Wieringa 2005).

The development of this Islamic feminist movement and discourse cannot be separated from the influence of progressive thoughts introduced through Muslim feminist writings. Since the late 1980s, NGOs such as P3M (the Centre for Pesantren and Community Development), in which Lies Marcoes was also involved, initiated the expansion of alternative and progressive interpretations of Islam, women's rights, and democracy. Activists started to read the writings of Muslim intellectuals from the Middle East, Pakistan, India, and Malaysia to deepen their understanding of Islamic gender discourse, including

108 According to Lies Marcoes, Wardah Hafidz was one of the few pioneers who started translating the concepts of feminism for an Islamic audience. She was from Jombang, had a *pesantren* background and graduated from English Literature at the University of Malang (IKIP Malang). She then continued her study in the United States. She read the works of international Muslim feminists such as Rifat Hassan, Asghar Ali Engineer, and Fatima Mernissi in her attempt to find convergences between women's rights and Islam. Her translation of Rifat Hassan's *Equal before Allah* into Indonesian was published in the journal *Ulumul Qur'an* (Mahmood 2016, 140). Lies Marcoes came from a Muhammadiyah family background. She graduated from the State Institute for Islamic Studies (Institute Agama Islam Negeri/IAIN) Syarif Hidayatullah in Jakarta. She was influenced by Professor Harun Nasution, who taught her "how to think freely and [to see] that Islam could be understood from many different perspectives". She began her social activism by being involved with LP3ES (Institute for Economic and Social Research, Education and Information) and HMI (Himpunan Mahasiswa Islam/Muslim Student Association). In HMI Lies was encouraged to read not only Islamic texts but also secular science texts as a window to think about social problems and find solutions. In 1982 she began to deepen her interest in women and gender when she worked as a research assistant for the Dutch anthropologist Martin van Bruinessen. He had a great influence of Lies's career as an anthropologist and researcher (Harvey 2017).

the seminal works by Fatimah Mernissi and Amina Wadud. The translation of the books into Indonesian during the 1990s signified the emergence of academic thinking about women and Islam among educated middle-class activists. Over the years, this Islamic feminist discourse travelled beyond academic and NGO circles, especially between 1995 and 2000 (van Doorn-Harder 2006, 37—8).

The United Nations and other international donors have been important actors in building and supporting Indonesian women's organizations. These organizations were strongly influenced by international conventions such as the UN's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), signed in 1979 (Evrard 2014, 140-142). Indonesia ratified CEDAW in 1984 (Rinaldo 2013, 46), and this ratification justified the application of two key transnational feminist frames, which are "equality" and "women's human rights", as supported also by other countries (Evrard 2014, 11). International donors such as the Ford Foundation in Indonesia provided programme grants and scholarships for women leaders and activists to pursue higher education overseas. An example is Lies Marcoes, who did her Master's in anthropology at the University of Amsterdam in 2000 (Harvey 2017). P3M and LP3ES received grants from the Ford Foundation to run an education programme for *pesantren* (Wieringa 2005).

Women's activism must be regarded in the context of various conservative movements. KUPI emerged from the history of the global feminist movement, but it was also, indeed, a response to a local reality rooted in the Indonesian context. One important local factor is the ongoing influence of New Order ideas about gender, including for instance the ideology dubbed *State Ibuism* by Julia Suryakusuma, which advocates the domestication of Indonesian women (Suryakusuma 2011, 8). Another contextual factor concerns twenty-first-century Islamic conservative movements originating from the Middle East and more specifically the Arabian Peninsula. The graduates of Saudi universities, Saudi-

owned and Saudi- or Kuwaiti-funded educational institutions are returning to Indonesia and supporting translations of a number of “fundamentalist” texts as well as providing ideological and financial sustenance for transnational Islamic movements (van Bruinessen 2013, 5). They have spread their messages not only through conventional means, such as public sermons, but also through online media that allow them to reach large number of audiences (I will discuss this in more detail in Chapter 5). Debates and contestation related to women and Islam have emerged, for instance, in regulations on women accessing the public sphere, on the wearing of the *jilbab* (tight headscarf) and *hijab* (a wider type of headscarf) as a symbol of piety, polygamy as male privilege, and other biases and male-focused interpretations of Islamic doctrines. Those challenges to some extent hindered the progressive movements led by Muslim feminist activists and sharpened the debate on the convergence between Islam and feminism.

In responding to the challenge of conservative ideas on women, the collaboration of Rahima, Fahmina, and Alimat (the Indonesian node of Musawah)¹⁰⁹ organized KUPI in 2017. Activists from secular and Islamic backgrounds, including *bu nyai*, *ustazah*, and *muballigah*, gathered in KUPI to share knowledge and experiences as well as to voice Muslim women’s roles as ulama and reclaim their authority. This conference resulted in a new belief that the two paradigms, namely Islam and feminism, could be aligned as reflected through the framework, fatwas, and recommendations offered by KUPI. This conference also showed that the feminism that came to and circulated in Indonesia was not unidirectional and merely an adoption and application of ideas coined and developed in the West and Middle East. KUPI, rather, constitutes a continuation of attempts to localize and recontextualize the ideas of feminism in the local context of Indonesian Muslim society.

109 Musawah was launched in February 2009 in Kuala Lumpur, Malaysia. It is a global feminist movement that is concerned with equality and justice in the Muslim family. See Musawah (n.d).

In this chapter, I argue that the movement that ultimately culminated in KUPI, firstly, has become a site of convergence between Islam and feminism where secular activists and Muslim women scholars can actually meet and build an alliance for creating social justice. Lies Marcoes stated that KUPI is a meeting point between Islam and feminism (Tim KUPI 2017b, 161). Hatoon Al-Fassi, a woman ulama from Saudi Arabia, said, "I think this congress is a starting point for a collaboration of Muslim ulama, female scholars from all over the Muslim world, in order to present, create a platform, so that women could actually exchange their knowledge, their experiences, and not need to go and re-build or re-create the will but continue from where the previous scholars have started" (Tim KUPI 2017b, 206). Secondly, KUPI's framework for analysing women's issues (i.e. sexual violence, underage marriage, and environmental degradation impacting women) and issuing fatwas that was presented through the concept of *mubadalah* and *keadilan hakiki* is distinctive as it is rooted in the local Indonesian experience

The Formation of KUPI and the First Conference

Indonesian Muslim women's NGOs have been working on building an intellectual movement through education and training for Muslim women leaders since the 1980s. The three organizations that established KUPI are Rahima, Fahmina, and Alimat. They played significant roles providing a supporting system for the organization of the first KUPI conference, which took place in Cirebon on 24-27 April 2017. The founders of these NGOs are all intellectually connected with the progressive intellectual movement introduced above, as alumni of the P3M programme in particular. They have been working on empowering women since the 2000s and are familiar with the discourse of Islam and gender equity. Rahima, as I have explained in Chapter 2, is a women's Islamic NGO based in Jakarta.

Fahmina works on issues of community empowerment, democracy, human rights, pluralism, and gender justice that

are rooted in the knowledge and traditions of the *pesantren*. Fahmina gave shape to its activism through the organization of education programmes for women leaders. For example, in 2004 Fahmina initiated a course on Islam and gender, “Dawrah *Fiqh* Perempuan (Study Circle of *Fiqh* on Women)”, by inviting senior secular activists, both men and women, to share their problems with their *pesantren* counterparts by considering Islamic methodology based on a perspective from the *pesantren*. They studied the Qur’an, Hadith, and *Fiqh*, and incorporated historical perspectives of Islamic civilization and the national legal framework into their discussion. Twelve cohorts have now completed this course; one of the more prominent alumni of the programme is Ibu Nyai Masriyah Amva, who leads Pesantren Jambu where KUPI took place (Kodir 2017b, 14).

Alimat is an Indonesian movement for “equality in the family”. It represents a diffuse network for transnational advocacy that is linked to Musawah (a global movement for equity and justice in the family). It was founded in 2009 by activists of organizations concerned with women’s issues in Indonesia, such as Komnas Perempuan, Rahima, Fahmina, Fatayat NU, and Nasyiatul Aisyiyah. In collaboration with the training provided by Pemberdayaan Perempuan Kepala Keluarga (PEKKA, the Empowerment of Women-Headed Household), Alimat provides Islamic teachings that help to support women as single parents or household heads. In addition, Alimat also delivers Islamic sermons in the MNC Muslim TV programme (Tim KUPI 2017a, 185).

The origins of KUPI lie in a meeting on the preparation of KUPI, which was initiated by Rahima. The meeting was held at Wisma Hijau Depok, West Java, on 24-25 February 2015. Faqihuddin Abdul Kodir, one of KUPI’s leading figures, explained to me that he had a talk with A.D. Eridani, the former director of Rahima, about the continuation of Rahima’s PUP by creating a forum for the alumni to meet and do something. It was then agreed that Rahima would collaborate with Fahmina and

Alimat.¹¹⁰ According to the KUPI manual, the aims of KUPI are to recognize and confirm the existence and role of female ulama in the history of Islam and Indonesia; to create a space for female ulama in Indonesia and the world to share experiences about the work of empowering women and social justice in order to unify Islamic, national and humanitarian values; to build a reservoir of shared knowledge about the ulama-ness of women and their contribution in the advancement of women and human civilization; and to formulate the decisions and religious views of Indonesian female ulama on contemporary issues from the perspective of Islam *rahmatan li al-'alamin* (Tim KUPI 2017a, 175).



FIGURE 11: The national seminar was held on the second day of KUPI in Pesantren Kebon Jambu Al-Islamy, Babakan, Ciwaringin, Cirebon, West Java, in April 2017. Photo by David Kloos.

KUPI was attended by Islamic scholars and activists from all over Indonesia and overseas. There were 519 registered participants and 131 observers from Indonesia and other countries such as Afghanistan, Bangladesh, Malaysia, Saudi Arabia, Pakistan, Nigeria, Kenya, Singapore, Thailand, the Philippines, Australia, the USA, and the Netherlands. They were joined by guests, speakers, and participants who did not attend

110 Author's interview with A.D. Eridani, 12 August 2017.

the whole programme. In total there were more than 1,500 attendees, with especially large numbers during the opening and closing ceremonies (Tim KUPI 2017a, iv). The majority of these participants were alumni of programmes, as well as fellow members, of Rahima, Fahmina, and Alimat. Most of them were from a traditional Muslim background culturally related to the world of the *pesantren* and NU. However, there were also delegates who had not joined any of these programmes. They included individuals from Aisyiyah, Fatayat, PERSIS, Ahmadiyah, Darud Da'wah wal Irsyad, and delegates from *majelis taklim*, *pesantren*, universities, and government institutions. The organizing committee of KUPI understood that the participants, including the committee members, came from heterogeneous backgrounds. Although they were all Muslim believers, their views on certain issues varied, depending on their social and educational background and organizations with which they were affiliated.

How seriously KUPI was taken from the start can be gauged from the long and careful process of preparation for the conference. An initial meeting was held in Depok to discuss the concept and preparation. The KUPI committee subsequently held a second, third, and fourth meeting in Yogyakarta (October 2016), Padang (November 2016), and Makassar (February 2017) to socialize the concepts of KUPI among PUP alumni and fellow members of Rahima, Fahmina, and Alimat, and to assess crucial issues to be discussed in the *musyawarah keagamaan* (religious consultation). A subsequent meeting was held in Jakarta (2-6 April 2017) to discuss specifically the *musyawarah keagamaan*, including the methodology, the questions, and the concept notes to be discussed in KUPI. In addition to these meetings, there were other separate meetings attended only by the organizing committee (Tim KUPI 2017a, 36-7).

The conference took place on 24-27 April 2017. On the first day, an International Seminar on Women Ulama (Ulama Perempuan) was held in IAIN Sheikh Nurjati Cirebon, presenting

speakers from seven Muslim countries and attended by more than 250 participants. The event generated a discussion on *perempuan* based on facts, data, and the field experiences of women activists. On the same day, in the afternoon, some of KUPI's participants joined a consolidation meeting in Pondok Pesantren Jambu. The aim of this meeting was to assess the background of the delegates and their overall views on KUPI and *ulama perempuan*. This was followed that night by the KUPI opening ceremony.

The programme on the second day consisted of a national seminar on *ulama perempuan*, including parallel discussions, as well as a book launch and discussion about the work of women ulama. The seminar discussed the history of *ulama perempuan*, new methodologies for approaching Islamic texts, and the strategy and challenges of women's *da'wa* (Islamic propagation). Meanwhile, the parallel discussions were divided into nine themes: (1) the education of *ulama perempuan*; (2) the response of *pesantren*; (3) sexual violence; (4) child marriage; (5) justice-based village development; (6) migrant labour care; (7) social inequality and environmental degradation; (8) religious radicalism; and (9) the crisis and conflict of humanity. These themes were approached by considering the lived realities of women, the influence of international and national legal instruments, and the Islamic perspective. On the third day, a religious consultation (*musyawarah keagamaan*) of female ulama was held. This programme was intended to issue religious views in regard to three issues: (1) sexual violence; (2) child marriage; (3) environmental degradation and its implication for gender imbalance. The participants were divided into three discussion groups, whereby each worked on one issue by referring to the concept notes drafted in the previous pre-congress meeting on *musyawarah keagamaan*. At the same time there was another meeting on drafting the recommendations of the congress. These recommendations covered all the issues that came up during the seminars and parallel discussions. The overall programmes

of KUPI ended on the last day with the closing ceremony in the afternoon.

KUPI issues three fatwas. I summarize the fatwas as follows:

Fatwa on sexual violence

The questions are:

- (1) What is the Islamic law on sexual violence?
- (2) Is rape the same as *zina* (adultery) with regard to the aspects of definition, punishment, and evidence required in Islamic law?
- (3) What is the view of Islam towards government authorities and parties who have a responsibility to protect victims of sexual violence but do not fulfil their obligation? Does Islam contain the concept of imposing punishment for these offenders?

The legal judgements are:

- (1) The law regarding sexual violence in any of its forms, as stated in the *Tashawwur* (description) and *Istidlal* (the analytical and interpretative principles), is that sexual violence is *haram*. This applies for sexual violence committed both inside and outside the bond of marriage;
- (2) Rape is not the same as *zina*, seen from the view point of definition, punishment, and required proof to prosecute;
- (3) The view of Islam towards state authorities and other parties who have a responsibility to protect victims of sexual violence but do not fulfil their responsibility and in some cases even act as perpetrators of sexual violence [is as follows]: a) The state has a responsibility to guarantee the fulfilment of all of its citizen's rights, including the rights of victims of sexual violence. If the

state and/or law enforcement officers neglect this duty or create difficulties regarding the fulfilment of citizens' rights, the state has failed to uphold principles of justice and has committed despotic acts that contravene the Constitution of the Republic of Indonesia; b) In the case that the state or other parties who have a responsibility to protect become, in fact, perpetrators of violence—including perpetrators of sexual violence—the view of Islam is that the sins and the punishment for these perpetrators should become more severe (*taghlidhu al-'uqubah*). This is because these parties have carried out multi-layered violations: the violation of sexual violence itself and then the neglect to fulfil their responsibilities to protect victims and the rights of citizens. This applies both for state authorities and other parties who have been given a mandate to protect. (Tim KUPI 2017a, 57 and 78-81)

Fatwa on child marriage

The questions are:

- (1) How does the law prevent child marriage which gives rise to all *mudarat* (damage) in the context of realizing a peaceful Islamic family (*sakinah*)?
- (2) Who are the parties responsible for preventing child marriage?
- (3) What can be done to protect children with such an experience?

The legal judgements are:

- (1) Preventing child marriage in the context of the realization of the benefits of a family with *sakinah* (peacefulness), *mawaddah* (love), and *wa rahmah* (compassion) is mandatory because child marriage brings more *mudarat/mafsadah* (damage and harm) than benefits;

- (2) The parties most responsible for preventing child marriage are the parents, families, communities, the government, and the state.
- (3) As a form of protection, what can be done for children who are the victims of child marriage is to ensure their rights just like other children, especially with regard to the rights to education, health care, upbringing by their parents, and protection from all forms of violence, exploitation, and discrimination (Tim KUPI 2017a, 94 and 103).

Fatwa on nature destruction

The questions are:

- (1) What is the law on the destruction of nature in the name of development?
- (2) What is the role of religion in providing the protection of nature?
- (3) What is the religious view on the state's responsibility in overcoming the destruction of nature that impoverishes people, particularly women?

The legal judgements are:

- (1) Inflicting damage on nature, resulting in social oblivion and inequality in any name including in the name of development, is forbidden in absolute terms as stipulated in the Qur'an. Allah created nature to be preserved, with the balance of its ecosystem maintained;
- (2) Religion must play a role in protecting the sustainability of the natural environment. In the basic doctrine of Islam, other than protecting the religion, soul, good sense, descendants, dignity and wealth, there is the decree to protect nature and the environment.
- (3) The religious views on the responsibility of the state in overcoming the destruction of nature that impoverishes

the people, especially women, are:

- a. The state with all its apparatus shall be obliged to protect nature from any damage, and shall impose strict sanctions in the form of punishment to the fullest extent of the law against perpetrators of vandalism, whether individuals, communities, state apparatuses or corporations.
- b. The state is responsible for preventing the destruction of nature and promoting its recovery by providing necessary policies, strictly enforcing existing regulations, and engaging in concrete activities with communities to conserve nature. In such efforts, the state must involve women, who experience the most negative impact and the excessive burden caused by the destruction of nature (Tim KUPI 2017a, 112 and 125).

As said, KUPI was formally established through a large conference that involved more than a thousand of participants. There were some enabling factors that supported the event. Firstly, there was solid cooperation between each actor involved in preparing the event and providing financial support. Nur Rofiah, one of the leading figures of KUPI, called the actors involved “social support” (*dukungan sosial*).¹¹¹ This social support came from “the *pesantren*, *ibu nyai*, the people from the neighbourhood, and in Cirebon there was a supporting system of Fahmina and Institute Agama Islam Negeri (IAIN, the State Institute for Islamic Studies). It was rather difficult to get all of that.” This social support was also evident in the cooperation between the various institutions involved. Rahima used the remainder of the PUP programme funding. The Asian Muslim Action Network (AMAN) Indonesia provided financial and organizational support by hosting the international seminar.

111 Nur Rofiah is a well-known and respected scholar of *tafsir* at the Universitas Islam Negeri (State Islamic University) Syarif Hidayatullah and the College of Qur'anic Sciences (Institut Perguruan Tinggi Ilmu Qur'an) in Jakarta. Her short biography will come later in this chapter.

Ruby Kholifah, the head of AMAN Indonesia, explained that the international seminar brought together women scholars from several countries. "They [overseas visitors] became an integral part of our efforts to reclaim the space for women scholars and to establish women scholars' authority to interpret religious texts," Ruby stated.¹¹² Likewise, KUPI participants came to Cirebon voluntarily and financed their own travel.

The second enabling factor of KUPI's achievement is that KUPI succeeded in drawing attention and convincing participants to come because it was the first Congress of Women Ulama in Indonesia and offered a platform for mobilizing supporters of gender-just ideas. Wahidah Fitriyani, a KUPI participant from Tanah Datar, West Sumatra, told me that she thought KUPI was a very interesting phenomenon because there had never been a female ulama congress in Indonesia. A delegate from Muslimat Ahlul Bait, the women's wing of a Syiah Muslim mass organization in Indonesia, argued that this congress was very significant because it could address threats posed to Islamic groups that are considered heretics by a growing number of Muslims. A male participant from Satunama, an NGO in Yogyakarta, stated that the women's problems discussed in KUPI were always interesting and it was crucial to address them. Therefore, he was interested in attending the conference.¹¹³

From the overall process, I figure out a strategy used by the organizing committee of KUPI to achieve the main goal of the congress, which was "to affirm the existence of the female ulama and to appreciate their roles and works in realizing Islamic values, national identity and humanity" (Tim KUPI 2017a, 9). The organizers' strategy was to use the conference to introduce the concept of *keadilan hakiki* (substantive justice) and *mubadalah* (hermeneutics of reciprocity) and to popularize and redefine the term female ulama. According to Nur Rofiah, people came to the

112 Author's interview with Ruby Kholifah, 25 April 2017.

113 Author's interview with the KUPI participants, 26 April 2017.

congress because they had hopes of gaining new knowledge and methods; therefore the KUPI committee had already prepared the knowledge building in advance.

The Leading Figures: Knowledge Circulation and Network

This section introduces the individuals who played central roles in the establishment of KUPI and the organization of the conference. I argue that as a social movement, KUPI needs leading figures as role models, committee leaders, and think-tank intellectuals to inspire and mobilize its participants. Studies have shown the important role of individuals in social movements (McCarthy 1994, Tarrow 1998). These include leaders and activists who are considered human resources in social movements besides other individuals who participate in the movement (Edwards, McCarthy, and Mataic 2019, 80). The action and sustainability of a movement relies on the extent to which a group structure and social network is connected and activated; individuals therefore play an important role at the beginning in deciding whether or not a collective action will be taken up (Tarrow 1998, 22). A study of the success and failure of any given social movement can be thus approached by looking at the mobilization of resources, including human resources.

Many individuals have contributed to KUPI. They have done the hard work of conceptualizing the congress, carrying it out, and making sure they get all women scholars and ulama together, such as Afwah Mumtazah, whose biography is described prior to this chapter. She was involved in KUPI from the beginning. There were many such participants. However, it is also important to single out the most significant figures and explain their background and specific role. Considering not only leadership, but also labour, experience, skills, and expertise as leaders and activists in their contribution to the event, I identified seven key leaders. I categorize these figures and their positions in the organization into three distinct groups, namely charismatic, organizational, and intellectual leaders.

The first group, charismatic leaders, consists of role models who are respected for their charisma, knowledge, and long commitment to work on gender equality, Islamic ethics, and *pesantren*. They are authoritative and inspirational *guru* (teachers) for the other figures and KUPI participants in general. They include Kiai Husein Muhammad and Ibu Nyai Masriyah Amva.

Kiai Husein Muhammad was born in Arjawinangun, Cirebon, West Java, in 1953 into the family of the founder of the Pesantren Daar Al-Tauhid Arjawinangun. He was taught to read the Qur'an by Kiai Mahmud Toha and Kiai Syathori, his grandfather. He finished his primary formal education in Arjawinangun, then moved to Pesantren Lirboyo in Kediri, East Java for three years for his Islamic training. He continued his study at Perguruan Tinggi Ilmu Al-Qur'an (PTIQ, the Al-Qur'an College of Higher Education) in Jakarta, graduated in 1980 and moved to Cairo, Egypt, to study at Al Azhar University (Nuruzzaman 2005). Kiai Husein's contact with the ideas of Islamic feminism began when he joined the P3M training programme in gender theory for Muslim leaders managed by Lies Marcoes in 1990s. This training succeeded in changing his conservative mindset to become more gender sensitive. He developed the approach of *maqashid shari'ah* and *maslaha* based on the principle of *tauhid* to Allah in the interpretation of the Qur'an. He wrote many books about Islam, women, and gender justice (Harvey 2017). He was awarded the title of doctor *honoris causa* in 2019 from UIN Walisongo in Semarang. In 2000 he established Fahmina Institute, an NGO which strives to promote community empowerment and gender justice based on the *pesantren* tradition.

Nyai Masriyah Amva was born in Cirebon, West Java, in 1961. Her father, Kiai Amrin Hanan, was an ulama. Her mother, Nyai Fariatul Aini, was a preacher. Together they founded Pesantren Asy-Syuhada in Babakan, Cirebon. Masriyah studied in three *pesantren*, namely Pesantren Al-Muayyad in Solo headed by Kiai Umar (for three years), Pesantren al-Badi'iyah

in Pati, Central Java, led by Nyai Nafisah Sahal, and Pesantren Dar Al-Lughah wa Ad-Da'wah in Bangil, East Java. She then got married to Syakur Yasin, a diplomat who worked at the Indonesian Embassy in Tunisia, and accompanied him to live in that country. She returned to Babakan after divorcing her husband, and continued her education at the State Institute for Islamic Studies Sunan Syeh Nur Jati in Cirebon, majoring in Islamic education, but could not finish her studies. In 1993, she married Kiai Muhammad, the leader of Pesantren Kebon Melati Pesantren in Babakan, Cirebon. Together with him, she then established Pesantren Kebon Jambu. When her husband passed away in 2006, many students left the school, as often happens when a *kiai* dies without having appointed a successor. But, Nyai Masriyah stayed strong in this moment of crisis. As she wrote in her personal narrative, she prayed for help, and the strength of her faith and submission to God enabled her to “rise from the abyss” (Masriyah Amva 2010). Nyai Masriyah Amva was the ideal host for the conference. She invested KUPI with an aura of traditional religious and charismatic authority. In 2017, at the time of hosting KUPI, her *pesantren* was doing better than ever before, counting 1,400 students. Today, perhaps partly because of the conference, this number has risen to 1,700 (Kloos and Ismah, forthcoming).

The second category consists of representatives of organizations involved with KUPI, who played an important role as the leaders of organizing committees. Badriyah Fayumi and A.D. Eridani are included in this category. Badriyah Fayumi was born in 1971 in Pati, Central Java. Her father, Kiai Fayumi, and her mother, Nyai Yuhanidz, were the founders of Pesantren Raudlatul Ulum in Pati, Central Java. Badriyah received her primary and secondary education at the Pesantren Mathaliul Falah led by Kiai Sahal Mahfudz (1937—2014), a NU and MUI leader, and studied for a Bachelor's degree at the State University for Islamic Studies (UIN) Syarif Hidayatullah in Jakarta. She then went to Al-Azhar University in Cairo, Egypt, to advance her knowledge in Qur'anic

interpretation and went on to complete her Master's degree at UIN Syarif Hidayatullah. Badriyah began her involvement in gender activism when she was active in student organizations. She served as the chair of KOPRI (Korps PMII Puteri), the women's wing organization of Pergerakan Mahasiswa Islam Indonesia (PMII, the Indonesian Muslim Students Movement). In her activism she was strongly inspired by Lies Marcoes. Together with Ratna Batara Munti, the chair of KOHATI (Korps HMI-Wati), the women's wing organization of Himpunan Mahasiswa Islam (HMI), she established an independent women's study institute called Tjut Nja 'Dhien in 1993 (Katjasungkana and Munti n.d., 87). Badriyah has taught at UIN Syarif Hidayatullah, became a member of parliament for PKB, was active as a Komisi Perlindungan Anak Indonesia (KPAI) commissioner, and also became a member of the Indonesian Ulama Council fatwa commission. Today, she is active as a preacher and a writer. She is a permanent contributor to the Islamic women's magazine *NooR*. With her husband, she is developing Pesantren Mahasina Daarul Qur'an wal Hadith.

A.D. Eridani was the director of Rahima when KUPI was held in 2017. She was born in 1967. She finished her education in public schools and university, including public junior high school in Ambon, public senior high school in Purwokerto, and Diponegoro University in Semarang, Central Java. Her involvement with the NGO scene began in 1992. She joined P3M in 1996, working in the Fiqhunnisa' programme with Lies Marcoes. She was one of the founders of Rahima when it was established in 2000, and in 2007, she was appointed as the director. Eridani participated in Rahima's PUP programme as a facilitator together with Nur Rofiah and Faqihuddin Abdul Kodir. In 2014, she contributed in a writing project on the profile of Rahima's female ulama. She was considered to be the main actor responsible for the establishment of KUPI. Wawardi, a staff member of Rahima, characterized her as a very determined and persevering woman. He writes: "Mbak Dani's wish for a Congress of Women Ulama finally revealed itself in the form of decisions,

instructions, and directions to us at Rahima. The instructions became more intense after the historic conversation between Mbak Dani, Bang Helmi (Helmi Ali), and Kang Faqih (Faqihuddin Abdul Kodir) on the prayer gathering for the fortieth day of the death of Lia Aliyah (a female ulama figure from Cirebon who graduated from the Rahima PUP programme) in October 2014 in Cirebon” (Mawardi 2017b, 17-22).

The next three figures are Nur Rofiah, Faqihuddin Abdul Kodir, and Kamala Chandrakirana. They are included in the third category, intellectual leadership. They have played a significant role in developing concepts and frameworks for the study of Islam with a gender-sensitive approach in Indonesia, which subsequently became a method and framework for KUPI. Nur Rofiah was born in 1971 in Pemalang, Central Java. She finished her primary education in her hometown. Then she went to the Khoiriyah Hasyim Seblak Foundation in Jombang, East Java, for six years to finish her junior and senior high schools. Nyai Hj. Jamilah Ma’shum is the highest-ranked leader of the *pesantren* and one of her sons, Kiai Umar Faruq, influenced Nur Rofiah by inspiring her critical thinking (Ridwan 2019). She then moved to Komplek Hindun at Pesantren Ali Maksum in Krapyak, Yogyakarta, where she learned and memorized the Qur’an. She got her BA from the State University for Islamic Studies Sunan Kalijaga in Yogyakarta, majoring in *tafsir* and hadith and continued her studies for her Master’s and doctorate degrees at Ankara University in Turkey. Nur Rofiah got involved with Jaringan Islam Emansipatoris (Islamic Emancipatory Network), organized by P3M, where she became aware of the importance of understanding the context and lived realities when interacting with and interpreting Islamic texts. After that, she joined Rahima, PEKKA, and Alimat (Rofiah 2017b, 70). She organized a series of training courses on Keadilan Gender Islam (Islamic Gender Justice), both through offline classes and on social media such as Facebook, Instagram, and WhatsApp. During the pandemic, she held her classes through Zoom meetings.

Faqihuddin Abdul Qodir was born in 1971 in Cirebon, West Java. He came from a *pesantren* and Nahdlatul Ulama background. He attended Pesantren Dar at-Tauhid in Arjawinangun Cirebon, from 1983 to 1989. He obtained his Bachelor's from Abu Nur University and Damascus University in Syria. He then continued with a Master's programme in Islamic Law at the International Islamic University in Gombak, Malaysia, while he was involved with the international branch of Nahdlatul Ulama in Malaysia. Returning from Malaysia in 2000, Faqih started his involvement with Fahmina Institute along with Kiai Husein Muhammad. They established the institute in 2000. Since then, Faqih has worked as a researcher, facilitator, and resource person for training and seminars on issues of Islam and gender for government and non-government organizations. Faqih received his PhD in Religious Studies from ICRS, Graduate School of Gadjah Mada University in Yogyakarta, Indonesia. Since KUPI, he has actively promoted the concept of *qira'ah mubadalah*, which he developed, by organizing a series of forums, called Majelis Mubadalah, throughout Indonesia and in other countries such as Malaysia, Thailand, the Netherlands, Belgium, and France. He has also promoted the principle of *mubadalah* through social media such as Instagram and YouTube and a website, mubadalah.id.

Kamala Chandrakirana was born in 1960. She finished her BA at the Faculty of Social Sciences, University of Indonesia, in Jakarta, and studied Sociology Studies at Sophia University, in Tokyo, Japan. She got her Master's from Cornell University, Ithaca, New York, USA. Chandrakirana is a representative of a group of secular feminists who were also among the leading figures in KUPI. She was a researcher who worked for a development programme, but when the May 1998 riots happened and led to a mass rape of women, she changed from a researcher into a determined activist. She took part in the new mobilization on the issue of women's human rights. She was asked to be part of a national commission which was established by the new president, B. J. Habibie, called the National Commission on

Violence against Women, more commonly known as Komnas Perempuan. The Commission, which grew out of that moment of historic political change in Indonesia, after thirty-two years of authoritarianism, has since become a unique institution, nationally and globally (Berkley Center for Religious, Peace, and World Affairs 2015). Since then, she has networked with Muslim women's organizations such as Rahima, Fahmina, and Alimat, and has served on a steering council for the development of the organizations.

The educational backgrounds and activism of these figures suggest that KUPI draws on two different networks of knowledge and activism. Firstly, they are graduates of both *pesantren* and formal Islamic educational institutions, in particular the UIN and PTIQ, that have played a significant role in providing higher education for Islamic studies in Indonesia. The exceptions are A.D. Eridani and Kamala Chandrakirana, who were trained in secular universities. This fact also shows that the main organizing figures are from middle-class families and that most of them have experienced education overseas. Secondly, their activism is connected through empowerment and gender training programmes initiated by P3M for Muslim leaders that subsequently inspired a network of Islamic feminists, and which is also connected to the network of the secular women's human rights movement. Connecting these two networks is a major strength of KUPI; yet it is also a major challenge, as issues and concepts are contested between these groups (Kloos and Ismah, forthcoming).

Redefining the Term *Ulama Perempuan* and the Methodology of KUPI's Fatwas

One of the main goals of KUPI is to amplify women's voices and share experiences and to gather together in a collective exercise of redefining key concepts such as the term *ulama perempuan* (female ulama) and outlining the methodology for KUPI's fatwas. This included the incorporation of nine essential values,

namely *ketauhidan* (monotheism), *kerahmatan* (compassion), *kemaslahatan* (social good), *kesetaraan* (equality), *kesalingan* (mutuality), *keadilan* (justice), *kebangsaan* (nationality), *kemanusiaan* (humanity), and *kesemestaan* (universality), the foundation of compassion (*kerahmatan*) in the Qur'an and hadith, the framework of *maqashid shari'ah* (the goals of the shari'a), and the approach of *ma'ruf* (goodness), *mubadalah* (hermeneutic reciprocity), and *keadilan hakiki* (substantive justice). The methodology was applied in the process of religious consultations (*musyawarah keagamaan*) to produce the three KUPI fatwas mentioned above.

The term *ulama perempuan*, as referring to women with the capacity to become ulama, was not heard much before KUPI. Personally I often received questions for clarification when I mentioned this term to interlocutors who were not part of Rahima's circle. "I would suggest naming this congress the congress of Indonesian *nyai* instead of the Kongres Ulama Perempuan Indonesia," K.H. Arwani Syaerozi said. He is the director of Ma'had Aly al-Hikamus Salafi, Babakan Cirebon, West Java. He argued that the word "*nyai*" is more acceptable because it is rooted in the *pesantren* tradition.¹¹⁴ Questions about the existence of *ulama perempuan* were even raised by members of Rahima, however. Some asked, "Do *ulama perempuan* exist?" and "Why don't we call this congress 'Muslimah Congress'?" Responding to those questions, Nur Rofiah stated, "We intended to make people aware that there are women who have capabilities as ulama." And the term *ulama perempuan* holds a strong reference to that goal that would be lost if it were replaced by other terms such as *nyai*, *muslimah*, or even *alimat*. KUPI attempted to reclaim the use of the term ulama with specific reference to women, and to affirm the ulama-ness of women.¹¹⁵ In other words, *ulama perempuan* are not just two empty words; rather, they have deep sociological and ideological implications.

114 Author's interview with K.H. Arwani Syaerozi, 21 March 2017.

115 Author's interview with Nur Rofiah, 8 May 2017.

In social use, the term *ulama* is often attributed to religious leaders who have mastered Islamic sources, are associated with good deeds, and are able to give guidance to people in their social lives. As written in a remarkable compilation of hadith titled *Sunan Abu Dawud*, *Shahih Bukhari*, and *Al-nasha'ih al-Diniyah*, the word “*ulama*” is used to refer to the heirs of prophets; the primary responsibility of *ulama* is to guide the people to the right way. Both the Qur’an and hadith emphasize the attitude of *ulama*, rather than specific knowledge that should be acquired. Based on these sources, KUPI defines an *ulama* as “someone who has deep knowledge that makes her/him feel in awe of Allah (integrity), carries out good deeds (*al-akhlaq al-karimah*), implements, delivers, and stands for justice, and conveys a sense of peace to the world (*rahmatan li al-‘alamin*)”. Furthermore, according to al-Syatibi’s (d. 1388) *al-Muwafaqat*, “deep knowledge” means an understanding of legal texts (*al-nushush al-syar‘iyyah*), the goals of the shari‘a (*al-maqashid al-shar‘iyyah*), and the current social lives (*waqa‘i al-hayat*) (Tim KUPI 2017a, 18-9).

KUPI emphasizes that the word *perempuan* (woman) has two meanings, one biological and one ideological. According to the *Kamus Besar Bahasa Indonesia* (Indonesian Language Dictionary), in biological terms the word *perempuan* refers to someone who has *puki* (female genital organs), and is able to menstruate, conceive, give birth, and breastfeed. By contrast, from the ideological point of view, *perempuan* in the meaning given to it by KUPI denotes a gender-equal perspective, denoting a consciousness and motivation to stand up for women in order to create equity in relation to men in the family or social life. These meanings differentiate *perempuan ulama* (female *ulama*) from *ulama perempuan* (women’s *ulama*). The term *perempuan ulama* (female *ulama*) refers to those *ulama* who are biologically women and demonstrate the scholarly capabilities, and may or may not maintain a gender perspective. On the other hand, in the KUPI framework *ulama perempuan* (women’s *ulama*) connotes all *ulama*, either men or women,

who maintain and implement the perspective of gender equity. In their work, intellectually and practically, *ulama perempuan* integrate the perspective of gender equity with Islamic sources in responding to life's realities in order to establish justice and a civilized humanity. Thus, according to KUPI, the term *ulama perempuan* (women's ulama) refers to those who possess deep knowledge, either women or men, who have integrity and nobility (*akhlaq karimah*), stand for justice, and work to bring peace to the world (*rahmatan li al-'alamin*). They are faithful to Allah (*taqwa*) and therefore respect humanity in general, specifically women, not only in public life, but also in relation to the family. They are people of integrity, who stand for justice and disseminate a sense of peace not only among men, but also among women. As such, they can establish the harmony of reciprocal relationships (*relasi kesalingan*) between men and women, without violence, with the ultimate goal of building a just and civilized society (Tim KUPI 2017a, 18-9).

The congress not only redefined the term *ulama perempuan*, it also outlined a methodology for arriving at and formulating fatwas. According to KUPI, there are four elements to be applied in the fatwa-making procedure. Firstly, it identified nine essential values as the basis for ethical reasoning in fatwas, namely monotheism (*ketauhidan*), compassion (*kerahmatan*), social good (*kemaslahatan*), equality (*kesetaraan*), reciprocity (*kesalingan*), justice (*keadilan*), nationalism (*kebangsaan*), humanity (*kemanusiaan*), and universality (*kesemestaan*). The application of these nine values ensures that "women and men are seen as complete subjects, human beings with dignity, and both are *khalifah fi al-'ardh* (caliph of God on earth), so they have the right to be involved and receive benefits of this life. Because of this, women's life experiences, with their two distinctive conditions, biological and social, become an authoritative source for the KUPI knowledge production" including fatwas (Kodir 2021, 29).

Secondly, KUPI identified compassion (*kerahmatan*) as a core message of the Qur'an and hadith, and central to its vision of fatwa-making. Compassion can be translated into an act of having a noble character (*akhlaq karimah*), doing justice, being kind, spreading peace, creating social good, and taking sides with the vulnerable and disadvantaged people, including women and children. This vision ensures that KUPI fatwas are the reflection of *akhlaq karimah*, justice, kindness, peacefulness, social good for humankind, especially women and children, and spreading compassion for the universe (*rahmatan li al-'alamin*) (Kodir 2021, 30).



FIGURE 12: A consolidation process among KUPI participants led by Bu Afwah Mumtazah (in black colour batik pattern) in Pesantren Kebon Jambu Al-Islamy, Babakan, Ciwaringin, Cirebon, West Java, in April 2017. Photo by David Kloos.

Thirdly, there is the framework of *maqashid shari'ah* (the goals of the shari'a) as a basis of legal reasoning to maintain and protect basic human rights, and also to ensure that they are fulfilled in a good and perfect manner. The substance of the *maqashid shari'ah* can be found in the rules regarding *qiyas* (legal analogy), *'illah* (legal causes), *istihsan* (seeking goodness), and *maslaha* (social good). *Maqashid shari'ah* has been narrowed to the fundamental elements of human existence (*al-dharurat al-khamsah*) as a framework for understanding and deciding Islamic law, which are preserving religion, life, intellect, progeny, and property.

Fourthly, KUPI advances an approach of *ma'ruf* (goodness), *mubadalah* (reciprocity), and *keadilan hakiki* (substantive justice), thus strengthening the application of *maqashid shari'ah* in fatwa-making. The approach of *ma'ruf* as derived from the Qur'an was proposed by Badriyah Fayumi. She defines *ma'ruf* as cited by Faqihuddin Abdul Kodir (2021, 40): "Everything that contains the value of goodness, truth, and appropriateness according to the shari'a, common sense, and the general view of a society." The concept of *ma'ruf* in the Qur'an contains three basic ideas. Firstly, *ma'ruf* is one of the principles of social relations, in addition to the principles of justice, reciprocity, and cooperation. Secondly, *ma'ruf* is a form of appreciation and reference to traditions that are accepted and practiced by society (*fiqh* Muslim scholars call this 'urf, *adah*, or custom). Thirdly, *ma'ruf* is viewed as an approach for deriving and contextualizing universal Islamic values, such as the necessity for men and women to be mutually willing and prepared to consult each other (Kodir 2021, 40-1).

During the second day of KUPI's 2017 conference, Nur Rofiah gave a lecture on "substantive justice," which she translated into Indonesian as *keadilan hakiki*, as a critique on patriarchal systems that present the biological conditions of women (i.e. the capacity to bear children) as a reason to subjugate them and treat them unequally in social life. Nur Rofiah stated that substantive justice requires consideration of women's experiences, which can be biologically and socially different from men. One difference is indeed biological. It concerns women's reproductive organs, which implicate five distinctive experiences of women that are not experienced by men. The experiences are menstruation, pregnancy, childbirth, post partum, and breastfeeding. Another experience is the social condition that leads women to be stigmatized (negatively labelled), subordinated, marginalized, and subjected to the double burden of domestic and public tasks, and (physical or psychological) violence. Thus, the pain, health issues and needs, and what is good for women cannot be

defined by men and in male-only forums, but must be based on the real experiences of women and in the forums that involve them. Likewise, a fatwa on women cannot be considered *ma'ruf* when women are discredited because of these five biological attachments and if the fatwa ignores the distinctive experiences of women (Kodir 2021, 43-4).

Another approach in interpreting Islamic texts as a part of KUPI's fatwa framework is the "hermeneutics of reciprocity" coined by Faqihuddin Abdul Kodir, one of the leading figures of KUPI. He translates this as *qira'ah mubadalah* in his book *Qira'ah Mubadalah: Progressive Interpretation for Gender Justice in Islam* (2019). This book offers a method for reading or interpreting Islamic texts, including the Qur'an and hadith, that enables the interpretation of gender roles as a reciprocal matter. Unlike methods introduced through Muslim feminist writings that criticize the authority of the hadith and the authenticity of traditional scholarship, *qira'ah mubadalah* attempts to combine classical Islamic scholarship, modern methods, and feminist discourse to reinterpret Islamic texts, including hadith and the Qur'an, in more gender-sensitive ways. The work of *mubadalah* is based on three premises. Firstly, Islamic texts and teaching address both men and women. Thus, a text that seems to be addressing men only because of a certain context can be reread to also address women. Secondly, the relationship between women and men is regarded to be based on cooperation and reciprocity, not hegemony and power. Every legal decision that leads to a hegemonic and despotic model of relations is contrary to this principle. Thirdly, to harmonize the two principles above, all source texts are open to reinterpretation, and all legal decisions, as far as technical contextual matters are concerned, are also subject to change (Kodir 2021, 42).

The KUPI methodology was applied in the process of religious consultations (*musyawarah keagamaan*) to produce three KUPI fatwas. It was also disseminated through book publications and online media such as websites and social

media and applied as a framework in producing articles about women and human rights published by *mubadalah.id*. The KUPI methodology, including *mubadalah* and *keadilan hakiki*, is thus an important device used by female ulama to exercise their Islamic authority, to speak about Islam, and to re-interpret Islamic texts from women's perspectives. Both *qira'ah mubadalah* and *keadilan hakiki* enabled KUPI to connect an abstract discussion about interpretative methodology and inalienable rights to the experiences of participants living and working in a variety of social and institutional contexts.

Building Solidarity and the Challenge from Established Authority

KUPI's achievement was not only the accomplishments of KUPI and the scholarly works produced, such as the fatwas and gender-sensitive frameworks for interpreting Islamic texts, but also the demonstration of the fact that the organizing committee of KUPI could manage all the KUPI programmes and handle a thousand participants quite well. This accomplishment certainly required cooperation, thorough preparation, and the ability to solve problems and challenges that arose during the congress. Two sets of challenges may be identified: internal and external. Internal challenges related to individual conditions and the process of building networks and solidarity between the individuals or elements involved in KUPI, while external challenges were related to the power relations between KUPI as a platform for the female ulama movement and established institutions of religious authority and fatwa-making. KUPI's leading figures played an important role in drawing up a strategy for dealing with these challenges.

According to the stakeholders involved in KUPI, internal challenges emerged from two dimensions: social and psychological. I have written about these dimensions in Chapter 3. They include the difficulty that Muslim women leaders have in referring to themselves as ulama. None of the four female ulama

whom I highlight in this dissertation acknowledge themselves as ulama. Many of the attendees of KUPI's first conference agreed with this. "Don't say we are *ulama perempuan*. Let's just call ourselves *ustazah, mubaligah, daiyah*. The label of ulama is not suitable for us, because ulama is a huge title," stated Umi Rahimun, one of the participants from Aceh.¹¹⁶ For KUPI, however, recognition and self-acceptance were essential in order to affirm the existence of female ulama and their religious authority. Because of this psychological difficulty, the redefinition of the concept and the role of female ulama seems merely a concept that operates at the level of ideas rather than being a living subjectivity on the ground. This psychological barrier is influenced by the social and common understanding of the concept of ulama, which is still biased toward men. There are doubts that women can be ulama and issue fatwas, and to some extent this has challenged the effort of grounding the concept of *ulama perempuan* and their Islamic authority as defined by KUPI.

Changing this very mindset has been part and parcel of the KUPI project from the beginning. The organizing committee framed and distinguished between the concepts of *ulama perempuan* and *perempuan ulama*, and expanded the background category of KUPI's attendees to include *pesantren* leaders and teachers, teachers at educational and Islamic higher institutions, leaders of Islamic organizations, leaders of *majelis taklim, ustazah, mubaligah, and daiyah*, women activists, experts, academicians, researchers, and observers who are interested in Islamic and women's issues (Tim KUPI 2017a, 18-9). These various titles and categories might relieve the psychological burden of the individual women because they are not categorized under only one title which is *ulama perempuan*. The participants came up with their own alternative titles instead of calling themselves female ulama. The titles of *ulama perempuan* and *perempuan ulama* were not included in the list of the participant categories. "This

116 Author's interview with Umi Rahimun, 27 April 2017.

is the first Indonesian women's ulama congress, and we saw the psychological burden among the women themselves. They were still not one hundred per cent confident in acknowledging the existence of *ulama perempuan*. So we avoided that psychological burden, for example, by escaping from using terms such as fatwas and *ijtihad*," Nur Rofiah stated.¹¹⁷ Another strategy was to position the charismatic figure of women from *pesantren* settings as a role model of *ulama perempuan*. Among these figures was Nyai Masriyah Amva. These strategies were carried out through pre-conference meetings, consolidation gatherings during KUPI, and media framing.

Another internal challenge lay in managing the collaboration between *ulama perempuan* and secular activists. These two groups have different formal appearances and way of accessing knowledge and critical thinking. They also represent a dichotomy between religious and secular knowledge. On the one hand, there is the dimension of religion, the divine, and the traditional. On the other hand, there is the secular, worldly, and progressive. Nur Rofiah gave an example of female ulama participants who had concerns about secular activists who did not wear a proper *jilbab*. Because it was an Indonesian Congress of Women Ulama, all the participants should follow Islamic values in terms of their appearance. Some female ulama participants also worried that KUPI would spread liberal ideas that are not in line with Islamic values. These different views and attitudes challenged the process of building solidarity among participants. These two subjectivities came with their own boundaries and seemed difficult to align. This concern became evident in the International Conference, the first programme activity of the conference, in which two speakers criticized guardianship of women and polygamy as not part of Islamic tradition. The speakers were Ruhaini Dzuhayatin, a leading Indonesian Muslim woman activist, and Hatoon al-Fasi, a female scholar from Saudi

117 Author's interview with Nur Rofiah, 14 March 2018.

Arabia.¹¹⁸ According to Nur Rofiah, this view was considered too critical by the traditional Muslim community.

Anticipating such doubts and concerns by participants, the committee decided to select more participants from among Muslim women leaders because they were the central figures of KUPI. According to Nur Rofiah, the committee was aware that the decision of having 70-80 per cent of the participants be women leaders with an Islamic background would limit the participation of secular activists. They also attempted to frame the understanding of the participants by affirming the concept and history of female ulama as delivered by Badriyah Fayumi during the opening ceremony of KUPI and introducing the framework of *keadilan hakiki* and *mubadalah* as approaches to studying and interpreting Islamic texts. "Many participants were initially hesitant. Then after listening to the speech of Mbak Badriyah and Ibu Nyai Masriyah, that was from a Sufism perspective and an excellent approach, and my presentation at the seminar, they apparently agreed that the *ulama perempuan* exists," Nur Rofiah added.¹¹⁹

Establishing KUPI as a site for sharing knowledge and experience between female ulama and secular activists was an effort to transcend boundaries between the two and make them complement each other. Badriyah Fayumi said, "We want to apply a new religious perspective. It is that religious discourse cannot only be studied from texts. In this sense, the activists can speak for context and reality."¹²⁰ This integration has actually been employed, for example, by MUI in its making of fatwas on the *halal* status of commercial products. They involve experts who have experience and knowledge about the context and reality.¹²¹ This two-sided meeting of experience and knowledge could be seen through a series of parallel discussions in the 2017 KUPI on nine themes. These nine themes were women's religious

118 Ibid.

119 Ibid.

120 Author's interview with Badriyah Fayumi, 9 February 2018.

121 Ibid.

education, the response of *pesantren* to women's religious leadership, sexual violence, child marriage, migrant workers, rural development, religious radicalism, and conflict and natural destruction. These themes were discussed by female ulama and secular activists from two perspectives simultaneously: text and context (Tim KUPI 2017a, 40).

Apart from internal challenges, KUPI also had to deal with external challenges related to established (institutional and intellectual) authority; that is, the sources of authority that are dominated by male ulama and their perspectives. KUPI had no intention of challenging these institutional ulama and fatwa authorities directly. But the use of the term "ulama" implied the effort to affirm the role of women as ulama and KUPI as a platform of the ulama-ness of women and to position their ulama roles parallel to established authority. Advancing women's intellectual authority meant positioning women as agents who have the authority to speak about Islam, produce knowledge related to Islam, and issue fatwas.

KUPI's organizing committee anticipated a possibly hostile reaction by those institutions. Thus, they had to make sure that there would not be a public accusation that they were liberals posing a threat to Islam. They were, in other words, anticipating the possibility of serious opposition by very powerful institutions that claim to be the main authorities when it comes to Islamic law and practice in Indonesia. So they made sure to cultivate their image as being properly Islamic, properly traditional, and properly pious, and they deftly cultivated relations with those institutions and the people in them; this was possible because many of the women in KUPI are very well connected.

They then took an initiative to approach those Muslim mass organizations and ulama institutions. Some delegates from the organizing committee of KUPI went to those institutions to introduce KUPI and explain what it was about (Tim KUPI 2017a, 31-2). They also made a compromise by taking on board some

of the inputs suggested by these institutions, for example, from Kiai Ma'ruf Amin, whom they met as the head of MUI in 2017 and who was elected as the vice president of Jokowi Widodo. "Kiai Ma'ruf said that KUPI will be rejected if the community assume that KUPI challenges MUI. So, one solution was not to use the term fatwa because the fatwa belongs to MUI," Faqihuddin Abdul Kodir shared.¹²² However, Kiai Husein Muhammad thought that there were two groups in MUI that had different attitudes towards KUPI. "Kiai Ma'ruf Amin did not mind the use of the word fatwa. He only warned that the fatwa issued by KUPI should not conflict with the fatwa issued by MUI," he explained. But there was another group who did not allow KUPI to use the term fatwa because the fatwa is the prerogative of MUI and may not be used by others. In response, KUPI decided to operate carefully and diplomatically in the sense of not being confrontational in their attitude toward the established authorities. KUPI used the term "outcome of religious consultation" (*hasil musyawarah keagamaan*) instead of the term fatwa as a strategy of avoiding a rejection of KUPI's fatwas.¹²³ However, despite using the term *hasil musyawarah keagamaan*, religious opinions produced by KUPI were accepted by the public as KUPI's fatwas and also represented as such in the media.¹²⁴

The decision to hold KUPI in Cirebon was also a strategy to anticipate these tensions and possible challenges to KUPI's legitimacy. This decision was related to the cultural capital found in Cirebon. Firstly, Cirebon has a cultural basis to support KUPI because there are hundreds of NU *pesantren* that believe in the unity of Islamic values, nationality, and humanity, which is in line with KUPI's motto. Secondly, Cirebon is the location of Pesantren Kebon Jambu. This *pesantren* is led by Nyai Masriyah Amva, a woman who has been working on justice and equality

122 Author's interview with Faqihuddin Abdul Kodir, 3 May 2017.

123 Author's interview with Kiai Husein Muhammad, 21 May 2017.

124 Some examples of the media headlines are "Female Muslim clerics in Indonesia issue rare fatwas" (*thefrontierpost.com*), "Female Clerics Declare Fatwa on Child Marriage in Indonesia", (*free-malaysiatoday.com*), and "Tiga Fatwa Hasil KUPI 2017" (*NooR magazine*) (Tim KUPI 2017d).

for men and women for almost a decade. Thirdly, one of KUPI's organizing institutions, Fahmina, is based in Cirebon. Fahmina has a strong network with the *pesantren* and NU's cultural base through empowerment programmes concerning Islam and gender equality. The participants at KUPI, especially from the local area of Cirebon coming from *pesantren*, universities, and organizations, were those who have been involved with Fahmina's work since the early 2000s and have emotional and cultural connections to this progressive movement, and to Fahmina in particular (Tim KUPI 2017a, 187-8).

Another external challenge was to deal with intellectual power relations in the field of fatwa-making. KUPI had to deal with its position in the Indonesian Islamic intellectual landscape and power relations undergirding it, especially matters related to the Islamic authority of female ulama to speak about Islam and issue fatwas. Established ulama and fatwa institutions such as NU and MUI already have a framework in the study of Islam and making fatwas, for example, by referencing *aqwalul 'ulama* (the opinion of religious scholars) and employing textual methods. They have also issued fatwas on issues related to women. The challenge was that KUPI's method of issuing fatwas is not considered legitimate from the vantage point of the frameworks applied by those institutions and therefore it cannot issue authoritative fatwas. Huzaemah Tahido Yanggo, the head of MUI's fatwa commission, commented, "Are they really experts [in issuing fatwas]? If there are experts, go ahead. We are experts in issuing [fatwas] but still sometimes there are people who oppose."¹²⁵

Concerns about the legitimacy of KUPI's methods and the fatwas produced by KUPI also appeared during the pre-conference meeting on 4-6 April 2017, which was attended by the organizing committee including the seven leading figures I mentioned in the previous section. They then decided to apply the structure employed by the established fatwa institutions

125 Author's interview with with Khuzaemah Tahido Yanggo, 8 February 2018.

regarding *adillah* (sources), which were the Qur'an, the hadith, *aqwalul 'ulama*, and the Indonesian constitution. Although the other foundations, namely women's experiences and the International Constitution, were considered essential in KUPI's framework, to avoid controversy they regarded them as a perspective in the process of the analysis of *adillah (istidlal)*.¹²⁶

Another strategy was to avoid having fatwas issued by KUPI that conflicted with existing fatwas on the same issue, for example about child marriage. They formulated a question that was different from the usual question used in the fatwa formulation such as "what is the legal judgement on child marriage?" Instead, they framed the question by referring to the *impact* of child marriage. The question was: "What is the legal judgement on preventing child marriage that leads to a harmful impact in the context of creating the welfare of a *sakinah* (safe and prosperous) family?" This led to the answer that child marriage is unlawful (Kloos and Ismah, forthcoming).

KUPI's experience in dealing with internal and external challenges shows that the movement of female ulama through KUPI as a platform has destabilized male domination over ulama's roles and fatwa-making. This is a necessity in a social movement, because "a social movement collectively challenges authorities, sometimes in an attempt to bring about social change, and agitate in institutional settings, including in the government, schools, religious institutions, and corporations, challenging and pressuring authorities in these settings" (Tarrow 1998, 5). On the one hand they dealt with challenges, but on the other hand they challenged the authorities, especially with regard to the juristic authority of women as scholars. The long history of NU women in making efforts to be involved in the fatwa formulation shows the enthusiasm and creativity of women in utilizing their scholarly capacity and network to issue fatwas that are in line with gender equality.

126 Meeting Proceedings, 4-6 April 2017.

Affirming Juristic Authority: The Fatwa-making of KUPI

KUPI seeks to reclaim the juristic authority of women interpreting Islamic texts through fatwa-making. Ultimately this was the key aim while formulating three fatwas on sexual violence, child marriage, and natural degradation impacting on women. In the process of issuing fatwas, on the one hand KUPI's committee made a compromise by considering the input from the ulama and authoritative fatwa-making institutions they visited (calling KUPI's Islamic legal opinion religious consultations instead of fatwas was a result of this). But on the other hand, KUPI defended the substantial part of its fatwa-making, namely the incorporation of women's experiences and the perspective of substantive justice (*keadilan hakiki*) as a means to see lived realities as part and parcel of its methodology and analytical procedures. This substantial part of KUPI's methodology is a prerequisite in the process of making fatwas so that KUPI can produce fatwas that are progressive in terms of gender equality and bringing benefit, especially for women.

Each fatwa institution in Indonesia, such as MUI and NU's Bahtsul Masail, has its own methodology, including structure and procedure. This structure results in fatwas that are written materials published either on printed paper or online. A fatwa typically begins with a question submitted by *mustafti* (fatwa seeker) about the legal judgment of something. However, both MUI and NU's Bahtsul Masail have a fatwa-like form that is not an answer to a question, but a legal statement on an issue in society or a response to a law. Regarding KUPI's fatwas, the three questions discussed for the answers were assessed and decided in several pre-KUPI meetings attended by Muslim women leaders and secular activists. Apart from the matter of structure, those established fatwa institutions also apply different procedures such as the use of *dalil* (pl. *adillah*), which is the whole of legal sources and proof to be used for *istidlal* (the analytical and interpretative principles) to finally formulate the fatwas. KUPI, MUI, and NU's Bahtsul Masail also have their own terms to refer

to each part of the procedures, as I will demonstrate in detail in this section.

This section analyses the differences between KUPI's methodology and the methodology of two other organizations issuing fatwas, namely MUI and NU's Bahtsul Masail. The reason for choosing these two organizations is because first, there is a basic similarity between the three in the sense they all use *aqwalul 'ulama* (the opinion of religious scholars) as one of the sources of *dalil*. This makes them comparable. Second, they have all issued fatwas on the three issues discussed in the KUPI conference. By analysing the differences, this section will show the particularities of KUPI's methodology compared to the other methodologies. These particularities can be seen from three elements of the methodology, namely the structure of fatwas, the formulation of questions and answers, and the use of *adillah* and *istidlal*. Each element will be illustrated by an example of a fatwa issued by KUPI and one from either MUI or Bahtsul Masail of NU.

The first aspect is the structure of the fatwas. KUPI's fatwas consist of *tashawwur* (description), *adillah* (sources), *istidlal* (analysis of the sources), *sikap dan pandangan keagamaan* (religious positions and view), *tazkiyah* (recommendation), *maraji'* (reference), and *marafiq* (appendix) (Tim KUPI 2017a, 52-4). This is different compared to the structure of fatwas from NU's Bahtsul Masail, which are composed of a brief description of the issue, questions, answers (judgement/*hukm*), and *dalil*, which is only taken from *aqwalul 'ulama* and *kitab kuning* as primary sources. Let me explain this difference through an example of a fatwa on natural degradation. NU formulated a fatwa on this issue at the 33rd NU Congress in Jombang, East Java, in 2015. It has five short paragraphs of description explaining the general condition of natural damage impacted by mining exploitation. This fatwa was not supported by extensive data or lived realities of the victims, including women, that show the damage and its impacts. Following the description, three questions arose: (1) what is the legal judgement on exploiting natural resources in

ways that are legal but endangering the environment? (2) What is the legal judgement on government apparatuses giving mining licences that have an impact on natural damage? (3) What should people do in response to natural destruction caused by mining?¹²⁷

The structure of KUPI's fatwa on natural degradation is remarkably different from NU's Bahtsul Masail, as becomes clear when comparing the parts of *tashawwur*, *adillah*, and *istidlal*. I will explain the particularity of *tashawwur* first because the explanation on *adillah* and *istidlal* will be discussed in the third aspect of the uniqueness. Unlike the short description of the result by NU's Bahtsul Masail, the *tashawwur* is an important part in the structure of KUPI's fatwas because it explains the background of the problems supported by data and lived realities related to the natural destruction. In contrast to what NU does, this allows KUPI to bring the gendered dimensions of the issue to the fore; and integrate it in its legal opinion. This section is also a place to include women's experiences and the perspective of *keadilan hakiki* in describing why the problem for which a fatwa is sought is significant. I quote some lines from the *tashawwur* as an example:

"The granting of exploitation permits in the name of development which was then carried out by means of destruction of nature has resulted in the emergence of conflicts that occur due to the struggle for (agrarian) living space ... At least 450 agrarian conflicts throughout 2016 covered an area of 1,265,027 hectares and involved 86,745 families. It increased twice compared to 2015 (KPA, 2017; Komnas Perempuan, 2005). ... The extraordinary shift in land functions has made farmers suffer. Whereas the traditional agricultural field is mostly managed jointly by men and women, or in certain segments only by women. During 2003-2013 around 5.01 million farmer households switched to other professions. Men worked as labourers or coolies in big cities, while young women migrated without adequate skills so that they were

127 The answers to those questions are: (1) Excessive exploitation of natural resources causing damage is *haram* (forbidden); (2) The granting of an exploitation permit by a government official that has an impact on unrepaired natural damage is *haram* if it is done intentionally; (3) The community is obligated to respond as *amar ma'ruf nahi munkar* according to the ability (PBNU 2016, 139-142).

the lowest paid and most vulnerable workers (Tania Li, 2010). This happened in conjunction with the conversion of agricultural land to other uses which reached 0.25 hectares per minute (BPS, 2014) (Tim KUPI 2017a, 126).”

The section of *tashawwur* is followed by the following questions: (1) What is the legal judgement on destroying nature in the name of development? (2) What is the role of religion in providing protection for nature? (3) What is the religious view of the state’s responsibility in dealing with the natural destruction that impoverishes the people, especially women? So the key intervention here is taking lived realities as a point of departure, rather than a more abstract definition of “natural damage”. This subsequently allows for an inclusion of a gendered dimension in the questions. The answers to these questions in the structure of KUPI’s fatwa come after the elaboration of *adillah* (sources) and *istidlal* (analysis of the sources). *Adillah* is taken from the Qur’an, hadith, *aqwalul ‘ulama* (opinion of religious scholars) including *ushul fiqh* (the general principles of Islamic jurisprudence), and the Indonesian constitution. Then it concludes with the statement: “Based on the legal basis and analysis thereof, as mentioned above, the consultations decide on the following religious attitudes and views,” followed by the answers¹²⁸ (KUPI 2017b, 130-6).

Based on this comparison, I may highlight the particularity of KUPI’s fatwas as presented following KUPI’s fatwa methodology, which includes the nine essential values, the

128 The summary of KUPI’s fatwa on natural degradation is (1) the legal judgement of destroying nature which results in social decadence and inequality regardless of the purposes, including for development, is absolutely *haram*; (2) religion plays a role in preserving nature. In the basic principles of Islamic teachings (*al-kulliyat*), in addition to protecting religion (*bifzu al-din*), soul (*bifzu al-nafs*), reasoning (*bifzu al-aql*), heredity and dignity (*bifzu al-nasl wa al-irdh*), and wealth (*bifzu al-mal*), there is protection of nature and the environment (*bifzu al-bi’ah*); (3) the religious view on the state’s responsibility in dealing with the natural destruction that impoverishes the people, especially women, is that the state and all its instruments are obliged to protect nature from all damage and to impose strict punishment and sanctions on the perpetrators of the destruction, including individuals, communities, state officials, and especially corporations. The state is responsible for preventing the natural degradation and enabling its recovery by providing the necessary policies, strictly implementing existing regulations, and carrying out activities with the community for the natural preservation. In this effort the state is obliged to involve women as the party who are affected the most by the negative impacts and excessive burden due to the natural degradation (Tim KUPI 2017a, 142-3).

foundation of compassion (*kerahmatan*) in the Qur'an and hadith, the framework of *maqashid shari'ah* (the goals of shari'a), and the approach of *ma'ruf* (goodness), *mubadalah* (hermeneutic reciprocity), and *keadilan hakiki* (substantive justice) (Kodir 2021). The application of this methodology can be identified in the section on *tashawwur* (description) and *istidlal* (analysis of the sources) of the fatwa (KUPI 2017c, 48). Likewise, the incorporation of the Indonesian constitution can also be seen as a source of legal judgement in the *adillah* (sources) and *istidlal* (the analysis of the sources). To give an example of the Indonesian constitution on the issue of natural degradation:

“In the context of administering governance, this has been regulated through the 1945 Constitution as the Constitution of the Republic of Indonesia, which asserts that the task of the State is to regulate the use of natural wealth for the welfare of the people, not for the benefit of a group of investors and entrepreneurs. Article 33 Paragraph (3) affirms that: “The earth, water and natural resources contained therein are controlled by the State and used solely for the prosperity of the people.” Meanwhile, paragraph (4) states that: “The national economy is implemented based on economic democracy with principles that are mutual, efficient, fair, and sustainable, with environmental insight and independence, and by maintaining a balance of progress and national economic unity. In line with the mandate of the Constitution above, the state’s control over natural resources shall consider the rights of every living being therein including humans, animals, plants as well as other sources of life. Therefore, Article 28H Paragraph (1) of the 1945 Constitution stipulates that: “Every person shall have the right to live in physical and spiritual prosperity, have access to housing, and a good and healthy living environment as well as to be entitled to health services” (KUPI 2017c, 123-4).



FIGURE 13: A religious deliberation on child marriage led by Maria Ulfa Anshor, a member of the organizing committee of KUPI and the former commissioner of the Indonesian Child Protection Commission, in Pesantren Kebon Jambu Al-Islamy, Babakan, Ciwaringin, Cirebon, West Java, in April 2017. Photo by the author.

A second particularity is the formulation of the question and answer. Requests for fatwas typically start with a question, usually in the form of: “What is the legal judgement on (...)?” and the answer is focused on answering the literal question. Let me explain this with an example of NU’s Bahtsul Masail on the minimum age for girls and boys to get married regarding the formulation of question and answer. The 32nd Mukhtamar of NU in Makassar in 2010 issued a fatwa on *kawin gantung* (suspended marriage). The description section explained that *kawin gantung* is underage marriage with the aim of binding children as a couple so that later they will not get married to others. This marriage does not cause legal consequences for “married” children. They still live with their parents. As adults they can renew their marriage. Regarding this issue, four questions are posed. Two of them relate directly to the issue of child marriage: (1) What is the legal judgement on suspended marriage? (2) What is the age limit for marriage, both for men and for women? (PBNU 2010).

The answers to these two questions are exclusively based on the opinions of religious scholars as written in the *kitab kuning* (the classical Islamic books), including *Syarh Al-Nawawi*

'*ala Muslim, al-Fiqh al-Islamy, Syarh al-Syihab li Ibni Hajar, and Qurratu al-'Uyun.*¹²⁹ Referring to these sources, suspended marriage is judged as legally allowed under conditions that there is a *maslaha* (social good), consent of agreement (*qabul*) by the *mujbir* guardian (guardian with 'coercive' authority to force a girl to marry), and other conditions and pillars of Islamic marriage. These answers are thus merely based on the *maslaha* as it is written in the text rather than the context and lived reality that the number of child marriages is considered high in Indonesia and often harmful for children. Unlike KUPI's fatwa, the reasoning of NU's fatwa confirms that child marriage is allowed according to Islamic jurisprudence and legitimizes the practice regardless of the actual impacts and circumstances. NU's resulting legal judgement reads as follows:

"The answers: (1) suspended marriage is legal if there is *maslaha*, the consent of the *qabul* is done by the guardian of *mujbir*, and it fulfils the requirements and other pillars of marriage; (2) According to *jumhur* ulama (majority of scholars) there is no age limit for marriage in Islam. However, marriage should be done when the person is of age (*baligh*)" (PBNU 2010, 206-207).

The KUPI committee approached the process of formulating questions and answers creatively. The contentious issue of child marriage was a case in point. Persuasive cases could be made, on the basis of textual interpretation, both for and against the implementation of a minimum marriage age. In conservative Muslim circles, including many *pesantren*, the practice of "underage" marriage is often considered acceptable, and protests against it are often seen as a form of secular infringement. To break the deadlock, the committee decided to pass over the "usual question", namely "What is the legal judgement on child

129 *Syarh Al-Nawawi 'ala Muslim* is *kitab syarah* (commentaries) on hadith written by Al-Nawawi. The full title is *Al-Minhaj Syarbu Shahib Muslim ibni Al-Hajaj*. This *kitab* is included as a primary reference book to find out the opinion of the *mu'tamad* of the Shafi'i school of thought (Rozikin 2018). *Al-Fiqh al-Islamy* or *Al-Fiqh al-Islami wa Adillatuhu* is a *fiqh* book consisting of ten volumes and written by Wahbah Az-Zuhaili. He wrote this book based on the thoughts of classical scholars from the Shafi'i, Maliki, Hambali, and Hanafi schools, as well as other scholars among Sunnis (Kusumaningtyas 2018).

marriage?" Requiring a choice between "allowed" or "forbidden", this question was anticipated to result in endless debates. Instead, the committee formulated an alternative question, namely: "What is the legal judgement on preventing child marriages that are causing harm (*kemudaratatan*) in the context of producing well-being (*kemaslahatan*) in a safe and prosperous family (*keluarga sakinah*)?" A draft note drawn up in response to those questions stated that the substantive aim of marriage was to obtain the safety and peacefulness of care and love in the family. Child marriage, it reasoned, stood in the way of this aim. This reasoning confirms that the prevention of child marriage is a religious obligation.

The third element is *adillah* and *istidlal*. KUPI's *adillah* and *istidlal* are different compared to the *adillah* and *istidlal* of the other fatwa institutions. To show the difference, I will compare KUPI's religious view with the fatwa of MUI on sexual violence as an example. MUI's *adillah* consists of the Qur'an, hadith, and *fiqh* texts or *aqwalul 'ulama*. These *adillah* are analysed by applying *ushul fiqh* and *tarjih*, which is finding the strongest opinion from *fiqh texts* (Hosen 2004). MUI's fatwa Number 02/MUNAS-IX/MUI/2015 specifically counters the criminalization of sexual intercourse between husband and wife by force, which is categorized as sexual violence according to the draft of the law on the Elimination of Sexual Violence.¹³⁰ It is a "fatwa-like" document, that is to say, not an answer preceded by a question asked by a *mustafti*, but a statement in response to the draft of the law.

130 The draft of the Indonesian law on the Elimination of Sexual Violence defines sexual violence as "all acts that meet the elements of a criminal act as regulated in this Law and other acts of sexual violence as regulated in the Law as long as it is stipulated in this Law ... Sexual Violence Crimes consist of non-physical sexual harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence ... Sexual Violence Crimes also include rape, obscene acts, sexual intercourse with children, obscene acts against children, and/or sexual exploitation of children, acts of violating decency against the will of the victim, pornography involving children or pornography that explicitly contains violence and sexual exploitation, forced prostitution, criminal acts of trafficking in persons intended for sexual exploitation, sexual violence in the household, money laundering crimes whose origin is a crime of sexual violence, and other crimes that are expressly stated as crimes of sexual violence as regulated in the provisions of laws and regulations" (The Law Draft of the Republic of Indonesia Concerning Criminal Acts of Sexual Violence. n.d.).

The fatwa has five legal judgments (*keputusan hukum*) on marital sexual relations. The first three highlight the Islamic principle on the relations according to *fiqh* texts, which state that the relationship between husband and wife must be built as a manifestation of love (*mawaddah*) and compassion (*rahmah*). Sexual intercourse between husband and wife is unlawful under conditions that are prohibited by *shara'* (Islamic rules), which are when the wife is in menstrual and post-partum conditions, husband or wife are fasting during Ramadan, husband or wife are practicing *ihram* (the pillar of hajj), the intercourse is done by *liwath* (anal sex), or in conditions of illness that prohibit sexual activities. Without one of these five conditions, the wife must obey her husband by not refusing an invitation to have sexual relations. These three legal judgments become the foundation for the next two fatwas, which read, therefore: "(1) Sexual intercourse between husband and wife by force is *khilaful aul* (disobeying the principal Islamic lessons), but it cannot be categorized as rape; (2) Criminalization of marital sexual intercourse is against Islamic law." (Ramadhanti 2019, 178).

KUPI's fatwa on sexual violence is remarkably different from MUI's fatwa and is determined by a different analytical procedure with regard to *adillah* and *istidlal*. KUPI's *adillah* includes the Qur'an, hadith, *aqwalul 'ulama*, and the Indonesian constitution. In the process of analysing the four bases of arguments (*istidlal*) that are related to the questions on sexual violence, KUPI's fatwa also incorporates international laws and women's experiences within the framework of KUPI's fatwa, including the application of the nine essential values and other foundations mentioned above. The use of international law and the approaches could not be explicitly listed in the *adillah* (sources) to avoid the possibility of resistance from Indonesian Muslim communities in general who are not familiar with KUPI's methodology, which might thus lead them to reject KUPI's fatwas (Tim KUPI 2017a).

KUPI's fatwa on sexual violence answers three questions. The first two are particularly significant in terms of seeking an

alternative Islamic legal judgement (fatwa) on marital rape in particular. The two questions are: (1) What is the legal judgement on sexual violence? (2) Is rape the same as adultery, both in terms of definition, punishment, and proof? To answer these questions, KUPI explains the *adillah* (textual proofs) derived from the Qur'an, hadith, *aqwalul 'ulama*, and the Indonesian constitution. These *adillah* affirm messages about equality of status and dignity between men and women, responsibility for maintaining individual independence and human rights, and fundamental differences between rape and adultery that have implications for the protection of victims and punishment for perpetrators. In the *istidlal*, the *adillah* are elaborated, supported by data on sexual violence, to arrive at a logical conclusion, which is KUPI's fatwa on sexual violence: (1) the legal judgement on sexual violence is that sexual violence in all its forms, as mentioned in the *tashawwur* and *istidlal*, both outside and inside marriage, is *haram* (unlawful); (2) rape is not the same as adultery, in terms of definition, punishment, and proof.

The procedure of KUPI's fatwas, as elaborated above, shows that KUPI has made the structure and methodology of its fatwa different from that of NU's Bahtsul Masail and the fatwa of MUI in providing answers and legal statements on the same issues. However, it is important also for KUPI not to adopt a completely different methodology from MUI and Bahtsul Masail of NU because a lot of authority lies in using a commonly accepted method of fatwa-making, namely scholarly legal judgement, and KUPI is still in the process of establishing its authority in this field. Through its particular procedure, KUPI seeks to reclaim juristic authority for women and place it alongside male ulama and male-dominated fatwa institutions in Indonesia. KUPI's fatwas seem comparatively more open in terms of accommodating change in society because they explicitly consider lived contexts. They are more progressive, especially for women, because they consider women's experience together with the perspective of *keadilan hakiki* and *mubadalah*. Through this unique approach, KUPI

succeeded in creating a balance between two objectives. On the one hand it wanted to be distinctive while on the other hand it mitigated the risk of potential religious and ideological conflicts, both within KUPI internally and externally between KUPI and established ulama institutions.

Apart from establishing juristic authority through fatwa-making—its ulama-ness, so to speak—KUPI actively engages in exerting a different mode of authority, namely community-based authority that has been well developed at the grassroots level so that it can be an asset for the formation of the community of KUPI at the national level, as will be explained in the next section.

KUPI: A Transformation from Intellectual to Social Movement

As a reiteration of the effort of KUPI activists to transform a scholarly/intellectual movement into a more action-driven movement, in this section I argue that KUPI is a social movement that meets Tarrow's definition (1998, 4). Tarrow understands a social movement as carrying out collective challenges, based on common purposes and social solidarities, in sustained interaction with elites, opponents, and authorities. These four resources—"collective challenges, common purposes, social solidarity, and sustained interaction"—can mobilize people to get together in the field, form alliances, oppose challengers, and be motivated to achieve their goals for the future after the success of mobilization. Concerning KUPI, I have shown earlier that KUPI is a form of collective action energized by both male and female Islamic scholars from different backgrounds, and subjectivities who were brought together at the event by a shared purpose and solidarity to reclaim female Islamic authority. KUPI emerged from a long history of intellectual movements initiated by Muslim gender activists and continues to promote social justice through the roles of female ulama.

KUPI's model for mobilization, according to Helmi Ali, a member of KUPI, is based on three functional divisions, namely

front line, back line, and supporting system. The forefront consists of a campaign and a mode of advocacy that tends to be political. KUPI applies the front line as a platform for the Indonesian female ulama movement to create welfare for humanity. The back line works at the cultural level, and is focused on education and changing people's mindset at the grassroots. This function is also called the organizing function. The back line is the area of work for female ulama who deal directly with the community and build community-based authority. The supporting systems, finally, are several parties that provide means of analysis, formulate methodologies and frameworks in the movement to help the front and back lines, and streamline campaign work, organizing, and mobilization. The supporting systems of KUPI are the organizations Rahima, Fahmina, and Alimat.¹³¹

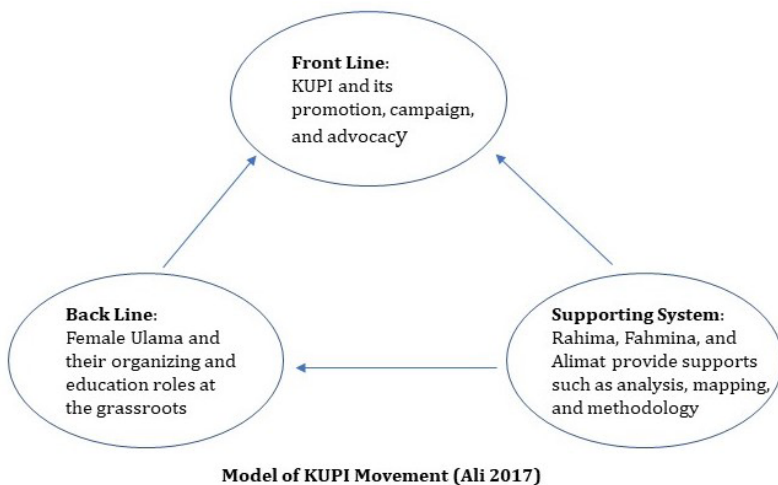


FIGURE 14: model of KUPI movement drawn by Helmi Ali, one of advisory board of Rahima and KUPI. Photo by the author.

Female ulama work individually at the local level by educating their community and building a community-based authority. To play a role at a level beyond local communities,

131 Author's interview with Helmi Ali, 5 April 2017.

establish more legitimate authority, and be involved in policy-making, female ulama shape an alliance and solidarity in a movement that began with the 2017 KUPI conference. Through KUPI, they carry out promotions, campaigns, and advocacy to achieve their goals, supported by the organizations. However, this alliance of female ulama does not aspire to become a formal hierarchical organization. This is because, according to Helmi Ali, KUPI is by nature a site of sharing and forming solidarity where its supporters and followers gather and voice something together, which is to reclaim Islamic authority for female ulama. The institutionalization of KUPI into a formal hierarchical organization could affect its sustainability because of the potential intervention and conflict of interest.¹³² Nur Rofiah stated, “So KUPI is a meeting forum. And indeed, it was set from the start without an institutional tone. Because once it exists, the substance can be lost. People will argue about who is in charge and lobby here and there.”¹³³

The fact that KUPI is not a formal, hierarchical, registered organization does not mean that it lacks a stable organizational leadership and supporters. The organization of a movement can be considered from different perspectives. The most common understanding of the organization is the “formal hierarchical organization”. Zald and McCarthy, as cited by Tarrow, define this as “a complex, or formal, organization that identifies its goals with the preferences of a social movement or a countermovement and attempts to implement those goals”. The second way of understanding a movement is as “the organization of collective action at the point of contact with the opponent”. It starts out as momentary meetings of opponents but can develop into “informal social networks, to formal branches, clubs, and even military-like cells”. Formal organizations can also control this model, for example by coalitions of organizations. Social networks become the most potential factor motivating people to join a social

132 Ibid.

133 Author's interview with Nur Rofiah, 14 March 2018.

movement. The third meaning of organization, according to Diani as cited by Tarrow, relates to “the connective structures that link leaders and followers, center and periphery, and different parts of a movement sector, permitting coordination and aggregation between movement organizations and allowing movements to persist even when formal organization is lacking”. This meaning implies a semi-autonomous and grounded local component connected by connective structures and organized by the formal organization. This model is considered as the most effective form of organization movement (1998, 123-4), and it is also the model that best helps us understand KUPI as a social movement.

KUPI tries to achieve a connective structure through what I call community-based authority. I define this as a mode of authority within community circles achieved by building relationships and being involved with the community for a long period. This is especially important for female ulama because they cannot draw on a long history of cultural assumptions about the legitimacy of men’s leadership. This is not, of course, to suggest that community support is unimportant for male ulama. For instance, Jeremy Kingsley, as cited by Feener (2014, 511), has studied the various sources from which the Tuan Guru, male religious leaders on the eastern Indonesian island of Lombok, derive their authority. Like the women described in this paper, they must also be seen as knowledgeable about religious texts and capable of assuming leadership positions, be known for personal piety and connections with centres of Islamic learning, and exhibit personal charisma. However, the evidence indicates that a male ulama who falls short in any of these categories can still draw on centuries of tradition that affirms men’s religious authority and links them with institutional and collective authority. This is not the case for women.

Being educated and graduating with an Islamic education such as that acquired in a *pesantren* is not the only prerequisite for female ulama to gain Islamic authority. They must also demonstrate their ability in leading the community, solving

ethical and social problems by providing guidance and advice. Unlike the men, they do not have the privilege of becoming a religious leader and ulama, which makes it much easier to gain authority within the community. In contrast to men, women are often questioned about their qualifications, virtue, and abilities. Moreover, systems and authoritative institutions in Indonesia relating to religious matters are dominated entirely by men.

The community-based authority of female ulama can be manifested, first, in religious authority in providing religious advice and fatwas for the community. I have described earlier in Chapter 3 how female ulama play their role as fatwa-givers for their community. Questions asked by *jamaah* range from daily *ubudiya* (worshiping Allah) to more pressing concerns related to working as migrant workers and cases of marital violence. Holding community-based authority also enables the female ulama to exercise social and cultural authority and organizational authority. Community-based authority implies a link between female ulama and *jamaah* that is not a formal hierarchical organization but instead refers to a unit of connective structures that allow for coordination and continuity of efforts to achieve goals among leaders and followers even without a formal organization. Likewise, when female ulama build alliances among Islamic scholars at the national level, forming a national community-based authority, this authority strengthens their solidarity and links between the centre of the KUPI movement and people at the grassroots.

The link between KUPI and female ulama supporters can be seen from two points of views. On the one hand, KUPI tries to reach the lowest layer of followers, namely the *jamaah* of female ulama, through the activities of female ulama. The female ulama are the bearers and spokespersons of the significant results of KUPI, such as fatwas on sexual violence, child marriage, and natural degradation and the framework of *keadilan hakiki* and *mubadalah* for the reinterpretation of religious texts. On the other hand, female ulama have benefited from KUPI as a platform for

their social movement and site for sharing knowledge, building solidarity, and strengthening their authority as ulama. Umdatul Khoirot, a leader of Pesantren As-Saidiyah in Jombang, East Java, stated that KUPI is not merely a congress; it signifies the awakening of the Indonesian female ulama. "Solidarity among female ulama in KUPI gives positive energy and awareness to help them grow because the problem of women's deterioration has gone global," she added. This congress also allows her to knit back together old networks that had been cut off and encourage her colleagues who have come a long way in struggling to voice women's rights.¹³⁴

KUPI is driven not only by social solidarity among female ulama but also by an intellectual network that connects and allows this female ulama movement to take root from the national level down to the grassroots. For example, Ratna Ulfa, a female ulama from Purworejo, Central Java, was inspired and motivated to intensify education, preaching, and discussion of the Qur'an and hadith with a new perspective learnt from KUPI in order to widen the insight of her *jamaah*.¹³⁵ Umdatul Khoirot synergized her activities with the Women's Crisis Center in Jombang to establish an organization named Pesantren Care. With other female *pesantren* leaders, she organizes programmes dealing with local issues affecting women and children, such as bullying and sexual violence. Nuril Hidayati, a lecturer at the State Higher School for Islamic Studies in Kediri, East Java, said, "I am a lecturer, gender activist, and housewife. When I carry out these roles, I always apply and reiterate important points about gender justice. In every event, I campaign for *mubadalah* and *keadilan hakiki* of KUPI."¹³⁶ This intellectual network also strengthens the Islamic authority of female ulama so that they are known as female ulama of the KUPI network. Dewi Setyarini, the director of Lembaga Penyiaran Publik Lokal (LPPL, the Radio

134 Author's interview with Umdatul Khoirot, 9 May 2018.

135 Author's interview with Ratna Ulfa, 9 May 2018.

136 Author's interview with Nuril Hidayati, 9 May 2018.

Local Public Broadcasting Institutions) in Purbalingga, Central Java, admits that the Indonesian Muslim community requires many competent *ustazah*, especially for media broadcasting. And in responding to this need, the KUPI ulama network has established a website displaying names of male and female preachers for media references, namely cariustadz.id.

In addition to community-based authority, the support system played by formal organizations, mainly Rahima, Fahmina and Alimat, plays an essential role in maintaining the continuity of the KUPI movement. These organizations facilitated follow-up forums after the congress in Cirebon, for example, and the launches of KUPI books attended by female ulama, such as Umdatul Khoirot and Ratna Ulfa.¹³⁷ Those formal organizations also maintain the network with governmental institutions by conducting national programmes on women and children. Nuril Hidayati shared her experience of attending and contributing in formulating recommendations at the National Symposium on the Role of Women and Female Ulama as Peace Leaders organized by the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia in December 2017. This programme took place in Jakarta.¹³⁸ Through the international network of those organizations, delegates of KUPI, namely Badriyah Fayumi, Faqihuddin Abdul Kodir, Kamala Chandrakirana, and Ruby Kholifah were invited by Coventry University in the United Kingdom in March 2018 to reflect on KUPI.

137 KUPI published six books containing all documents about KUPI, including the preparation, the process, and results. The books are: *Dokumen Resmi Proses dan Hasil Kongres Ulama Perempuan Indonesia 25-27 April 2017* (Tim KUPI 2017); *Diskursus Keulamaan Perempuan Indonesia: Kumpulan Tulisan Terkait Materi Kongres Ulama Perempuan Indonesia 25-27 April 2017* (Tim KUPI 2017); *Proyeksi Masa Depan Ulama Perempuan Indonesia; Kumpulan Tulisan Refleksi Tentang Kongres Ulama Perempuan Indonesia 25-27 April 2017* (Tim KUPI 2017); *Liputan Media Kongres Ulama Perempuan Indonesia 25-27 April 2017* (Tim KUPI 2017); *Menguatkan Eksistensi dan Peran Ulama Perempuan Indonesia: Rencana Strategis Gerakan Keulamaan Perempuan Indonesia Paska KUPI, 2018-2022* (Faqihuddin Abdul Kodir 2018); *Metodologi Fatwa KUPI: Pokok-pokok Pikiran Musyawarah Keagamaan Kongres Ulama Perempuan Indonesia* (Faqihuddin Abdul Kodir 2021). KUPI also launched a repository website, namely KUPIPEDIA, containing the profiles of female and male ulama who supporting KUPI, key concepts that are commonly held by KUPI, the discourse of Islamic law which documents articles on the Islamic law concept written by KUPI's ulama, an online library, namely Khazanah, lists of networks including communities and institutions, and all kinds of information about KUPI. The website address is www.kupipedia.id.

138 Author's interview with Nuril Hidayati, 9 May 2018.

On top of all these efforts to mobilize and sustain the KUPI movement, the media also play an important role. KUPI members and networks are spread throughout Indonesia so the most effective way to stay connected is through media. KUPI has several WhatsApp groups. During the conference, these functioned as a medium for coordination. Today, they are maintained and used for sharing information and updates about KUPI activities and sustaining the network. Two online media sites that have become a platform to promote KUPI's ideas are Mubadalah.id and Kupipedia.id. Umdatul Khoirot explained that she often read articles written by KUPI experts posted in the KUPI WhatsApp group and on Mubadalah.id.¹³⁹ These digital media display and explicitly evoke the religious authority of female ulama. One form that can be found in these media is the religious opinions of female ulama, presented in the form of articles or ethical questions and answers as the formulation of the fatwa. The discussion on the mediatization of fatwas and female Islamic authority will follow in the next chapter.

Conclusion

Kongres Ulama Perempuan Indonesia (KUPI, the Indonesian Congress of Women Ulama) was preceded by a long struggle of intellectual movements that started in the late 1980s and that were initiated by Muslim activists with their organizations, such as P3M. These organizations conducted training and educational programmes to develop critical thinking among *pesantren* generations and leaders including women. In this era, Islam and feminism increasingly converged. Muslim activists pioneered the Islamic feminist movement in Indonesia, which according to Etin Anwar is included in the fifth era of the genealogy of Islamic feminism in Indonesia.

KUPI was held in Pesantren Jambu Al-Islamy, Cirebon, on 25-27 April 2017 and became a site of sharing and exchanging

139 Author's interview with Umdatul Khoirot, 9 May 2018.

the knowledge and experience of female ulama and secular activists, who have different bases of education and areas of expertise. Both groups have benefited and been supported by each other's knowledge and experience, and therefore their collaboration has generated distinctive processes and results for KUPI, such as the building of its national and local networks. KUPI has shown that this congress is not only an intellectual movement, but also a social movement. Through KUPI, female ulama carry out promotions, campaigns, and advocacy to create social justice for all human beings, both women and men, from an Islamic perspective.

In achieving KUPI's goal, which is to affirm the existence of female Islamic scholars and to appreciate their roles and works in realizing Islamic values, national identity, and humanity, KUPI seeks to gain juristic authority through fatwa-making. Besides, KUPI also builds community-based authority to ground KUPI's framework of a new method for interpreting texts and to sustain the movement. The accomplishment of KUPI supports the idea that the two paradigms, Islam and feminism, can be aligned, as reflected through the practice of issuing fatwas. KUPI's fatwas are not just Islamic scholarly knowledge production generated by female ulama, but also a knowledge product that has resulted from a critical and gender perspective rooted in the context and experience of working with women's issues in everyday life.

This congress also shows that the feminisms that circulate in Indonesia are not unidirectional and merely adopted and applied as coined and developed in the West and the Middle East. KUPI is the continuation of attempts to localize and recontextualize the ideas of feminism in the local context of Indonesian Muslim society. The *mubadalah*, *ma'ruf*, and *keadilan hakiki* approaches in interpreting Islamic texts and issuing fatwas exemplify thoughts resulting from reflection on local experience and knowledge of Indonesia.

Interlude

Nyi Ruq: Writing for the Question-and-Answer Section

One of the resource persons for the Question-and-Answer (Q&A) section of *Swara Rahima*, a community magazine published by Rahima, is Nyi Siti Ruqayyah. She is one of the board members of Rahima Association together with Bu Afwah Mumtazah. She has been involved with the publication of the Q&A section of *Swara Rahima* since 2001. The editorial team of *Swara Rahima* sent a question to Nyi Ruq to be answered and received the answer back for editing before publication.

Nyi Ruq was born in Bondowoso, East Java, on 2 December 1970. She grew up in a noble family of Pesantren Kiai Mas Prajekan, Bondowoso, East Java, which was founded by Kiai Mas Atmari (d. 1892), well known as Kiai Mas. According to Nyi Ruq, the community believes that Kiai Mas was the first ulama to teach Islam in Prajekan. She admitted that one of the factors that strengthened her religious authority was the charisma inherited from her family. Nyi Ruq's great-grandfather, Kiai Suhud, was the younger brother of Kiai Mas. Nyi Ruq's father, K.H. Ma'shum Dimiyati, was the grandson of Kiai Suhud. He married Nyai Siti Rusyati. They had six children, and Nyi Ruq was their oldest child. From her father Nyi Ruq learnt Quranic recitation and Islamic knowledge as she grew up. She remembered how her parents loved her as the oldest child in the family. When Nyi Ruq was only forty days old, her father took her when teaching *santris* in the *mushala* (prayer house). He did not mind having to change his shirt and *sarung* after he got dirty from his daughter's pee. Then he returned to his *santris* to resume teaching.

Nyi Ruq's father passed away in 1982. She then moved to her uncle's place in Pesantren Zainul Ishlah, Probolinggo, East Java, to enrol in junior high education. But she could not finish her school because soon after she had to marry her fiancé, to whom she had been engaged since she was nine. He was the son of *kiai* from Pesantren Mabdaul Arifin, Situbondo, East Java. Nyi Ruq was not happy in her marriage. She often passed out and became unconscious. Various treatments were tried, but none of them could make her condition better. In the midst of her suffering, she was able to resume her study on *kitab kuning* and to preach with the supervision of her father-in-law. He was very supportive and became Nyi Ruq's second teacher after her father. Hence her preaching ability developed considerably. When Nyi Ruq was eighteen years old, she preached in small Islamic congregations in her living area and was invited to teach in other places as well. She was appointed by her father-in-law to deliver a speech on behalf of the *pesantren* board when his *pesantren* held the Haflatul Imtihan (post-exam) festival. Her father-in-law also encouraged her to join Fatayat NU, and she was active in its Dakwah Division.

However, in 1992 her father-in-law passed away, and this affected Nyi Ruq's knowledge trajectory as well as her married life. Finally, she got divorced in 1993 and moved back to her hometown with her four-year-old son. In 1994, Nyi Ruq got married for a second time but apparently it did not work out. She even suffered from violence and abuse in the first year of her marriage. During this time, Nyi Ruq still preached to *jamaah* and was active in the Bondowoso branch of Fatayat NU. She was appointed as the head of this wing organization for young NU women from 1996 to 1999. With this position, Nyi Ruq had an opportunity to develop her critical knowledge of gender, Islam, and women's issues which now, according to her, become the foundation of her progressive fatwas. She was invited by P3M to join the Fiqhunnisa' programme organized in Pesantren Nuris, Jember, East Java, in 1997. By then she had a chance to connect with women activists and NGOs in Jakarta, such as Lembaga Bantuan Hukum (LBH, Legal Aid Institute) APIK and Jaringan Peduli Perempuan Korban Kekerasan (the Care Network of Women Victims of Violence), through which she got help to file a divorce because her second husband did not want to divorce. She then got divorced in 2003.

Nyi Ruq's involvement with women's NGOs enriched and broadened her preaching and teaching subjects, and her roles become more established. She joined an interreligious dialogue programme with the United States with around ten women and men leaders from different religious backgrounds. She also participated in the PUP programme, cohort I, in 2005, together with Muslim women leaders from the East Java area. In 2006 she was invited by Sisters in Islam (SIS) Malaysia to share her experience in gender training from an Islamic perspective. In 2009, she went to Hong Kong with Nyai Sinta Nuriyah Wahid, the wife of the former Indonesian president, Abdurrahman Wahid, from Puan Amal Hayati to observe the condition of Indonesian women migrant workers.

Nyi Ruq also became more passionate about spreading her knowledge and experience among other women and communities. Therefore, she accepted the proposal from women in her village to start a *majelis taklim* in 2002, and to establish a *pesantren* for *santriwati* (female students), namely Pesantren Al-Ma'shumi, in 2004. Through her involvement with the community, Nyi Ruq became a prominent preacher and Islamic guide for the people. "I started building the rooms for the *santriwati*. The community supported me. They donated the building materials and foods. This small *pesantren* was a real community project," Nyi Ruq stated. She manages learning programmes in her *majelis taklim* and also teaches *kitab kuning*, such as *ayyuhal walad* and the work of K.H. Hasyim Asy'ari, in the *mushala* of her *pesantren*.

Furthermore, she was motivated to continue her formal education that she had to abandon when she could not stay on in the second year of her junior high school. She found out about this opportunity from the head

of Unit Pelaksana Teknis Dinas (UPTD, the Technical Implementation Unit of Education) Pendidikan of Bondowoso, a government unit institution where she usually preaches. She took the *kejar paket* B and C (acceleration programmes) to obtain diplomas from junior and senior high school so that she could go to college. She got a scholarship to study in the Sekolah Tinggi Agama Islam (Islamic Higher Education) At-Taqwa in Bondowoso. She took four years to finish her college education and graduated in 2015. She then studied for her Master's degree at the Kiai Abdul Chalim Institute at Pacet Mojokerto and graduated in 2020.

For Nyi Ruq, conveying religious opinions as answers to questions about Islamic law or ethics in writing requires attention to the use of written language. That means “easy-to-understand language,” she stated. Therefore, the role of the editor is very important to ensure that Nyi Ruq has written a complete answer, and if not, ask if she can complete the answer. “Because sometimes I answer it globally so it needs a more detailed explanation and also needs attention to be paid to the use of written language,” Nyi Ruq added. The sources that Nyi Ruq uses in providing answers are the Qur'an, hadith, *aqwalul 'ulama*, and Indonesian legislation, such as the 1974 Indonesian marriage law.

In formulating the answer, Nyi Ruq incorporates her Islamic knowledge, interpretation of the text by paying attention to context and reality, as well as a gender perspective. For example, in explaining the prohibition against hitting your wife, Nyi Ruq said that the term *wadhribu* cannot be interpreted textually as “beat it”, because the term in Arabic has many meanings that can be used by adjusting the context of the sentence, as explained in the progressive *tafsir* books. So, in the context of this verse, *wadhribu* can be interpreted as a hit that is not painful or does not hit the face.

Another important aspect in formulating an answer, for Nyi Ruq, is the suitability of the question as well as the conditions and experiences of *mustafti* as written in the question. Nyi Ruq wrote religious opinions regarding women's *aurat*, the legal judgement on sexual intercourse during menstruation, masturbation, breastfeeding rights and obligations, and forcing marriage on children. The question regarding masturbation is “Is it legal to masturbate for a wife whose husband is sick and cannot fulfil his wife's sexual needs?” The snippet of Nyi Ruq's answer that shows concern for the *mustafti* situation is: “According to the Islamic view, as a solution to overcome domestic problems, your temporary step [masturbation] is innocent because you avoid adultery, which is clearly *haram* ... especially because you worry about the impact, as you stated, which is being irritable towards your children due to your unstable psychological condition.”

CHAPTER FIVE



Amplifying Authority: Female Ulama and Mass-mediated Fatwas in the Public Sphere of Indonesia

Introduction

In the previous chapter I discussed KUPI, its network, and fatwas. I argued that KUPI is a social movement in which Muslim women build solidarity among activists, scholars, and women at the grassroots. These connective structures have strengthened Indonesian women's Islamic authority. In this movement, female ulama use fatwas as an instrument not only to exert the authority of female ulama but also as a space for women to creatively apply the framework formulated by KUPI in daily life, creating legal decisions that are more sensitive toward gender equality. In the context of this movement, fatwas are articulated through formal and methodological expressions in both oral and written formats because they are dealing with authorities of ulamanness and fatwa institutions that have been established for a long time and are considered as the authoritative fatwa-givers by the Indonesian Muslim public.

This chapter explores the impact of changes in the public sphere and media on the articulation of fatwas issued by female ulama. I will deal particularly with the shift from fatwas as an oral form of communication towards a form of written communication that is published and mediatized for the wider Muslim public through magazines. As I explained in previous chapters, in the context of traditional oral forms of communication, the spaces in which fatwas are produced are relatively clear and contained. By

this I mean that the formulation of fatwas takes place in social and institutional spaces that are well known and intimate, and that they are defined by relatively clear boundaries. These are spaces characterized by face-to-face contact between the ulama and the *mustafti*. The ulama know the audiences, the local norms, and the conflicts within the *jamaah*. They also know the risk and the opportunities. Fatwas are still mediated using traditional means of communication such as personal communication between the female ulama and *jamaah*, question-and-answer forums in a *majelis taklim*, or written as a formal document intended for documentation. However, when fatwas are written in magazines or distributed through online media such as websites or social media platforms, they become mass mediated and enter the public sphere. These mass-mediated forms provide an opportunity because they allow women scholars to increase the spread of progressive fatwas. However, they also constitute a challenge because the mass-mediated public sphere is dominated by conservative, black-and-white messages, which generally spread more easily among a heterogeneous audience.

For this perspective on the public sphere, I chose women's Islamic magazines as my focus because the network of female ulama from Rahima and KUPI that I have studied is quite active in producing and publishing fatwas in magazines. They are less active in electronic media such as radio and television. I am going to examine the extent to which print media provide space for female ulama to issue progressive opinions and fatwas. I will concentrate my analysis on the Question-and-Answer (Q&A) sections of three publications. The first publication is an NGO-based publication. The network of women scholars and activists I've studied use print media published by Rahima to keep up to date with Islamic knowledge and reach their audiences. Rahima publishes both paper-based and online bulletins, titled *Swara Rahima* and *Swarahima.com* respectively. The second publication is *AuleeA*, a semi-commercial magazine published by the provincial board of Fatayat NU in East Java. I chose *AuleeA*

because it is grounded, ideologically, in Islamic traditionalism and NU, and thus has similar cultural roots to the network of female ulama that is central to this dissertation. The third case is *NooR* magazine. This publication illustrates a commercial enterprise that may have the largest impact of the three on Muslim readers in Indonesian society.



FIGURE 15: The cover pages of the three magazines, namely *Swara Rahima*, *AuleeA*, and *NooR*. Photos by the author.

The Q&A format is indeed commonly used by Indonesian publications, either in print or online, for displaying questions and answers on daily problems related to Islamic legal judgements. However, not every publication provides a space for female ulama to give answers. Apart from the fact that *Swara Rahima*, *AuleeA*, and *NooR* magazines employ a Q&A format, three other reasons led me to select these three magazines. Firstly, the Q&A sections of the magazines have employed female ulama as resource persons. For each of the three cases, I selected one female ulama who has featured extensively to analyse how their fatwas are constructed and communicated. Secondly, the appointed female ulama are part of the Rahima or KUPI network. Hindun Anisah, who is the resource person of *Swara Rahima*, is an associate member of Rahima. Bashirotul Hidayah, from *AuleeA*'s Q&A section has joined the alumni group of KUPI participants in Jombang, East Java, even though she did not attend the conference. Badriyah Fayumi, who manages *NooR*'s Q&A section, is the chairperson

of an associate committee of KUPI as well as a member of the advisory board of Rahima. Thirdly, the three magazines target audiences that differ in their education and social position. As gauged from the topics and terms used in the Q&A sections, the readers of *Swara Rahima* and *AuleeA* are religiously educated. However, the readers of *Swara Rahima* are very much connected, obviously, to the Rahima network, while the readers of *AuleeA* constitute a broader group. The readership of *NooR* is broader still. Their audience is larger yet also generally less informed, and less scholarly in background.

The central questions in this chapter are: What are the strategies of female ulama talking to different audiences on different dilemmas? What do female ulama take into account when formulating fatwas for *NooR* compared to *Swara Rahima*, and *AuleeA*? Why does it matter for them to talk to the readers of a commercial outlet versus the readers of a tightly networked NGO? How do they articulate their fatwas, in terms of the rules they set, and the language and styles they use? What space does the Q&A format give to female ulama to exercise their juristic authority? How do they maximize their Islamic authority and progressive messages in the Indonesian public sphere in which conservative messages are generally stronger and more mainstream? To answer these questions, I will focus my analysis on the interaction between three key agents in the process of mediated fatwa production, namely the audience (in particular people who send in questions but also the broader audience), the resource persons or female ulama who respond to the questions, and the editorial staff of the magazines. These three groups all have an influential yet different role in the production of media fatwas, and their relationship is constantly being renegotiated.

I begin this chapter with an explanation of the socio-political context of Muslim women in the public sphere of Indonesia. As with Muslim-majority countries and communities elsewhere, there has been a shift in the Indonesian Muslim public under the influence of the development of media technology. Religious

messages move from one medium to another medium and are displayed openly, which allows anyone to access and utilize these messages. These open and accessible forms of communication in combination with other factors have led to the fragmentation and contestation of religious authority (Eickelman and Anderson 1999, 14). The chapter will then look at the history of the use of the Q&A format, especially in the format of written fatwas published in magazines and the trend of questions and answers. In the next section, I will study the historical context of Islamic women's lifestyle magazines in Indonesia and introduce the three publications, *Swara Rahima*, *AuleeA*, and *NooR*, in more detail. This section will be followed by a structural analysis of the way in which questions and answers are formulated in the Q&A sections, including the language, format, style, images used, how female ulama are portrayed, and the interaction between audience, resource persons, and editorial staff in the section. My analysis is mainly based on the texts appearing in the Q&A sections of the magazines. I triangulate evidence with the help of interview data, focusing again on audience, resource persons, and editorial staff. The chapter will end by discussing the strategies of female ulama in producing and amplifying progressive fatwas in the dominant conservative Muslim public sphere.

Muslim Women in the Public Sphere of Indonesia

The development of media technology and mass-mediatization has transformed the Muslim public sphere in Indonesia as much as everywhere else in the Muslim world. Media have become a tool for anyone to speak about Islam and convey their message to the Muslim public. As a result, religious authority has become fragmented in the sense that it is no longer the monopoly of those considered to have classical religious knowledge, namely ulama who lead *jamaah* and religious educational institutions such as *pesantren*. Rather, religious authority is scattered and can be exerted by anyone with access to the media and technology, as long as there is an audience. Likewise, people who want to learn

about Islam do not need to meet directly or learn from reputable sources of knowledge. Media and technology provide easy access (Burhanudin 2010; Eickelman and Anderson 1999). Thus, the requirement for gaining religious authority and learning about religion in the era of media and technology is no longer necessarily profound religious knowledge, but rather one's ability to use media and technology as a means to mediate this knowledge. This change certainly provides a wide opportunity for women to also speak about Islam and gain religious authority as they were previously denied this right because of their gender.

Mass mediatization has had divergent outcomes for the agency and authority of women in Islam, however. The success of the Salafi movement in reaching new audiences online is also an outcome, partly, of mass mediatization. Indonesian women preachers help the movement with their writing on the website *said.net* (Nielsen 2020). Eickelman and Piscatori (1996, 98-9) set out two conditions that increase the visibility of women's roles. Firstly, women have taken up significant roles in modern society in the areas that were previously the privilege of men. Some studies on Muslim women in the Indonesian public sphere have suggested active roles of women as Muslim activists (Rinaldo 2013), Qur'anic reciters using their voices in Qur'anic recitation competitions (Rasmussen 2010), and *nyai* who live in the restrictive circumstances of a *pesantren* and are nevertheless able to become political party members (Srimulyani 2012). These roles are increasingly open to women, thanks to the development of media, including print media, where women can appear in the public space through representational texts and can reach a wider audience compared to the roles that depend on face-to-face media such as preaching in a *majelis taklim*. Secondly, through their social networks, women can act as intermediaries of social relations and channels of information and communication. Women in Salafi websites, for example, are able to "draw on their identities as women to deliver messages supporting patriarchy that are persuasive because they are in

apparent opposition to the messenger's self-interest" (Nielson 2020, 64)

In this chapter, I attempt to further understand the relationship between religious authority, media, and the public sphere, particularly with regard to the role of women as fatwa-givers. The term *public sphere* has its origins in European historiography, in connection to the formation of the European bourgeoisie in the modern era. It was later developed to not only refer to specific temporal and geographic features. The public sphere has been defined by Hurvitz as "a social space in which discursive interactions between large segments of the public take place" (Hurvitz 2002, 17). The concept may help us to "understand the emergence of new arenas of debate that are not fully controlled by the postcolonial nation-state and generate shared ideas, sentiments, and moods among people who do not necessarily have the same cultural or ethnic background" (Meyer and Moors 2006, 4).

I am interested in the mediatization of religion but in a very specific form of mass-mediated communication, namely printed fatwas and the role of women in their production. The practice of producing fatwas, which is usually carried out through face-to-face communication, turns into a written conversation containing questions and answers on a religious issue and becomes widely distributed. Fatwas have been mass-mediated and become a subject of public conversation in the public sphere. Muslim audiences can also access fatwas through mass media, including fatwas that are issued by female ulama. In this development, on the one hand, mass media provide space for women to exercise their authority as Islamic sources in the same way as male ulama. Women can give their fatwas individually and the fatwas might be considered legitimate by some even without the support of a fatwa organization. But on the other hand, the use of media requires different individual skills related to media use and styles of delivering messages through writing. I am intrigued by the questions of how the use of media impacts existing modes of

fatwa mediation, what constraints and problems the transition leads to, to what extent female ulama are able to utilize the new modes of transmission to address their audiences, and the implication of these mass-mediated fatwas with regard to questions of female religious authority.

In addition, mass mediatization is signalled by the emergence of public interpretive practices between “the high textualism of ulama marked by the super-literacy of an interpretive elite” and “participative expressions of the non-literate sometimes identified as ‘folk’ Islam”, different modes of Islamic interpretation which are “textual analysis that probes for meaning” and “a more behaviourist analysis that probes for social forces”, and contemporary Islamist movements that occupy and expand Muslim publics and make them become polarized (Anderson 1999, 46). The progressive group of female ulama I study are competing for influence among media users and actively contest ideas propagated by conservative groups. They contest, for instance, the attempt by conservatives to limit women’s activities to the private sphere on the basis of concepts like *hijrah* (emigration), understood as “religious transformation in order to become better Muslims by acknowledging their nature granted by God” and *kodrat* (inherent nature) (Nisa 2019, 445). Thus, this chapter will not only analyse the fatwas by women, but it will also examine how female ulama navigate this broader, partly hostile, public sphere.

Question-and-Answer Format of Fatwas in Magazines

Fatwas have had a Q&A format since the Prophet’s time. The fatwa was originally delivered orally, but gradually the format also employed handwriting, namely *ruq’ah* (chit). Muftis differed in their preference for oral or written fatwa-giving. For example, Shaykh Abu Ishaq Ibrahim b. Ali al-Shirazi (1083) preferred to write down the question he received with the answer on the same piece of paper. Subsequently, there were instructions regarding *ruq’ah*, such as that the writing should be clear and

should not leave a blank space where the *mustafti* can manipulate the fatwa. These instructions gradually transformed oral *istifta'*, making it a very technical process (Masud 2009, 345-6). In the early 1700s, the Q&A fatwa was reproduced in print in the Middle East, which made it widely available, and eventually opened these conversations up to the masses (Petersen 1997).

Mass mediatization has allowed new forms of communication between religious authorities and lay Muslims; and as such, has enabled specific modes of reform. Mass-mediated fatwas have changed the relationship between religious authorities and their followers. Jakob Skovgaard Petersen (1997, 374) argues: "With the spread of literacy and the printed word muftis have taken part in a public discourse over Islam. Many of their fatwas have been fixed in print, been referred to, debated, and opposed. They have reached far beyond the circle of ulama and it is general public rather than the ulama who have determined which fatwas were to survive, and what they would be used for." The Q&A format implies two-way communication. Religious authorities spread their views by formulating written fatwas. Ordinary believers in turn approach these authorities by sending questions, thereby also influencing discourses and debates. Muslims who are among those who do not actively send questions may feel that the discussions they read refer to experiences and problems that they too have. Thus, this mass-mediated form is successful precisely because it allows different kinds of bonds between Muslims beyond their own particular localities.

The use of print media and the Q&A format have been recorded in the history of Islamic knowledge transmission and communication between religious authorities and ordinary Muslims. One example is the Islamic reformist movement around the turn of the twentieth century that made use of this particular way of communication by publishing *Al-'Urwa al-Wutqa* and *al-Manar*. These magazines were leading publications of the reformers of Islamic law in the era when use of the printing press for producing religious texts was challenging the ulama's

authority as guardians and transmitters of Islamic knowledge (Yasushi 2006, 9-10). *Al-Manar* magazine was first published in 1898 in Cairo by Muhammad Rashid Rida as a weekly magazine, and subsequently became a monthly magazine. *Al-Manar* was distributed to various Muslim countries and communities, such as Syria, Turkey, Chinese Muslims, and in the Malay-Indonesian archipelago. Rida published fatwas in *al-Manar* from 1903 onwards, first under the title "Question and Fatwa", and later under the title "Fatwas of *al-Manar*" (Yasushi 2006, 15-6). The Q&A format enabled these reformers, firstly, to give lay Muslims from all over the world access to religious debates by allowing them to send in a wide range of questions. Secondly, the Q&A printed format created a new way for producing fatwas adopted by Rida from his teacher, Muhammad Abduh, namely by *ijtihad*. Rida restored the practice of *ijtihad* as a response to everyday religious problems and in contrast to the *taqlid* tradition in the fatwa-making, which had been the norm for a very long time.

The use of print media as a means for disseminating Islamic legal opinions in the Malay-Indonesian world dates from the beginning of the 1900s. Azra (2006, 143, 153, 155) has noted that two local journals, namely *al-Imam* and *al-Munir*, were inspired by *al-Manar* in spreading Islamic reformism in Malay-Indonesia through print media.¹⁴⁰ Although he did not remark specifically on the influence of the Q&A format, it can be seen that *al-Munir*, for example, was used by religious authorities as a means for communicating messages to Muslim readers. *Al-Munir* published Islamic legal opinions through articles on subjects related to everyday Muslim practices, such as photography and the wearing of neckties and hats. *Al-Munir* told its readers that there is nothing in the Qur'an and hadith that conflicts with those practices. Another historical example of the use of media to report fatwas is *Islam Bergerak*. This is one of the newspapers founded

140 *Al-Imam* was published by Shaykh Muhammad Tahir bin Jalaluddin al-Minangkabawi al-Azhari, who was born in Kototuo, Bukittinggi in West Sumatra in 1869, during his stay in Singapore in 1906. He collaborated with other ulama from Minangkabau, West Sumatra. *Al-Munir* was published in Padang in 1911 (Azra 2006, 146-153).

by Hadji Misbach (1876-1926), a leading leftist Muslim activist of Sarekat Islam. *Islam Bergerak* employed the Q&A format as shown by its issue on 10 June 1917. A reader sent a question about “eating pork when one was starving and could not find any other food to eat.” *Tanja Djawab*, the Q&A column in *Islam Bergerak*, “offered readers the opportunity to send questions to the editors to get an explanation on issues ranging from religious practices to sophisticated subjects of theology and philosophy” (Burhanudin 2010, 55).

The Q&A format has shaped a new mode of presenting Islam and religious authority that speaks to “the tastes, convictions, and conventions of the public”, as stated by Jakob Skovgaard Petersen (1997, 374): “Although respectful of the scholarly tradition, the new Muslim literate public does not know this tradition well. At the same time, this public has been influenced by numerous other factors and has formed ideas and values which it will strive to accommodate with tradition. Moreover, the muftis themselves are influenced by the public discourse and when they in turn strive to influence this discourse by referring to the classical sources, they have to take the tastes, convictions, and conventions of the public into consideration”. To meet the tastes, convictions, and conventions of the public, the presentation of fatwas may be reshaped through certain genres, involving styles and structures that are suitable for a broad Muslim public. The masters of these genres are not necessarily, or at least not only, religious scholars. They are, first and foremost, media professionals, including for instance editorial board members.

The Q&A format on religious topics has been adopted by Muslims in Indonesia, both on the conservative and on the progressive sides, in different media, including print, audio-visual media, and the internet. New media do not usually employ the term fatwa in the titles of these columns. Besides *Tanya Jawab*, various media use *Kolom Agama* (Religious Column), *Halaqah*, *Kolom Tanya Jawab* (Questions and Answers Column), *Tanya Jawab Agama* (Religious Questions and Answers), *Tanya*

Jawab Islam (Islamic Questions and Answers) and *Anda Bertanya, Ustadh Menjawab* (You ask, the Teacher answers) (Sunarwoto 2012, 247-50). NU Online uses the name Bahtsul Masail to refer to the fatwa section on its website. Every question posted begins by addressing Redaksi NU Online (NU Online editorial boards), instead of the name of the resource person who will give the answer. The resource persons who answer the questions can be different for each question. As far as I have observed, the resource persons at NU Online are all men. I will not be looking at the media run by an Islamic male-based organization. Rather, I intend to examine how this Q&A format has been used by female ulama in magazines and websites and what formats these women have used to exercise their religious authority.

Women's Islamic Magazines in Indonesia: The Historical Context

Women's Islamic magazines first emerged in the late colonial period, which was also the period that saw the emergence of Islamic mass associations and their mouthpieces. One of the earliest serial publications that addressed women was *Suara Aisyiyah* (The Voice of Aisyiyah), printed first in 1926 by Aisyiyah, the women's wing of the Indonesian reformist Muslim association Muhammadiyah. From the early decades through to the 1990s, the content of *Suara Aisyiyah* represented female Islamic leadership and authority in Indonesia. For example, the magazine displayed pictures of the leader or preacher on stage, communicating to an audience using a microphone. In addition, *Suara Aisyiyah's* early editions also functioned as a centre of organizational information for its members regarding Aisyiyah's activities, meetings, and programmes (Ramadhini and Kloos 2017). The portrayal of women in *Suara Aisyiyah* that showed female emancipation resembled the depiction of women in Indonesian women's commercial magazines published in the beginning of the twentieth century, such as *Isteri-Soesila* (subtitled *Madjalah Soesila Taman Moeslimah / Women's garden*

etiquette magazine), published by Tjahaja Soerakarta in Malang from 1924, and *Alsjarq* magazine, published by Djatilan in Padang from 1925. “Commonly the discussions that appeared in Indonesian women’s magazines were about education and learning – two aspects that became the most important needs for Indonesian women to fight for their right further” (Mahayana 2003).

However, an important shift occurred at the beginning of the New Order (Orde Baru). The New Order regime came with a particular gender ideology, which was reinforced by establishing several state-controlled organizations such as Dharma Wanita (Women’s Service, the organization for the wives of civil servants) and Pembinaan Kesejahteraan Keluarga (PKK, Family Welfare Guidance) as well as through mass media, especially television and newspapers (Anwar 2004, Robinson 2009). Susan Blackburn (2004, 9) has explained that “state gender ideology refers to the assumptions about gender on which the state acts and the way it attempts to influence the construction of gender in society”. One of the concepts linked to gender ideology endorsed by the state was *kodrat*, or inherent nature, for men and women, distinguishing between the roles of men as primary breadwinners and women as housewives. The regime used the concept of *kodrat* to propagate social and political relations based on the image of *ibu* (mother) and *bapak* (father), with their gender expectations aligned with what Djajadiningrat-Nieuwenhuis (1987) refers to as *ibuism*, a concept developed by Julia Suryakusuma (2011) into *state ibuism*. *Kodrat*, according to Nancy Smith-Hefner (2019, 84), is “an invented tradition introduced to the archipelago by Dutch authorities only in the nineteenth century.” *State ibuism* was based on a neo-*priyayi* ideal that placed the family at the foundation of the state (*asas keluarga*).¹⁴¹

141 In post-revolutionary Indonesia the term ‘neo-*priyayi*’ refers to “the officialdom of the new state; the ‘neo priyayi’ strata was most often identified with ‘the Javanese-aristocrat-stream. The term ‘neo priyayi’, in fact, was not far from ... to describe the old-fashioned, the reactionary, the inward-looking, the ‘Eastern’, in culture, administration, and politics—the *ningrat*” (Mrazek and Anderson 1994, 408).

The state propagation of *ibuism* had implications for the ways in which the mass media portrayed women, especially in the popular women's magazines. Instead of driving women to play active roles in politics, the popular women's magazines that emerged during the New Order underpinned the Suharto regime's constant efforts to shape "an image of a stable, harmonious, prosperous society built on a foundation of moral, apolitical, middle-class families" (Brenner 1999). *Femina*, *Kartini*, and *Sarinah* were among the popular New Order magazines. *Femina* was first published on 18 September 1972 by Femina Group, whose shares are mostly owned by the Alisyahbana family, relatives of the prominent Indonesian writer Sutan Takdir Alisyahbana. Since the beginning, *Femina* tried to attract high-class and well-educated female readers, some of whom were used to reading women's magazines in foreign languages. Featuring cuisine and fashion, the magazine provided a food test kitchen, photo studio, and sewing room (Febri 2013, Femina 2021). *Femina's* success was followed by other press companies that published similar magazines, such as *Kartini*, published by former *Femina* agent, Lukman Umar, from 1974 and *Sarinah* from 1982 (Vida 2011).

Besides secular women's magazines, Islamic women's magazines appeared particularly at the beginning of the twenty-first century, with the emergence of a new field of lifestyle media aimed at Muslim readers (Lewis 2010).¹⁴² Large publishing groups started to see pious Muslims as a potential market in search of "Islamic products". This growing spiritual marketplace led to the "commodification of Islam". Greg Fealy (2008, 16-17) defines this as "in effect, the commercialization of Islam or the turning of faith and its symbols into a commodity capable of being bought and sold for profit". The first Indonesian popular Muslim women's magazine was *Amanah* ("Mandate"), published since 1986 by *Kartini* magazine publishing group. This magazine

142 It was preceded by the Islamic revival in the late 1970s.

addressed audiences of Islamic families and is believed to be the pioneer of a light, popular, and lively Islamic press with a strong commercial orientation. Only one-third of *Amanah's* content consisted of articles on Islamic teachings, while the rest was made up of popular articles (Zaini 2014, Ramadhini and Kloos 2017). In addition to Islamic commercial publications, Islamic women's magazines emerged that were tied to mass Muslim organizations. Unlike the first category, which consists of purely commercial magazines, organization-based magazines were intended to be organizational mouthpieces. Later, some of these magazines turned into semi-commercial publications. An example of this category is *AuleeA* magazine, published by the provincial board of Fatayat NU in East Java.

The third category discussed in this chapter consists of non-commercial publications by NGOs, including magazines and newsletters. One example is the newsletter published by Kalyanamitra, the second earliest Indonesian women's NGO established during the New Order in 1985. In the early period, Kalyanamitra published a newsletter called *Mitra Media* and a bulletin named *Dongbret*, which was printed in the form of an illustrative story supplement so that readers could easily understand the messages. However, in 1994, when *Tempo* and *DeTik* magazines were banned by the government, the publication of *Mitra Media* was also prohibited (Kalyanamitra 2016).

Content Analysis: Fatwas through the Question and Answer (Q&A) Format

NGO-Based Publication: Swara Rahima

Rahima started publishing *Swara Rahima* as a quarterly magazine and its online version *Swararahima.or.id* in 2001. Besides publishing books related to the themes of Islam, gender equality and justice, women's rights, and female ulama, Rahima also produces modules/educational series. More than fifty-two issues of *Swara Rahima* and its supplements discuss various

topics such as marriage and family, reproductive health and rights, and contemporary themes that have a strong relationship with gender and Islam, such as female ulama and environmental management. In 2017, the website was revamped under a new address, *Swararahima.com*. Since 2019, Rahima has developed its content further and in 2020 it launched an English version to reach out to a wider audience. As is written on its website, the main purpose of this publishing activity is to support ulama, especially women and community leaders, in building arguments for gender-sensitive Islamic interpretation. It also attempts to raise awareness of the importance of justice and gender equality, which are based on the Qur'an and hadith as well as Islamic references from classical literature and contemporary Islam (Rahima n.d.).

The editorial board of *Swara Rahima* consists of individuals from associates and board members of Rahima. *Swara Rahima* usually consists of fifty pages with seventeen sections, and is printed in black and white, except for the front and back covers, which are in colour and printed on glossy paper. The print run of *Swara Rahima* is 1,000 copies and the magazine is not sold commercially. Its publication is funded by donors including the Canadian Embassy, in collaboration with Global Affairs Canada, and Rutgers WPF Indonesia, in collaboration with Rutgers in the Netherlands. The price of USD 1.00 covers printing costs only. *Swara Rahima* is distributed free to Rahima's network spread across Sumatera, Java, Kalimantan, Sulawesi, and Ambon. Although the magazine cannot reach all the members of Rahima's network, some of ulama who receive the magazine have taken the initiative to establish a *Lingkar Baca Swara Rahima* (*Swara Rahima* reading club) in their *pesantren* or community to discuss the content of *Swara Rahima*. Some of the ulama are in Madura and Lamongan in East Java, and Bandung and Garut in West Java. In the midst of the advancement of digital technology, Pera Sopariyanti, the director of Rahima, stated that *Swara Rahima* is still in demand, especially for female ulama who need Islamic

sources for their *da'wa*.¹⁴³



FIGURE 16: The appearance of the Q&A section in *Swara Rahima.com*. Photo by the author.

Swara Rahima and *Swararahima.com* contain various sections, such as *Fokus*, which is the headline topic, and *Dirasah Hadis* discussing a certain hadith, but I will focus on the *Tanya Jawab* section. It employs a Q&A format and follows the form of fatwas. The section is about two pages and consists of an opening addressing *Ibu Nyai*, a self-introduction by the sender, one or two paragraphs of the background of the problem followed by questions. It is signed with the sender's name and address. The senders comprise men and women who ask various questions related to Islam and Muslim daily life.

143 Author's interview with Pera Soparianti, 2 July 2021.

In 2008, Rahima published a book containing Q&As of *Swara Rahima* published between 2001 and 2007 (Ahmad and Nurrohmah 2008). The questions included topics regarding, firstly, women and their right to public life, for example women becoming leaders, women's voices as *aurat*, and husbands prohibiting wives from working. A second category was discussions regarding marriage and family, for instance, the law on marriage via teleconference, and sexual intercourse during menstruation. A third topic was domestic violence, and forced marriage and polygyny in Islamic law. A fourth set of questions concerned contemporary issues such as differentiating between men and women in *hibah* (giving property according to Islamic rules) and specific practical issues like washing the bodies of people who died of AIDS. To make the questions readable and understandable, the editors reformulate questions if needed. The questions are written in simple language and structure, for example, *bagaimana hukumnya?* (What is the legal judgment?), *benarkah atau tidakkah* (Is it correct or wrong?), and *bagaimana mengatasinya?* (How to deal with it?).

To illustrate the ways in which fatwas are formulated in *Swara Rahima*, I will focus on the case of Hindun Anisah (b. 1974), as one of the most prolific contributors to the Q&A section of *Swara Rahima*. She leads Pesantren Hasyim Asyari in Jebara, Central Java, with her husband. She got her *pesantren* education from Komplek Hindun, led by her mother and located in Pesantren Krapyak in Yogyakarta. She holds her Bachelor's degree from the State University for Islamic Studies, Sunan Kalijaga, in Yogyakarta, and she obtained her Master's degree in Medical Anthropology from the University of Amsterdam. She began to be involved in gender activism with Yayasan Kesejahteraan Fatayat (Fatayat Welfare Foundation) in Yogyakarta and later participated in the Fiqhunnisa' programme organized by P3M in Jakarta. She is one of the board members of Rahima and took part in the preparation of KUPI in April 2017.

Semi-commercial Magazine: AuleeA

AuleeA is a monthly magazine published since May 2014 by PT Aula Media NU, which is one of the business entities of the Provincial Board of Nahdlatul Ulama in East Java. PT Aula Media NU, which was founded in 1977, initially published *Aula* magazine targeting students, *kiai*, and members of NU. Subsequently, they planned to address female readers from NU and collaborated with the Provincial Board of Fatayat NU in East Java to publish a magazine for women, namely *AuleeA*. It was the first magazine containing Muslim family topics and issues that targeted women from NU backgrounds. In January 2017, PT Aula Media NU turned over the management of *AuleeA* to Fatayat NU in East Java. Hikmah Bafaqih, the former head of Fatayat NU in East Java, explained that the purpose of publishing *AuleeA* was to provide alternative reading for young urban Muslim women as a counternarrative to media published by conservative groups, such as *Ummi* magazine. “We see that this is a problem because Muslim women in Indonesia are mostly not adherents of the conservative group, right? But how come they tend to read *Ummi*? So, the basic purpose was how to respond to their works with [our] works,” she stated.¹⁴⁴ In addition, Fatayat NU in East Java also wanted to affirm their preaching about the values of justice and gender equality, and Islam seen as *rahmatan lil’alamiin* (compassion for the universe) and as rooted in the archipelago (*nusantara*), in a way that is inclusive of local tradition.

With seventy-six colourful and glossy pages and twenty-two sections, *AuleeA* covers different topics related to Islam, women, and the lifestyle of modern Muslim women associated with the values of NU. As a lifestyle magazine, *AuleeA* attempts to combine educational content and popular content based on the feedback gathered from its readers. The managing editors of *AuleeA* consist of the board members of Fatayat NU in East Java, but they have expert editors for the fashion and lifestyle sections. Initially

144 Author’s interview with Hikmah Bafaqih, 6 November 2017.

AuleeA's tagline was “Muslimah Family Magazine” (Majalah Keluarga Muslimah) which meant a magazine on family topics and issues targeting Muslim women. But since November 2017 it has changed to be more inclusive with a new tagline: “Indonesian Family Magazine” (Majalah Keluarga Indonesia) meaning that the magazine targets not only Muslim women but also Indonesian family readers in general. “Because it turns out that many of our readers are non-Muslims and many of our contributors are non-Muslims as well. So we want to show our Indonesian spirit,” explained Hikmah.¹⁴⁵ She added that *AuleeA* has been more widely distributed and is better known to readers throughout East Java, compared to other Muslim women magazines such as *Nurani* and *Ummi*. One of its marketing strategies to attract public interest has been to take part as a media partner of Muslim festivals and events, such as the Indonesia Moslem Fashion Expo and Islamic Tourism 2015 at Grand City Super Mall Surabaya, East Java.



FIGURE 17: The appearance of the Q&A section in *AuleeA*. Photo by the author.

The Q&A section in *AuleeA* is titled *Fiqhunnissa*’ (Islamic jurisprudence pertaining to women). This section has been

145 Ibid.

part of *AuleeA* since it was first published. It takes the form of questions and answers regarding *fiqh* issues related to daily worship as experienced by readers. “In the beginning, we wrote questions ourselves, but after some time readers started to send in questions,” explained Hikmah. According to her, *Fiqhunnisa’* is an important section in *AuleeA* because it relates to *fiqh*, which regulates the behaviour and ethics of daily Muslim life according to Islam. So the answer given is a kind of guideline on how to solve the *fiqh* problem according to the teachings of Islam as practiced by NU. “Because if you read *Ummi*, the *fiqh* can be different, right? So, we are here of course, because our magazine belongs to NU, we are here practicing and promoting NU’s *fiqh*,” added Hikmah.¹⁴⁶ The *Fiqhunnisa’* consists of two pages displaying questions and answers, a photo of the resource person, and a picture that illustrates the topic of the question.

Questions in the *Fiqhunnisa’* section begin by addressing the name of the resource person, then giving the background of the problem, written in one or two sentences, followed by questions articulated as: *bagaimana hukumnya?* (What is the legal judgement?), *bagaimana mengatasinya* (How to deal with it?), *apa yang harus kita lakukan?* (What should we do?), *bagaimana tata aturannya?* (What is the procedure?), and *apakah hal itu diperbolehkan?* (Is that allowed?). The topics vary, but are generally related to the daily practice of lay Muslim women as modern women and their compliance with the rules in *fiqh*. These topics include, firstly, topics related to *taharah* (purification), *salat* (ritual prayer), *zakat* (the welfare tax), *puasa* (fasting), and *hajj* (pilgrimage), such as the legal judgement on washing clothes with a washing machine and *zakat* on jewellery. Secondly, some topics discuss women’s issues, such as the procedure of *iddah* (a waiting period for a woman whose husband has passed away or a divorcee woman before she can remarry), *ihdad* (the mourning period for a woman after her husband passed away), and the menstruation cycle. Thirdly, there are topics relating to marriage

146 Ibid.

and family matters, for instance, the legal judgement on sexual intercourse with the husband while imagining other people, and how to deal with husbands who are not confident about their income. Fourthly, contemporary issues are covered related to the development of society and technology, for example, questions about abortion, test-tube babies, plastic surgery, womb check-ups conducted by male doctors, and the Islamic concept of healthy and environmentally friendly living. Each question is articulated using the first-person pronoun, and the questioner's name and city are also mentioned. Based on my observation, the questioners are mostly women.

The *AuleeA* editorial staff forward questions sent by readers to a resource person for the *Fiqhunnisa'* section. Bashirotul Hidayah, or Ida, is one of the many resource persons and writes in *Fiqhunnisa'* quite often. She is a member of Forum Daiyah Fatayat (FORDAF), the Preacher's Forum of the Regional Board of Fatayat NU in East Java. Many FORDAF members are *nyais* or *pesantren* female leaders. Bashirotul Hidayah was asked to provide answers for the *Fiqhunnisa'* in 2015. She leads Pesantren Al-Amanah together with her husband in Jombang, East Java. She got her *pesantren* education in Jombang, and completed her Bachelor's and Master's education at the UIN Sunan Ampel Surabaya. Since 2008, collaborating with Nyai Salma Nashir, a *nyai* in Tambakberas, and other *nyai* from the Rejoso and Tebuireng Pesantren in Jombang, Ida has formed the Pesantren Women's Discussion Forum on *fiqh*. With her educational background and religious activities, the editorial staff of *AuleeA* recognize her as having the authority to answer people's problems from the perspective of *fiqh*.¹⁴⁷

Commercial Magazine: *NooR*

NooR, a monthly Muslim women's magazine, was first published in May 2003 by Pinpoint Publications. Sri Artaria Alisjahbana, Mario Alisjahbana, and Jetty Rosila Hadi were among the founders

147 Author's interview with Bashirotul Hidayah, 19 January 2018.

of *NooR*. Jetti, who is also the editor-in-chief of *NooR*, explained to me that Indonesian women's magazines were still dominated by magazines with content translated from foreign magazines so obviously the content did not have roots in Indonesian culture. There were only a few commercial magazines that targeted Indonesian Muslim women, such as *Amanah*. Besides, she saw that the image of Muslim women at that time still stigmatized them as uneducated, poor, and old-fashioned. Similarly, Mario also observed that Indonesian Muslim women had not appeared much in public, and therefore, he thought that there was a need for a magazine that was culturally appropriate to Indonesia. The tagline of *NooR* is "Yakin, Cerdas, Bergaya" (Sure, Smart, Stylish), meaning that *NooR* may inspire women in doing something that they are good at, they believe in, and can be an example and be followed by others. With 116 pages printed on glossy coloured paper, *NooR* seeks through its content to portray Muslimah who are well educated, modern, economically empowered, and following the Qur'an and hadith.¹⁴⁸

NooR's print-run started at 15,000 and has grown to 25,000 copies today. It is distributed in all regions in Indonesia. *NooR* targets educated Muslim women aged 25-45 as its readers. Jetti explained that the readers are not only from urban areas, but also from rural areas. In each edition, *NooR* discusses one main topic in depth in accordance with the issues that are currently topical in the public arena. For instance, "Haji, Ibadah atau Wisata?" (Hajj, is it Worship or Tourism?) discusses various issues related to the hajj, including hajj practices that tend to be troublesome in the preparations, for example, regarding clothes, plans to travel through Turkey or other countries en route, or what hotels to stay in. "In fact, the hajj is not like that. Yes, we just explain that the Qur'an says this and that, then if there are various kinds of phenomena, how should we react to them," explained Jetti. The editorial board considers that *NooR's* readers are smart, so it provides a lot of menus to give readers the opportunity to

148 Author's interview with Jetti Rosalia Hadi, 9 December 2017.

choose and select and then look for more information. “Well, we also know that that women like fashion, there are clothes, there are culinary dishes, there is health information in *Noor*. But all of that has to be based on what the Qur’an says, what the example is of the Prophet, then in today’s Muslim age how is that,” added Jetty.¹⁴⁹ *Noor*’s editorial staff consists of founding board members and professional staff. Meanwhile, for the Islamic content, *Noor* has an expert editor. This position is filled by Badriyah Fayumi, who was also the head of the organizing committee of KUPI held in Cirebon in 2017.



FIGURE 18: The appearance of the Q&A section in *Noor*. Photo by the author.

The title of the religious Q&A section in *Noor* is *Worship to Allah*. It is a one-page section that displays religious questions from readers and answers given by a resource person. This section may illustrate the brand of *Noor* as a commercial women’s Islamic magazine in daily life, such as on the phenomenon of *hijab syar’i*. Compared to *Swara Rahima* and *Auleea*, which address a more segmented Muslim readership, *Noor* attempts to reach a

149 Ibid.

wider Muslim audience. Jetti said that sometimes editorial staff get inspiration for topics that will be discussed in the following month's edition through questions sent by readers. The topics that are being asked include, firstly, *fiqh taharah* (Islamic jurisprudence on purity), for example questions about common but contested consumer and beauty products, including the legal judgement of using perfume containing alcohol. Secondly, there are questions relating to the implementation of the pillars of Islam, such as combining and distributing *zakat* for husband and wife together, and questions about *waqf* and inheritance. Thirdly, there are questions on marriage and family matters, for example, on how you may overcome the problem of having a guardian who refuses to marry you off. Fourthly, questions deal with Islamic ethics that are related to the problems of modern society, for example, on a woman who is veiled but still wants to hang out, the ethics of using social media, drawings of animals and humans on cloth, and taking selfies.

In the *Worship to Allah* section, senders of questions have different ways of addressing the resource person. Some of them address them as “*ustazah*”, *NooR*, editorial staff, or do not mention any name. Senders often write one or two sentences sketching the problem background, using the first-person pronoun, followed by a question. They also give their name and city address; as far as I noticed, they are mostly women. The question formulations they use are “*bagaimana hukumnya?*” (What is the legal judgement?), “*bagaimana menurut Anda?*” (What do you think?), “*mana yang boleh dan mana yang tidak?*” (Which one is lawful and which one is not?), and “*bagaimana sebaiknya?*” (How should it be?). Badriyah Fayumi was invited by Jetti to become an Islamic expert editor as well as the resource person of *Worship to Allah*. As she is the only person who is in charge of this section, I will focus on her answers to illustrate how fatwas in the media are formulated. According to Jetti, in addition to being religiously competent, Badriyah is a woman who is educated, comes from a *pesantren* background and studied in Egypt, majoring in hadith.

She is also one of the influential figures of KUPI. Selecting a woman as a resource person is an important consideration because she is an “insider” who may know women’s problems and experiences better than men do. “Bu Badriyah is very open, willing to understand the opinions of various Islamic scholars and can explain them to readers of *NooR*,” Jeti explained.¹⁵⁰

Questions: Reflecting the Dilemmas and Worries of the Audiences

The questions displayed in the Q&A sections of *Swara Rahima*, *AuleeA*, and *NooR* can be grouped together into several discussion subjects, as has been done also in compilations of classical Islamic knowledge. For example, *Al-Muwatta’* (the Beaten Path) of Imam Malik (d. 795), a collection of hadith *ṣaḥīḥ*, divides its subject into two main parts. The first part relates to *ibadah* (ritual actions), including *salat*, *zakat*, and ḥajj. The second part treats subjects linked to *muamalat* (social relationships), such as the family and household, economic activities, and moral ideals (Larsen 2018, 44-5). However, while they can thus be grouped together, the questions in the Q&A sections in the three magazines also each have a different character and thereby exemplify different groups of questioners, their class backgrounds and social settings (e.g. urban versus rural), and different norms prevalent in their communities. In order to identify the differences between the questions, I have selected one field of inquiry, namely financial responsibility between husband and wife, and subsequently chosen one question within this field from the Q&A section of each of the three magazines as an example.

150 Ibid.

| Name of Magazine and Q&A Section | Example of Questions |
|------------------------------------|---|
| Tanya Jawab of <i>Swara Rahima</i> | <p>Title: How to deal with husbands who dare to abandon their wives?</p> <p>My name is Aminah, 55 years old, a mother who is of Betawi descent. I married a man of the Javanese ethnicity, let's call him Hardjo. In our marriage, we are blessed with seven children, all of whom are male.</p> <p>My husband seldom supports us: his wife and the children. Worse yet, he had the heart to flirt with another woman behind my back and even abandoned me. The house we lived in was actually an inheritance from his parents. But without my knowledge, my husband had the heart to mortgage the house to pay his debts and to marry another woman. After that, my children and I were just left behind. We are forced to live in a rented house, and I became the sole breadwinner for our children. Meanwhile, in his second marriage my husband became the father of three children (two girls and one boy). One of his daughters is entrusted to me to be cared for and I have looked after her since she was a baby.</p> <p>Now that nearly twenty years have passed since that event, and his second wife has passed away, my husband intends to marry me again. What should I do? Do I have to accept him, given his abusive treatment and his neglect of us as a family? What is our marital status, are we still considered as husband and wife considering he had left me for so long? In fact, to my knowledge, women whose husbands have left them for two consecutive years without news are automatically considered divorced. Is my understanding correct?¹⁵¹</p> <p>(Aminah, Ciracas, East Jakarta)</p> |
| Fihunnisa' of <i>AuleeA</i> | <p>Title: When a husband is not confident with his income</p> <p>My husband always feels burdened when we visit my parents (for example during Eid or when there is a family celebration) because we are relatively less well off compared to my brothers and sisters after their marriage. We still don't have a car and I don't wear the fancy jewellery that my younger and older sisters-in-law wear. I tried to comfort him actually, but he still looks uncomfortable when I gather with my extended family. [He feels insecure that he has not given me sufficient amount of <i>nafkah</i>]. According to the <i>fiqh</i> perspective, what are the limitations regarding the husband's wife's <i>nafkah</i>?¹⁵²</p> <p>(Nita, Probolinggo, East Java)</p> |
| Worship to Allah of <i>NooR</i> | <p>Title: Combining and distributing couples' zakat</p> <p>My husband and I both work. If we calculate the income individually, it has not yet reached the <i>nishab</i>.¹⁵³ But if we combine our income, it will exceed the <i>nishab</i>. How is <i>zakat</i> law for us? One more thing. What is better, for our <i>zakat</i> to be delivered to many people or to one or two people, which is useful for business capital?¹⁵⁴</p> <p>(Ibu Listya, South Tangerang, Banten)</p> |

151 *Swara Rahima*, No.44 Th. XIV, March 2015, 51-2.

152 *AuleeA*, No.7, January, 2015, 60-1.

153 *Nishab* is the minimum limit of assets that must be subject to zakat.

154 *NooR*, Volume XXIV, Th. XII/2017,19.

The question in the *Tanya Jawab* of *Swara Rahima* arises from the lived reality of a woman who is dealing with neglect by her husband. The problem she faces is not only how to obtain financial support from her husband, but also the problem of the legality of her marriage after being separated from her husband for twenty years due to his polygamous marriage. Meanwhile, in *AuleeA's Fiqhun Nisa'*, the question shows that the questioner comes from a couple with a good marriage, has sufficient income for everyday living, and requires guidance on Islamic rules regarding the husband's and wife's income. These two cases are different from the question in *NooR's Worship to Allah*. The question illustrates that the sender is from a middle- to upper-class family, able to meet the financial needs of the family, and who therefore is obliged to pay *zakat*. The problem is whether they can combine the remaining finances of both husband and wife so that they reach the *nishab* of *zakat*. These examples illustrate, firstly, that different audiences come with different dilemmas and therefore different questions are being asked. Secondly, different types of magazines imply different backgrounds among the readers or audience because each magazine has its goal and targeted readers.

Compared to the two other magazines, *Swara Rahima* targets a more specific audience, namely people who are included in Rahima's network or the network of Rahima's female ulama. Therefore, *Swara Rahima* is more "private". It also has the potential, however, to reach readers from the rural and lower-middle classes with their specific problems in daily life. Interestingly, it targets a group who are relatively well versed in Islamic knowledge. The articulation of, "*padahal sepengetahuan saya ... benarkah pemahaman saya?*" (as far as I know ... is my understanding correct?) shows that the questioner is someone who has studied and has some basic knowledge of Islam. The question posed has the nuance of critical reflection on the problems that she experienced. *AuleeA*, which I categorize as semi-popular, targets a wider readership market than *Swara*

Rahima in terms of geographical location and background as well as the social class of the readers. This readership is reflected in the example. Meanwhile, the use of the words “*dalam tinjauan fiqh*” (according to the *fiqh* perspective) in the question shows that this questioner too is familiar with Islamic terms and knowledge, fitting with the earlier explanation that *AuleeA* is also read by readers from *pesantren* circles. Meanwhile *NooR*, which is a popular Muslim women’s magazine, has an even wider audience. And the question in *Worship to Allah* illustrates that the sender is a middle-class Muslim who is beginning to learn about Islam and articulates her problem with commonly recognized terms and phrases.

The dilemmas raised in all Q&A sections are often “women-related questions”. By this I mean questions that make “visible women’s issues that are often made invisible in the description of religion, and not least, of Islam” (Larsen 2018, 17). “Women-related questions” are based on “women-specific experiences” (*pengalaman khas perempuan*), which in turn can be divided into two types: experiences related to the biological condition of women and experiences related to socially constructed gender roles. Biology-related experiences include problems specific to women’s bodies. They deal, for instance, with menstruation, pregnancy, childbirth, *nifas* (after childbirth), and breastfeeding (it should be noted of course that many aspects of these subjects are also fundamentally grounded in gender constructions). Women’s social experiences are a broad category related to experiences of marginalization, subordination, stigmatization, violence, and multiple burdens (Rofiah 2020, 80). Some examples of women-related questions are given below.

| Name of magazine and Q&A section | Women-related questions | Examples of questions |
|---|---|--|
| <p><i>Tanya Jawab of Swara Rahima</i></p> | <p>Biology-related experiences:</p> <ul style="list-style-type: none"> • Sexual intercourse during menstruation • Breastfeeding, whose rights and obligations? <p>Social-gendered experiences:</p> <ul style="list-style-type: none"> • Women going out at night; do you need a <i>mahram</i> (those who you cannot be married to according to Islamic rules)? • Refuse or accept arranged marriage as devotion to parents? • Do I need to circumcise my daughter? • The wife is depressed because her husband always defends his mother. • What is the legal judgement on a wife who, after suffering from domestic violence, has an affair so that her husband may divorce her? • Distribution of <i>hibah</i> (grants); why are women treated differently? | <p>Title: Refusing or accepting arranged marriage as devotion to parents?</p> <p>I am Siti Zahroh, sixteen years old, I am a student at a private <i>madrasah</i> in Pandeglang, Banten. I am also a student at a <i>pesantren</i>. I am the eldest of five children from a less wealthy family.</p> <p>Some time ago, when I returned home, my father said that he would set me up with a man of his choice. He is fifteen years older than me. My father urged me to accept it because, firstly, the man is wealthy, and secondly, my father is worried that I will be trapped in promiscuity. This is because he often hears the news that nowadays many young women lose their virginity.</p> <p>Actually, I have something to say in my mind, <i>Bu Nyai</i>. Given that my age is still too young and I have a dream to pursue higher education and graduate, I don't agree with my parents. But I never had the courage to tell them about this for fear it would cause a burden on their minds. On the other hand, I am afraid of the people's belief that refusing someone who comes with a marriage proposal will keep me away from a marriage.</p> <p>Dear Ibu Nyai, what should I do? Please enlighten me.¹⁵⁵</p> <p>Siti Zahroh, Pandeglang, Banten</p> |

| | | |
|----------------------------------|--|---|
| <p>Fiqhunnisa’ of AuleeA</p> | <p>B i o l o g y - r e l a t e d experiences:</p> <ul style="list-style-type: none"> • The legal judgement on abortion in the case of pregnancy before marriage. • How to calculate the menstrual cycle. • Vaginal liquid coming out during <i>salat</i>, is the <i>salat</i> valid? • The legal judgement on male doctors checking one’s womb. • Practices that can and should not be done during <i>nifas</i> (after childbirth). <p>Social-gendered experiences:</p> <ul style="list-style-type: none"> • Understanding about <i>najis</i> (unclean) while caring for a baby. • Ethics of socializing with <i>mahram</i> and <i>non-mahram</i>. • <i>Iddah</i> and <i>ihdad</i>. • The legal judgement on cosmetic surgery. • Prayers with the robe dangling and wearing socks. | <p>Title: The legal judgement of womb checks conducted by a male doctor</p> <p>I am pregnant with my first child. My gynaecologist was female but currently she is studying abroad. She recommended a male replacement doctor. Incidentally also a non-Muslim. What should I do? What does Islamic law say about this matter?¹⁵⁶</p> <p>Nadia, Surabaya, East Java.</p> |
|----------------------------------|--|---|

156 AuleeA, No.31, January 2017, 64-5.

| | | |
|---------------------------------|---|---|
| <p>Worship to Allah of NooR</p> | <p>Biology-related experiences: NA</p> <p>S o c i a l - g e n d e r e d experiences:</p> <ul style="list-style-type: none"> • Using perfume containing alcohol. • Guardian refuses to marry you off. • Already wearing a hijab but still want to “hang out”. | <p>Title: Guardian refuses to marry me off</p> <p>My father refused to marry me to my future husband because the future husband gave up following the father’s request, which is giving extra spending money. Last year, the proposal was accepted with an agreement on a certain amount of spending money. But with this extra money, the amount increased. So, my future husband objected and my father immediately refused to become the guardian for my marriage. Now I am in Jakarta and stay in the family house of my future husband, while my father is in Palembang. My future husband and I are both adults and have decided to get married without registering it (<i>nikah sirri</i>) as we can register it later. We will let my father know later also. Anyway, I am a nurse, twenty-nine years old and my future husband is an entrepreneur, thirty-two years old. Please advise: what should I do? Is it right that we are married <i>sirri</i> first?¹⁵⁷</p> <p>Shafia, Palembang.</p> |
|---------------------------------|---|---|

These three examples are indicative of the geographical location, social background and social class of the women questioners. The question in *AuleeA* shows the experience of a pregnant woman from the upper-middle class who has access to the services of an obstetrician (contrasting with the experiences of middle- to lower-class women who may only get access to midwife services). Meanwhile, the example of women-related questions on social-gendered experiences can be seen in *Swara Rahima* and *NooR*. Even though the topic of the question is the same, namely marriage, the focus of the two questioners’ problems is different. *Tanya Jawab* of *Swara Rahima* has a question that is close to the experience of a woman who is disadvantaged socially

157 *NooR*, Vol. XVIII Th. XIII/2016, 19.

and culturally and from a family background that holds strong religious values. The questioner in *Worship to Allah* gives the description of an independent urban Muslim woman who has the opportunity to choose her future husband. She would have been able to get married if only her father did not refuse to marry her off.

The absence of biology-related questions and presence of only a few socially determined gendered experiences in *Worship to Allah* may indicate that religious problems pointed to in the section constitute questions that are more gender neutral, while if there are questions on women, they are dealing with general Islamic problems. Meanwhile, *Swara Rahima* and *AuleeA* have more biology-related questions and social-gendered questions that are specifically related to issues and Islamic terms associated with gendered issues such as *mahram* and *nifas*. Many of the problems in *Fiqhunnisa'* focus on that part of *fiqh* (*fiqh ibadah*) that regulates how women may or should conduct their daily worship. *Rahima's* religious questions are even more specific compared to the two other magazines and focus on women's rights in Islamic law, for example in the context of economic violence and female circumcision. I assume this difference relates to the scope of the targeted readers of each magazine and the different educational backgrounds of the readers. In other words, the wider the audience for a magazine, the more gender-neutral and general the religious issues that appear in the Q&A section seem to be.

The process of posing and answering questions about daily matters in Islamic law has become an integral part of the production of "fatwa media" in the case of *Swara Rahima*, *AuleeA*, and *NooR*.¹⁵⁸ The questioning is not simply "asking a question" but rather *istifta'* or a "request for a fatwa" (Masud 2009, 344). The questions set in motion an interpretive process between

158 Fatwa media means fatwas publicized through mass media. This is in accordance with Brinkley Messick's "Media Muftis". He used the term "Media Muftis" in his study of radio fatwas in Yemen. The term refers to the mufti who conducts fatwa consultations through mass media such as the newspapers, television, radio, telephone, and the internet (Messick 1996, 310).

the female ulama who give their fatwas and the audience who ask about daily Islamic practices, and at the same time allow the ulama to exercise *ijtihad*. As mentioned earlier, questions are a very significant part of fatwas because they bring tangible worries and dilemmas of the audiences to religious authorities to provide guidance. Through these questions, the female ulama get access to and familiarize themselves with the “actual” problems of specific communities. However, as indicated by my interlocutors, the questions in the media fatwa are not only determined by the questioners. The magazine editors play an important role in constructing the questions by selecting them according to the magazine’s goal and editing the language to make them accessible for the readers. Therefore, “far from representing simple windows on reality, many questions are themselves carefully constructed, containing motivated, and selective rendering of the facts and issues” (Masud et al. 1996, 22).

In the case of *Swara Rahima*, the editorial staff make a selection from the questions they receive by considering the extent to which the topics touch on the themes that Rahima promotes, including equality, justice, democracy, openness, togetherness in diversity, and non-violence. They also make sure that the topic has not been discussed in previous editions so that there is no repetition and the reader can learn something new each time. Once the question is selected, it is forwarded to the resource person for the answer. Meanwhile, questions that are not selected are forwarded to other resource persons from Rahima and the answers are sent back to the questioners privately. *Swara Rahima* has several resource persons for the *Tanya Jawab* section. The assignment of questions is based on an alternating schedule among the resource persons. They are members of the Rahima association, so it is certain that they have solid Islamic knowledge and gender perspectives. The editorial staff at *AuleeA* play a similar role. As Hikmah Bafaqih, the editor of *AuleeA* explains: “In the beginning, we were the ones who

formulated the questions. But after a while the questions were sent by readers.” Meanwhile, Jetti explained that there is no specific selection process at *NooR* for questions sent by readers, including questions that are controversial in society, such as polygamy. “Oh no, usually we just use it [the controversial topic] in a good way,” said Jetti. “A good way” means that the articulation of questions and answers can be accepted and understood by Muslim readers regardless of their religious affiliation and group, meaning it is compatible with Islam which is inclusive in the style of *NooR*. And this goal indicates that the role of the editor is important.

The fact that posing questions by questioners is being referred to as *istifta*’ in the fatwa-media production suggests, firstly, that it follows the procedure of conventional *istifta*’ as it has been practiced in the case of oral fatwa-making, namely questions followed by responses from individual scholars. Secondly, *istifta*’ produces a discourse which determines the development of *fiqh* in response to people’s daily problems and leads to “the emergence of Islamic law based on lived experience” (Larsen 2018, 45). In this context, the questioners are in a strong position to ask the fatwa-giver to respond to their question without having to follow the views of other ulama (Masud 2009, 349). As with magazine readers, they can accept or reject answers from female ulama, or forward their questions to other Q&A sections and resource persons. Thirdly, it is notable that because the *istifta*’ of media fatwa is determined by the readers, therefore the more popular and broader the market of a magazine, the more “public” and “common” the religious questions and problems that are being asked, corresponding to the experiences of lay Muslims in general. Fourthly, because readers’ questions are publicized among a wide audience, the role of the editorial staff is significant to ensure that the questions are understood and in accordance with the goals and characteristics of the magazines. Therefore, the editors are selecting, reformulating, and editing the questions.

The Answers: Challenges and Strategies in Constructing and Amplifying the Progressive Message of Islam

The answers in the Q&A sections of the three magazines reflect the three key dimensions of the fatwa, namely “the question, or indication of the issue at hand; the answer, or interpretation; and the justification” (Larsen 2018, 7). Fatwas are answers to questions sent by readers, meaning that the resource persons give their religious opinions based on the issues and dilemmas being asked about. To answer the question, they interpret the question as well as the sources of Islamic teachings to get to the answer. They attempt to connect social and cultural realities implicated in the questions with Islamic norms as stated in the Islamic texts, and justify their legal opinion by referring to the Islamic sources such as the Qur’an, hadith, and texts written by Muslim scholars. I will analyse the responses to the questions presented in the previous section to illustrate how women ulama as resource persons of the three Q&A sections central to this chapter—*Tanya Jawab*, *Fuqhunnisa’*, and *Worship to Allah*—interpret the questions and the Islamic sources and articulate their written fatwas.

| Name of Magazine and Q&A Section | Examples of Answers to Questions about Financial Responsibility of husband and wife |
|------------------------------------|--|
| <p>Tanya Jawab of Swara Rahima</p> | <p>Title: How to deal with husbands who dare to abandon their wives?</p> <p><i>Wa'alaikumussalam Warahmatullahi Wabarakatuh</i></p> <p>Dear Mrs Aminah,</p> <p>Thank you for your trust in us. It is truly extraordinary, Mrs Aminah, we salute your struggle as a single mother of seven sons for more than twenty years. May Allah always protect and take care of you. Aamiin.</p> <p>Respected Mrs Aminah,</p> <p>The purpose of marriage is implied in the QS. Ar-Rum [30]: 12, which is to achieve peace and tranquillity of the soul. A wife will feel calm and at ease if her husband always accompanies her and becomes a partner in navigating domestic life, including in educating and caring for children. A wife will feel comfortable in the house when he is responsible for his wife and children.</p> <p>It is the responsibility of husband to meet the needs of the wife and children as stated in the Qur'an:</p> <p style="text-align: center;">و على المولود له رزقهن وكسوتهن بالمعروف</p> <p>Meaning: "... The child's father will provide reasonable maintenance and clothing for the mother 'during that period'" (QS. Al-Baqarah [2]: 233).¹⁵⁹</p> <p>When your husband left and did not support you and seven children for more than twenty years, it can be said that he has neglected his wife and children. He did not obey the Qur'an and act in accordance with Law No. 23 of 2004 concerning PKDRT (Penghapusan Kekerasan dalam Rumah Tangga, Elimination of Domestic Violence), which prohibits the neglect of family members in the household sphere. You as an abandoned party have the right to sue your husband for such an unfair treatment.</p> <p>His neglect can also be used as a reason for you to file for divorce at the Religious Court if you wish. Although your husband left you twenty years ago, divorce does not automatically occur</p> |

159 <https://quran.com/2> accessed 21 March 2021.

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| | <p>unless it has been ruled or decided by a judge at the Religious Court. This is because according to the Compilation of Islamic Law (Kompilasi Hukum Islam, KHI), divorce can only be executed in front of a Religious Court hearing (article 115). Divorce registration at the Religious Court is also intended to protect women so that husbands do not easily divorce their wives.</p> <p>Returning to your question about what you can do when your husband wants to return to living together with you, our suggestion is that you should consider the positives and negatives of your decision. Are you sure that the return of your husband will be able to provide peace and tranquillity for your family or vice versa? Do you also believe that your husband will be a good and responsible husband when he returns to live with you? We hope and believe that you can take a wise and good decision for you and your seven sons.</p> <p>Dear beloved Mrs Aminah, This is some explanation we can provide. Hopefully it can be a useful consideration for you to make a decision. <i>Wallahu a 'lamu bisshawab.</i>¹⁶⁰</p> <p>(Nyai Hj. Hindun Anisah, M.A.)</p> |
| Fiqhunnisa' of AuleeA | <p>Title: When a husband is not confident with his income</p> <p><i>Walaikum salam</i></p> <p>Sister Nita, from your question, there are actually things that need to be looked into and explored and that even need to be slightly changed regarding the understanding of the concept of wealth. Let's look at the definition of <i>nafkah</i> first.</p> <p><i>Nafkah</i> literally means something that is spent so that it is not left over. Meanwhile, in terms of <i>shari'at</i>, it means to fulfil the needs of anyone who is dependent, whether in the form of food, drink, clothing or a place to live. The obligation to provide a living can be distinguished from its causes, one of which is due to marriage.</p> <p>If a man marries a woman, it is obligatory for him to provide her with a living. It is based on the word of God: "... Women have rights similar to those of men equitably" (QS Al-Baqarah [2]: 228).¹⁶¹</p> <p>Ibn Kathir said: "... It means that wives have the right to be supported by their husbands in proportion to the rights of the husbands given by their wives. So, let each fulfil his obligations in a literal way, and this includes the husband's obligation to provide for his wife as well as other rights." (Tafsir Al-Qur'anil Adhim 1/272).</p> |

160 *Swara Rahima*, No.44 Th. XIV, March 2015, 51-2.

161 <https://quran.com/2> Accessed 21 March 2021.

In another saying it is said: “And they (wives) have the right to be given *rizki* and clothing (subsistence) which are required of you (husbands)” (HR. Muslim 2137).

The scholars agree on the obligation of a husband to provide *nafkah* for his wife. As said by Ibnul Mundzir, Ibn Hazm, Ibn Qudamah, and others.

As a side note, a husband is not obligated to provide *nafkah* if the wife refuses, nor if the wife's family prevents the husband from approaching and contacting his wife. This is because the husband's obligation to provide *nafkah* is in return for the benefits provided by the wife.

The *fuqaha* (jurisprudence experts) agree that the measurement of *nafkah* that must be given is according to *ma'ruf* (proper or reasonable), while the majority of followers of the Hanafi, Maliki, and Hambali schools of thought stated that it is mandatory for the husband to provide *nafkah* that is sufficient for daily needs. And that sufficiency varies according to the conditions of husband and wife. Then the judge will decide the case if there is a dispute. This is based on the word of Allah: “... the child's father will provide reasonable maintenance and clothing for the mother 'during that period'. No one will be charged with more than they can bear” (QS Al-Baqarah [2]: 233).¹⁶²

The amount of *nafkah* that should be sufficient for reasonable daily expenses in the family was emphasized by the Prophet when Hindun bintu Utbah reported her husband. He said: "Take a sufficient livelihood for you and your children in a reasonable way" (HR Bukhori 4945).

The scholars differ about the amount of *nafkah* that a husband should give to his wife.

The first opinion from Maliki said that the amount of *nafkah* is determined by the condition of the wife, based on the word of Allah: “... the child's father will provide reasonable maintenance and clothing for the mother 'during that period'. No one will be charged with more than they can bear” (QS Al-Baqarah [2]: 233).¹⁶³

Meanwhile, according to the second opinion which is a well-known opinion by Hanafi and Shafi'i, the amount of *nafkah* must consider the condition of the husband. It is based on the verse: “Let the man of wealth provide according to his means. As for the one with limited resources, let him provide according to whatever Allah has given him. Allah does not require of any soul beyond what he has given it. After hardship, Allah will bring about ease” (QS At-Thalaq [65]: 7).¹⁶⁴

162 <https://quran.com/2> Accessed 21 March 2021.

163 Ibid.

164 <https://quran.com/65> Accessed 21 March 2021.

According to the third opinion, the amount of *nafkah* is determined by the conditions of both (husband and wife). This is the opinion of Hanbali and all the ulama from the Hanafi school of thought. This opinion is more comprehensive as it covers the two previous opinions.

Basically, a husband is obliged to provide *nafkah* for his wife at the beginning of the morning every day because that is the time to start having food and drink. However, if both agree to postpone or to have the food early such as during the weekend or at the beginning or end of the month or as their preference, then it is allowed because *nafkah* is the right and the obligation between husband and wife. It is obligatory for a husband to provide a place for his wife to live properly according to her need. This opinion has been agreed by ulama according to verse: "... Treat them fairly..." (QS Al-Nisa' [4] 19).¹⁶⁵

Treating a wife fairly includes providing her with a proper house to live. Because a wife needs a place to live where she can rest, share love with her husband, and cover her *aurat* from the view of non-*mahram* and to protect her property.

However, a husband must consider his ability when buying a house, because Allah says: "Let them live where you live 'during their waiting period' according to your means..." (QS At-Thalaq [65] 6).¹⁶⁶

Husbands meet the needs of wives according to local customs. If the husband is able (see QS. At-Thalaq [65] 6 above), it is obligatory for him to provide for the needs of his wife in accordance with the local custom (because this is explained by QS. al-Nisa' [4] 19).

For example, if the local staple food is bread or people usually sleep on a bed with a pillow (not on the floor or on a mat) then it is mandatory for a husband to provide this if he can.

So actually, what we wear should refer to *syuhro* clothes (see the explanation in the first edition).

You are obliged to convince and strengthen your husband's self-esteem that he has carried out his duties in providing *nafkah* according to the appropriate living standards. Seeing other people's lives as a living standard will only make us suffer.

Hopefully this is useful.¹⁶⁷

(Ning Musyfiqoh, Tim FORDAF, Forum Daiyah Fatayat, PW Fatayat NU Jawa Timur)

165 <https://quran.com/4> Accessed 21 March 2021.

166 <https://quran.com/65> Accessed 21 March 2021.

167 *AuleeA*, No.7, January, 2015, 60-1.

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| <p>Worship to Allah of NooR</p> | <p>Title: Combining and distributing couples' <i>zakat</i></p> <p><i>Walaikum salam</i>, dear Bu Listya,</p> <p>A husband and wife who both work basically have the same responsibility, namely to support the family. The husband and wife in a family are seen as two parties who are bound in a partnership called <i>syirkah</i>. This is what underlies Indonesian <i>fiqh</i> regarding the existence of <i>gono-gini</i> (joint property) assets which are regulated in the Marriage Law and the Compilation of Islamic Laws.¹⁶⁸</p> <p>With the provisions regarding these <i>gono-gini</i> property, what you have done is right, which is to combine your money and your husband's money for <i>zakat</i>. This is a very good deed because you have a good intention to pay <i>zakat</i>, not the other way around which is finding loopholes to avoid <i>zakat</i> even though you actually have the wealth to pay <i>zakat</i>. (Please read the topic on "Gaya Hidup, Patgulipat Zakat"/Patgulipat Lifestyle). May God bless and add to both your wealth because of your willingness to pay <i>zakat</i>.</p> <p>About the question, is <i>zakat</i> better distributed little by little but with many people receiving it or to a few people but empowering them? If we go back to the main goal of the <i>shari'a</i> of <i>zakat mal</i> (<i>zakat</i> of property/wealth), this is to create justice and social welfare. <i>Zakat</i> is considered good if it can change the lives of people from <i>mustahiq</i> meaning they are destitute, poor, <i>gharim</i> (a person with debt), converts and so on to become <i>muzakki</i> (<i>zakat</i> payer) because <i>zakat</i> can be used as capital for business that strengthens their economy. It is hoped that <i>zakat</i> can help poor people to become prosperous, so that wealth does not only circulate around the rich. This is in accordance with the spirit of <i>zakat</i> as Allah says in the al-Hasyr [59]: 7 that means "... so that wealth may not circulate among your rich..."¹⁶⁹</p> <p>Therefore, if the amount of <i>zakat mal</i> is not large, it should be given to only one or two people whose <i>zakat</i> can be used for capital, school tuition for their children or other productive things, so that <i>zakat</i> can be used to alleviate poverty. Besides, paying <i>zakat</i> is a form of obedience to Allah and social generosity. It would be very good if it was given to poor divorcees who have the responsibility of supporting their orphans because in that way, we are supporting the orphans and at the same time empowering their mothers. Rasulullah Saw said which means, "Someone who takes steps (to help) divorcees and poor people, he is like a person who has done <i>jihād</i> in the path of Allah" (Bukhari and Muslim or Hurairah</p> |
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168 *Gono-gini* is joint property owned by the husband or wife at the time of marriage. The arrangement of the assets of *gono-gini* is regulated both in the Civil Code and the Indonesian Compilation of Islamic Law (Kompilasi Hukum Islam).

169 <https://quran.com/59> Accessed 21 March 2021.

RA). And it will be even better if the use of *zakat* can be assisted by aids so that existing funds can be managed properly and can empower. God knows best (*Wallahu a 'lam*).¹⁷⁰

(Badriyah Fayumi, Redaktur Ahli)

The answers written in the three Q&A sections employ the same structure, namely introductory sentences in the form of greetings, appreciation of the sender's questions, and acknowledgement of the questioner's situation, restatement of the question topics, the content of answers from the perspective of Islamic jurisprudence, and conclusions in the form of opinions or advice from the resource person. The use of words of greeting in the introductory part indicates that posing questions and giving answers in the sections take the form of a conversation between the resource person and the questioner. They include: "Respected Mrs Aminah, thank you for your trust in us "," Sister Nita ... ", and "Dear Bu Listya ...". These greetings also appear in the middle of a description of the answer. Furthermore, the resource person interprets the question by restating it and relating it to the subject of discussion in Islamic jurisprudence. For example, a question about irresponsible husbands in *Tanya Jawab* section is related to issues of livelihood obligations between a husband and a wife, the duty to support the wife and children, and the legal consequences if a husband neglects their rights. This identification has helped the resource person in finding the right answers and reference sources.

The resource persons of *Swara Rahima*, *AuleeA*, and *NooR* refer to the Qur'an and hadith as the main sources for their religious opinions and advice. These main sources are supplemented with *aqwalul 'ulama* (Muslim scholars' opinions) taken from classical and modern Islamic books, and sources on the use of Indonesian law, such as *Kompilasi Hukum Islam* (KHI, the Compilation of

170 *NooR*, Volume XXIV, Th. XII/2017, 19.

Islamic Law) and Penghapusan Kekerasan dalam Rumah Tangga (PKDRT, the Elimination of Domestic Violence Law) if the answer to a question requires an explanation of the law. Hindun Anisah at *Swara Rahima* and Badriyah Fayumi at *NooR* use KHI as their answer reference, while Siti Musyfiqoh and Bashirotul Hidayah at *AuleeA* tend to use additional references from *aqwalul 'ulama*. For example, to explain the meaning of *nafkah*, Siti Musyfiqoh mentions the opinions of Ibnul Mundzir (856-930), Ibn Hazm (994-1064), and Ibn Qudamah (1147-1223). It is the obligation of a husband to provide *nafkah* for his wife. She also refers to opinions regarding the meaning of *ma'ruf* (goodness) from four different schools of Islamic jurisprudence, interpreted as a standard of living that should be provided by a husband. However, in contrast to Basyirotul Hidayah, Siti Musyfiqoh does not mention the name of the book she refers to in her answer.

There are also conspicuous differences between the three sections, firstly, in terms of length. Of the three, the answers in the *Worship to Allah* of *NooR* seem more concise than in the *Tanya Jawab* of *Swara Rahima* and *Fiqhunnisa'* of *AuleeA*. Meanwhile, the answers in *Fiqhunnisa'* seem to be the longest as they discuss various laws related to the topic being asked and from various viewpoints among Muslim scholars. The length of the answers in the *Fiqhunnisa'* section is related to the second difference, namely the format. *Fiqhunnisa'* uses the essay format. Bashirotul Hidayah said that this serves to make it more interesting to read because it provides a comprehensive answer, and to make it different from the Q&A section in NU's *Aula* magazine, which only provides straightforward legal questions and answers. For example, in the answer about the provision of *nafkah* by a husband to his wife, the answer is delivered according to the essay format, starting with a definition of *nafkah*, followed by a legal basis for the husband's obligation of *nafkah*, the amount of *nafkah*, and some opinions from Muslim scholars regarding this amount, and ending with a suggestion that the questioner may reassure her husband that he has done the right thing.

A third difference concerns the use of language and choice of words. Apart from being the most concise answer, Badriyah Fayumi's answer in *Worship to Allah* also refrains from presenting the complexity of available opinions and from mentioning the names of Muslim scholars with their different arguments. The reason for this, I suspect, lies in the nature of the readership of *NooR*, which is more open and public compared to the readership of *Swara Rahima* and *AuleeA*. Bashirotul Hidayah was informed by the editor of *AuleeA*, Hikmah Bafakih, that the readers of *AuleeA* are not only people with a *pesantren* background, but that they also come from both urban and rural communities. Therefore, Hikmah suggested to Bashirotul Hidayah to consider this readership when she formulates the language so that the essay can be read by lay Muslim people and *pesantren* as well.¹⁷¹ This precondition caused a dilemma for Bashirotul, however, because it meant that she had to consider two completely different groups of readers, namely advanced readers and beginners. Meanwhile, *Rahima* appears to have an easier task in choosing the language because the audience is more precisely demarcated compared to that of *AuleeA* and *NooR*. The presentation of the arguments in Hindun Anisah's answer even uses Arabic texts from *kitab kuning* and *al-qawa'id al-fiqhiyyah* (the principles of Islamic jurisprudence), which are familiar to *Rahima*'s female ulama.

Similarities and differences between the three Q&A sections can also be found in the answers to women-related questions.

171 Author's interview with Bashirotul Hidayah, 19 January 2018.

| Name of magazine and Q&A section | Examples of Answers to Women-Related Questions |
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| <p>Tanya Jawab of Swara Rahima</p> | <p>Title: Refusing or accepting arranged marriage as devotion to parents?</p> <p>Sister Zahroh who is blessed by Allah.</p> <p>Wah, I am very happy to read your critical letter. I am grateful for your trust in us to help you in solving your problems.</p> <p>Dear sister Zahroh. Many teenagers have dilemmas like you. The dilemma between refusing an arranged marriage and obeying it in the name of the parents. Basically, these two things cannot be contradicted, because refusing an arranged marriage does not mean you are not devoted to your parents as long as you convey your refusal in a good manner.</p> <p>The age of sixteen years is still too young to get married. In order to have a marriage, physical (biological) and psychological maturity is very important. According to experts, biologically women under the age of twenty have a high risk of disease and death when carrying out reproductive functions. Psychologically, a sixteen-year-old girl is still in an unstable condition, so she is not ready yet for a marriage. We need to remember that the purpose of marriage is to achieve <i>sakinah</i> (peacefulness), <i>mawaddah</i> (love), and <i>rahmah</i> (compassion) (QS. Ar Rum [30]: 21). This precious goal implicitly presupposes psychological maturity for whoever is getting married.</p> <p>The results of various studies show that the psychological impact of getting married at a young age includes setbacks in terms of education, poverty, loss of employment opportunities, easy divorce, children who get insufficient attention, stunted development and being easily influenced to engage in deviant behaviour. With all these negative psychological effects, how can the precious goal of marriage be achieved?</p> <p>Sister Zahroh who is <i>birrul walidain</i> (dutiful to parents), Parents do have an obligation to become guardians for their children when the child is getting married. The obligation to become a guardian does not contain an obligation to match his</p> |

sons and daughters, let alone force an arranged marriage. In this case our Prophet Muhammad SAW said:

لا تنكح الأيم حتى تستأمر، ولا تنكح البكر حتى تستأذن

Meaning: A divorcee cannot be given in marriage without consulting her, nor a virgin without her consent.

Based on this hadith, a woman has the right to refuse when she does not approve of the matchmaking and parents are not allowed to force their will on their daughter.

The hadith above emphasizes women's rights over themselves. No one, not even her parents, has the right to rule when and with whom a woman will get married except the woman herself. The word *hatta* (Arabic: until) in the hadith emphasizes the importance of parents respecting the rights of their daughters. An arranged marriage will not occur if the woman who is going to be married in the arranged marriage does not agree with it.

The hadith also implies that refusing an arranged marriage suggested by the parents is not considered as an act of defiance or non-devotion to the parents. Accepting or rejecting matchmaking is a right for women. Being dutiful or not to parents is not measured by the person accepting or rejecting the match, but by the way the child communicates with the parents.

Many verses in the Qur'an emphasize that what is meant by *wa bi al-walidaini ihsana* (doing good to parents) lies in the way children interact and communicate with their parents. When a girl agrees or disagrees with the opinion of her parent, the girl is not prohibited from conveying disagreement to her parent. However, she must convey it in a good way and in a language that does not hurt the parents.

Beloved Sister Zahroh,

I think it is best for you to explain your disagreement to your parents. Invite your parents to discuss the negative effects that will be experienced if you get married early. Show and convince your parents that their concerns that you will take a wrong path into promiscuity will not happen. I am sure that your parents really love you and will not be willing for you to experience the consequences or become a victim of early marriage.

As a *pesantren* graduate, you must understand the principle of *fiqh* that you can use when you talk to your parents, namely:

الضرر يزال

Meaning: eliminating *mudarat* (harm); avoiding early marriage can be meant as eliminating various *mudarat* that will occur [after marriage].

As for the public opinion that refusing a man's proposal can cause bad luck such as being an 'old maid'; that is only a myth that cannot be proven. There are so many women who get married to

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| | <p>men after refusing a number of marriage proposals. So, you don't have to worry about this myth.</p> <p style="padding-left: 40px;">Dear sister Zahroh,</p> <p style="padding-left: 40px;">Hopefully my answer is useful and can help reduce your anxiety. Hopefully you can discuss your problems with your parents. Once again, thank you for your trust in us. Have a good activity!</p> <p style="padding-left: 40px;"><i>Wassalamu 'alaikum wr.wb.</i>¹⁷²</p> <p>(Nyai Hj. Hindun Anisah, M.A.)</p> |
| <i>Fiqhunnisa' of AuleeA</i> | <p>Title: The judgement on womb check by a male doctor</p> <p style="padding-left: 40px;"><i>Walaikum salam wr. Wb.</i></p> <p style="padding-left: 40px;">Congratulations on the pregnancy, Miss Nadia. Hopefully you will always be healthy and be blessed with a lovely child. Here is what I can answer to your question.</p> <p style="text-align: center;">Islam and Pregnancy</p> <p style="padding-left: 40px;">In the view of Islam, pregnancy is not just women's physical changes that occur due to sexual intercourse. However, having pregnancy in Islam is highly appreciated as a form of worship, because pregnancy means maintaining the continuity of generations of human beings, the caliph of Allah on this earth. Children are a blessing from Allah SWT and entrusted to every parent. In the future, when they have grown up, they will take responsibility in carrying out Allah's commands and protecting nature by doing good and productive deeds for the advancement of the civilization.</p> <p style="padding-left: 40px;">Therefore, it is very important to protect the pregnancy, including the physical and spiritual health of the pregnant mother and to protect the physical and psychological health of the foetus by seeing and consulting competent people such as midwives or obstetricians. Maintaining the psychological health of the foetus can be done by taking care of the mother's psychological condition such as sending a lot of prayers during her pregnancy and getting closer to Allah SWT by reciting the Qur'an, <i>zikir</i> (reciting prayer), and by positive thinking, and being calm and happy.</p> <p style="padding-left: 40px;">The process of human creation in the womb is described in the Qur'an surah al-Mu'minun [23]: 12-14. "And indeed, we created humankind from an extract clay. Then placed each 'human' as a sperm-drop in a secure place. Then We developed the drop into a clinging clot 'of blood', then developed the clot into a lump 'of flesh' then developed the lump into bones, then clothed the bones</p> |

172 *Swara Rahima*, No. 48 Th. XIV, March 2015, 55-6.

with flesh, then We brought it into being as a new creation. So blessed is Allah, the Best of Creators.”¹⁷³

The above verse clearly describes the human embryo formation process. The Qur'an talked about the growth process of the foetus in the mother's uterus, step by step. This process cannot be seen immediately without the help of modern inspection tools like today. Medical examination tools such as ultrasound help humans know every phase of foetal development, so that the safety of mothers and babies can be more easily monitored.

Using the services of a male obstetrician

In order to maintain a pregnancy or foetus, it is important for a mother to selectively choose competent health workers. Because it is not only related to physical health, the presence of competent health workers will also ensure pregnant women inner peace. And indeed, we are encouraged by religion to entrust the problem to the experts, right?

In the book *at-Tahdzib fi Adillah Matn al-Ghayah wa al-Taqrīb* by Dr Musthofa Dib al-Bugha, page 425 in the chapter “Law of Seeing Women”, it is explained as follows:

For medical purposes, the argument is allowed to view women only in terms of the body parts that need to be seen, referring to the hadith narrated by Jabir r.a. who said:

That Umm Salamah RA asked permission from the Prophet Muhammad SAW to seek treatment with cupping. The Prophet then ordered Abu Thaibah to seal Umm Salamah. Jabir said: 'I thought the Prophet said: He (Abi Thaibah) is the brother of Umm Salamah's age or a son who has not reached maturity (Muslim, *Al-Salam*, Bab Likulli Da'in Dawa'un wa Istihab al-Tadawi, hadith no 2206).

Women should seek treatment from a doctor or female healer. If there is no doctor or female healer, the woman seeking treatment must be accompanied by her husband or *mahram*. If in an area there is a doctor who is Muslim and has the competence, it is prohibited to seek treatment from a doctor other than that doctor.

The provisions that apply to women also apply to men. Therefore, men should not go to a female doctor if there is a male doctor in their area. If there is a female doctor, it is required for the man to invite another person who can prevent *khalwat* with the doctor.

And the *fiqh* book *Fathul Wahab*, volume 2, page 56 described:

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| | <p>The judgement on seeing and touching for medicinal purposes is permitted, (such as hooks and cupping), subject to the following provisions:</p> <ol style="list-style-type: none"> 1. Same sex, or if different sex must be accompanied by <i>mahram</i>. 2. Use the services of non-Muslim doctors only when there are no Muslim doctors with the required expertise. <p>This discussion reaches the following conclusions:</p> <ol style="list-style-type: none"> 1. Female doctors are not allowed to treat male patients, if there are male doctors who can treat them, and vice versa. 2. It is not permissible for male doctors to treat female patients, and vice versa, when there is no same-sex doctor, except [when the patient is] accompanied by a <i>mahram</i>. 3. Non-Muslim doctors (both male and female) are not allowed to treat Muslim women patients, if there are Muslim male or female doctors who can treat them. <p><i>Wallahu a'lam bi al-shawab</i> (Only Allah who knows the truth).¹⁷⁴</p> <p>(Hj. Bashirotul Hidayah, M.Pdi, Tim FORDAF, Forum Daiyah Fatayat, PW Fatayat NU Jawa Timur.</p> |
| <p>Worship to Allah of NooR</p> | <p>Title: Guardian refuses to marry you off</p> <p>Shafia who is trying to find a solution, NooR empathizes with the problem you are experiencing. Hopefully you will remain patient, tough, and rational.</p> <p>NooR suggests, as the first step, to look for scholars or figures whom your father heard of. Try to tell the scholar hat happened, and ask him or her to be the mouthpiece of your aspirations so that your father will be pleased to be a guardian and at the same time ask him to advise you. Your father needs advice because his refusal to become a guardian is so unfair. It is just a matter of spending money. Moreover, there has been an application and there has been a previous agreement regarding the spending money that the prospective husband can afford. And, you and your future husband are both adults and economically independent. Your marriage should not be prevented.</p> <p>While asking for help from the religious scholar or figure heard of by your father, ask God for direct help with lots of <i>doa</i> (prayer) and <i>sedekah</i> (charity). Recite al-Fatihah after every prayer dedicated to your father. May Allah soften his heart.</p> <p>While trying and praying, consult BP4 or the leader on how your marriage should still take place officially and be registered by</p> |

the state, with the guardian of the judge. Rasulullah SAW said, which means, "Any woman who marries without the permission of her guardian, her marriage is cancelled, her marriage is cancelled, her marriage is cancelled. If her husband has intercourse with her, she is entitled to a dowry because her *farjā* has been legalized (for her husband). If the guardian refuses (to marry her off) then the sultan is the guardian for someone who does not have a guardian." (HR Ahmad, Abu Davud, Tirmidhi, and Ibn Majah from Aisyah RA.)

Frankly speaking, NooR does not recommend *sirri* (unregistered) marriage because the biggest risk lies with the women, if a child is born. NooR recommends a legal marriage with a biological father's guardian or legal with a judge's guardian. If, for example, it is official with the judge's guardian and if one day the father agrees, this just strengthens the marriage. I hope this advice helps. *Wassalam*.¹⁷⁵

(Badriyah Fayumi, Redaktur Ahli)

The answers on women-related questions in the three Q&A sections of the magazines indicate an integral spirit and messages that are in favour of women, including messages of *maslaha* (benefit) for women, reciprocity, and equality. These findings exemplify the fact that through written fatwas in the Q&A sections, women ulama who are the resource persons and part of Rahima and KUPI's networks have also mainstreamed progressive ideas, as has been done by the KUPI movement. For example, in the answer in the *Tanya Jawab* section, Hindun Anisah argued that marriage at the age of sixteen does not bring *maslaha* to women, from the perspective of both the physical and psychological aspects of women. This harmful impact cannot be ruled out for the sake of carrying out the order in Islam that a child should obey and serve their parents, namely by agreeing to the arranged marriage. Hindun provided the argument of *al-qawa'id al-fiqhiyyah: al-dhararu yuzalu*, meaning that *kemudaran*

175 NooR, Vol. XVIII Th. XIII/2016, 19

(harm) should be eliminated. She also emphasized in her answer that women have the right to refuse an arranged marriage by referring to a hadith as the source of her opinion. Bashirotul Hidayah's answer to a question about prenatal treatment for women carried out by a male doctor also indicates a message of reciprocity (*mubadalah*) in the sense that what applies to women also applies to men. For example, it was written in the text: "The provisions that apply to women also apply to men", therefore, men should not go to a female doctor if there is a male doctor in their area. If there is only a female doctor available, it is required for the man to invite another person to accompany in order to prevent *khalwat*.¹⁷⁶ Likewise, the message of equality between women and men is also shown by Badriyah Fayumi's answer responding to a question about a guardian who refuses to marry the questioner of. She emphasizes that as an adult, regardless of gender, women and men have the right and ability to make decisions for their respective lives including marriage. "You and your future husband are both adults and economically independent. Your marriage should not be prevented," Badriyah writes.

The progressive messages advanced by the Q&A sections confirm that these three magazines also mainstream progressive Islamic thought through print media, as has been done by female ulama of the Rahima and KUPI networks through their preaching and religious Q&A at *majelis taklim*. However, the progressive opinions are generally more complex and thus less easily explained compared to conservative messages. For instance, conservatives can just say that the age of marriage for girls starts with puberty, as marked by menstruation. So girls who start menstruating at the age of only twelve can already be married. Their message is simple and clear with only one option and reason and in that sense can be relatively easily understood

176 *Khalwat* is a form of an Islamic moral order "that even deems it morally questionable if a woman is in a room alone together with a man unrelated to her, and as there are rigid regimentations of women in public, it is to be expected that women's scope of action will become further restricted" (Schröter 2013, 19).

by the audience. Meanwhile, progressive groups who apply more contextualist interpretations also take into account the complexity of everyday life, women's experiences, women's social situations, women's desires and ambitions, and women's relationships, not only to men but also to other women from other social classes, to arrive at the statement that child marriage is unlawful according to Islam. Presumably, this kind of message is more difficult to understand and thus accept.

While progressive opinions are thus more difficult to explain, at the same time the resource persons prefer to write in magazines that try to reach as many people as possible and in a mediated landscape. Traditionalist progressives want to draw on *fiqh* and local traditions in legal reasoning, such as the use of *aqwalul 'ulama* written in *kitab kuning* and so forth. This is important for them but they also cannot take into account that the readers understand all the terms and references. Furthermore, since the fatwas are published, the resource persons are not the only agents involved in the process of formulating the answer and legal reasoning. The answers of the three Q&A sections of the magazines show that moving from oral to written fatwas leads to a different situation. In the case of oral fatwas, female ulama speak, interpret, and formulate the answer on their own behalf by considering the condition and the nature of their *jamaah*, which they already know. However in written fatwas published in magazines, female ulama speak, interpret questions, and formulate answers not only on behalf of themselves but also in close interaction with the editors who play their own distinctive role. Thus, the practice of making written fatwas comes with its own particular challenges and tensions, raising the question of how female ulama approach these challenges and tensions.

The first challenge is dealing with the tension between reflecting the ideology of the magazine and making the fatwas readable and understood by the readers regardless their background. In the case of *Swara Rahima*, the editorial staff

adopts the principle of intervening as little as possible to ensure a direct communication between readers and the resource person. However, this principle turns out to be difficult in practice because they want to stay true to their ideological messages and the values of *Rahima* but at the same time, they have to be respectful of the resource person. For example, A.D. Eridani, the former director of *Rahima*, explained, "I have forgotten which edition, we saw that the answer was not in favour of the victim of violence. So I asked Neneng, the managing editor, could this be communicated to the resource person, asking for additional explanation on this issue."¹⁷⁷ This review is important to ensure that the answers given by the resource person are in accordance with *Rahima's* values and are easily understood by readers. Because from the start of *Swara Rahima's* publication, the editorial board of *Rahima* intended to use crisp and popular language in the magazine, but Eridani said that apparently it turns out to be really hard to achieve this.

At first Bashirotul Hidayah, the resource person of *AuleeA*, found it difficult to write her answers to readers' questions because she has to incorporate the richness of traditional references, but the editor helped her in editing and making her writing readable by using popular terms. Hikmah Bafakih explained, "I am the one who always edits. Yes, it means that all the manuscripts up to forty-one published editions went through my hands."¹⁷⁸ Indeed, through Hikmah, the editorial staff of *AuleeA* intervened in the answers, but her concern was how to relate them to the context and the needs of the readers. She sometimes found an answer from a resource person that was less contextual. For example, there was a question about the law of praying when not wearing a *mukena* (a special women's cloth for praying) but wearing clothes that cover all of the body except the palms and face instead. Hikmah explained, "The answer actually had something to do with different interpretations in

177 Author's interview with A.D. Eridani, 8 December 2017.

178 Author's interview with Hikmah Bafaqih, 6 November 2017.

Islam. However, the resource person did not answer it in that direction, even though this reader's question may relate to an experience of seeing a woman who prayed using only a robe, not using a *mukena*. If we did not mention it, it's wrong because it could be divisive. Because actually the aspect of covering one's *aurat* doesn't mean that you have to wear *mukena*, right?"¹⁷⁹ With regard to this intervention, both Hikmah and Ida understand and accept each other's responsibility. "Mbak Hikmah edited a part that was not significant. She didn't change the content of the answer. So she added one or two paragraphs in the conclusion. But she did not change my original language or references," Bashirotul Hidayah said.¹⁸⁰

Easily understandable language is also a concern of the editorial staff of *NooR*, even more so than in the other magazines because it is a commercial outlet. When Badriyah Fayumi first wrote for *NooR*, her language was still hard to understand because it was thick with classical *pesantren* terms. Therefore, during an editorial meeting she received suggestions regarding her language. "Bu Badriyah, please don't write like this, it's too heavy," said Jeti.¹⁸¹ After some time, Badriyah became aware of the use of popular language in her writing. But she realizes that the answers she gave to *Worship to Allah*, even though they are articulated in popular and light language, might be relatively heavy compared to the other popular women's magazines that only cover popular lifestyle topics such as *Femina* magazine. She cannot avoid using Islamic terms such as *syirkah* (the bond between husband and wife), *muzakki* (*zakat* payer), *mustahiq* (person who is entitled to *zakat*), and *ghorim* (person who is in debt). But the terms are relatively well known by ordinary Muslims compared to some words found in *Swara Rahima* or *AuleeA*. Jeti claimed that since the readers do not complain or send rejections to the editorial staff, this means that the answers

179 Ibid.

180 Author's interview with Bashirotul Hidayah, 19 January 2018.

181 Author's interview with Jeti Rosalia Hadi, 9 December 2017.

of the Q&A section are seen as positive and can be understood by readers.

The second challenge is dealing with the tension on how to make the fatwas legitimate but at the same time acceptable to all readers no matter their group, religious affiliations and educational background. This challenge concerns the legal sources of fatwas and how to deliver them in a language and style that are appealing to the readers. The use of sources, I argue, is closely related to the composition of the audience. Because the readers of *Swara Rahima* are female ulama from Rahima's network and readers with a solid Islamic educational background, Hindun Anisah does not only use the Qur'an and hadith, but also *aqwalul 'ulama* (opinions of Muslim scholars), *al-qawa'id al-fiqhiyyah* (the principles of Islamic jurisprudence), fatwas from established ulama or fatwa institutions, for example a fatwa from a mufti in Egypt, and Indonesian legislation such as the Law on the Elimination of Domestic Violence. Thus, her opinion can be considered legitimate by the readers. Meanwhile, for writing techniques, editors have the authority to edit texts and to make sure that the answers can be easily accepted by readers. Bashirotul Hidayah uses references from the *kitab kuning* as she believes that knowledge does not just spring from the Qur'an and hadith, but rather there is a *jumhur ulama*.¹⁸² Among the books she refers to are *Fathul Wahab*, *Fathul Mu'in*, and *Fathul Qorib*, which are *fiqh* books. Because her answer is written in the form of an essay, she understands that having good writing skills and the ability to articulate formal religious language in a popular language is a must. But she is assisted by the editor of *AuleeA*.

The experience of Hindun Anisah and Bashirotul Hidayah in writing their answers for Q&A sections exemplifies the significant role of editors in making legitimate and acceptable answers. Thus, it can be argued that the construction of the media fatwa

182 *Jumhur ulama* means the majority of ulama of four schools of Islamic jurisprudence, namely Shafi'i, Hambali, Hanafi, and Malik. Author's interview with Bashirotul Hidayah, 19 January 2018.

is a matter of shared authority between the religious scholar and the expert editor; both bringing to the table a specific form of expertise. Editors can even claim the authority as an editor by making rules regarding the answers, for example on what should be taken into account, as explained by Badriyah Fayumi through her experience. As an expert editor of *NooR*, Badriyah Rayumi has the authority to make rules in the construction of answers to questions in the *Worship to Allah* section. The rules are that the answers should be in the frame of inclusive Islam, taken Indonesia's experience into account, and incorporating women's perspective. "So the three perspectives are integrated. Because we are pluralistic [by looking at something from different perspectives], and we don't judge a single truth," Badriyah explained.¹⁸³ For example, there was a question about the use of perfume containing alcohol. She delivered different opinions on it and ended up with a statement of her own religious opinion, namely that it is better for *al-khuru'j min al-khilaf mustahabbun* (Arabic: escaping from controversy is [more] recommended), which means not using alcoholic perfume. This is the style of *NooR* magazine, which adopts the principle of providing choices and the principle of convenience in practicing Islam. However, she does use the Qur'an and hadith the most as references so that readers from various backgrounds are more receptive.

In these published fatwas, the conversation between audience and religious authority is mediated through the use of language and style and the involvement of a third agent, the editor. This indirect method cannot ensure whether the fatwas and their Islamic messages are received, recognized, and followed by the audience. Therefore, the magazines attempt to make the conversation between audience and ulama as direct as possible by minimizing the intervention of the editor, although this turns out to be difficult. They also use direct methods by reaching the respective audience directly in the *majelis taklim* and events that allow the involvement of female ulama and magazines.

183 Author's interview with Badriyah Fayumi, 9 February 2018.

The initiative to form a reading group like Rahima does is also a form of a direct method for affirming and amplifying religious authority. Thus, written fatwas in the Q&A section are not stand-alone opinions; but they are part of a broader, multifaceted infrastructure or communication, as we have seen above.

In the case of *AuleeA*, the *Fiqhunnisa*' section is specifically managed by FORDAF (Forum of Preachers) of Fatayat NU in East Java. The resource persons of *Fiqhunnisa*' are members of FORDAF. Individually, apart from answering questions from senders, they also actively play a role as a religious authority in their respective communities, such as Bashirotul Hidayah in Jombang, East Java. Institutionally, FORDAF also has a community base of *pengajian* and beneficiaries for the programmes implemented, one of which was the inclusive *da'wa* programme. "So FORDAF created a programme about inclusive *da'wa* on how our preaching can also talk about the environment, equality, and gender justice. We have produced a joint module and a collaborative project with *SILe*," Hikmah Bafaqih explained.¹⁸⁴ Another programme was to build the capacity of *daiyah* as agents against radicalism and intolerance.¹⁸⁵ In an event themed "Knitting Interfaith Togetherness", Hikmah as the chair of Fatayat emphasized Fatayat NU East Java's willingness to join Perempuan Antarumat Beragama (the Interfaith Women's Forum) in East Java.¹⁸⁶

"We have questions and answers like this in the media, but we also have *pengajian* (Islamic learning group) of *NooR* from mosque to mosque every month," said Jeti. The purpose of this off-road activity is not only to help the mosques financially, but also to bring *NooR* closer to its public of readers. However, in this programme, Badriyah experienced objections from the *pengajian*, who considered her ideas to be "liberal". "For example, in one place of *pengajian*, maybe because the people are more conservative, they said, Bu Badriyah tends to be 'liberal',"

184 *SILe* is Supporting Islamic Leadership programme, funded by the Canadian International Development Agency.

185 Author's interview with Hikmah Bafaqih, 6 November 2017.

186 *AuleeA*, No.40, October 2017.

Badriyah said.¹⁸⁷ Jetti added that Badriyah was once in a panel at an event together with Musdah Mulia to talk about LGBT. “We don’t want Bu Badriyah to come to our *pengajian* because she agrees with [LGBT],” said Jetti. The *pengajian* members refused her without clearly understanding the context of the problem, and they had only read the title of the panel. In response to the incident, *NooR* communicated and clarified the thoughts in question. “We also often discuss how to do checks and recaps in Islam and what is the good news that we have to convey. We discuss these topics frequently in the magazine issues,” Jetti explained.¹⁸⁸

Conclusion

The media fatwa production through Q&A sections by female ulama resembles the practice of traditional fatwa-making in the sense that it involves a conversation between lay Muslims and religious authorities. However, in the context of mass-mediated fatwas, the conversation between audience and religious authority is not a direct, face-to-face communication. It is mediated through the use of written language and style, and the involvement of another agent, namely the editor. Although editors do not change the actual legal judgement of the fatwa, the experience of the three resource persons in writing their answers for Q&A sections still exemplifies the significant role editors play in making legitimate and acceptable answers. Thus, it can be argued that the construction of the media fatwa is a matter of shared authority between the religious scholar and the expert editor; both bring to the table a specific form of expertise. Editors can even claim their authority as an editor by making rules regarding the answers and what should be taken into account.

In the mass-mediated fatwas, the fatwa is co-produced by three key agents, namely the audience (both the people who send in questions and the broader audience), resource persons

187 Author’s interview with Badriyah Fayumi, 9 February 2018.

188 Author’s interview with Jetti Rosalia Hadi, 9 December 2017.

or female ulama who respond to the questions, and the editorial staff of the magazines. These three agents have an influential role in the production of media fatwas, and thus their relationship is constantly negotiated. The first agent, which is the audience, plays a role in asking a question that is related to everyday dilemmas and lived realities. It is notable that the more popular and broader the market of a magazine, the more “public” and “common” the religious questions and problems that are being asked, corresponding to the experiences of ordinary Muslims in general.

In the production of fatwa-making, the resource persons who are female ulama take into account the goal of the magazine, the nature of the audience, and the aspects of readability and acceptability of their answers with respect to the social and educational background of readers. Thus, it is different for the resource person of *Swara Rahima* in writing her answers compared to the other magazines, *AuleeA*, and *NooR*. *Swara Rahima* uses Arabic texts and some specific term about *fiqh* such as the rules of *fiqh adh-dhararu yuzalu*, and Arabic wording analysis, such as the meaning of the word “hatta” in the sentence; these are pieces of information that may be understood by *pesantren* graduates. Meanwhile, the readers of *AuleeA* and *NooR* come from a broader circle and wider range of backgrounds, and therefore the resource persons of the two magazines attempt to use simple language and a popular writing style.

Because the indirect method of conversation cannot ensure whether the fatwas and their Islamic messages are received, recognized, and followed by the audience, the magazines attempt to make the conversation between audience and ulama as direct as possible by minimizing the intervention of editor, although this turns out to be difficult. They also use direct methods by reaching the respective audience directly in the *majelis taklim* and events that allow the involvement of female ulama and magazines. Thus, written fatwas in the Q&A section cannot be stand-alone opinions; they are part of a broader, multifaceted

infrastructure or communication, which also includes more direct encounters between religious authorities and their followers. These communications reinforce each other.

CHAPTER SIX



Conclusion

Most studies of fatwas and how they are produced in Indonesia focus on established fatwa institutions dominated by men. These studies are characterized by various approaches. They discuss, for example, methodological aspects, the meaning of *maslaha* (social good), religious authority, or the relationship between fatwas and the social context in which they emerge. In many cases, they are based on an Islamic studies framework, in which fatwas are primarily seen as documents resulting from either *ijtihad* or *taqlid* derived collective and institutional interpretations. Such studies tend to ignore the everyday practice of issuing fatwas at the grassroots, spaces that are often considered as being of marginal importance in fatwa-making, such as Islamic study groups or private spaces in which religious authorities and *mustafti*—the person requesting a fatwa—meet. In these cases, the religious authorities in question are often women.

Taking a different approach in comparison to most existing fatwa studies, and employing a combined anthropological and gender lens, this dissertation seeks to make two key interventions. First, it chooses to focus on female juristic authority by looking at women's daily practice in making fatwas. The question that arises then is whether women have the authority to issue fatwas like men. When we look at established fatwa institutions, those who formulate the fatwas are typically men. It is therefore not possible to study women issuing fatwas using the mainstream point of view, which considers the practice of making fatwas in the context of established fatwa institutions. However, this

dissertation shows that it *is* possible to study women issuing fatwas once we consider fatwas and fatwa-making to be gendered practices and once we recognize the spaces in which women do play such a role.

Second, and as a logical consequence of the first intervention, this dissertation approaches fatwas not only as a written product but also as a process of daily interactions and communications between religious authorities and Muslim believers that may occur anywhere. In this interactive process, fatwa-giving becomes what Hussein Ali Agrama (2010) calls an ethical practice. Based on his primarily ethnographic research on the fatwa council of Al-Azhar University in Egypt, Agrama highlights the ethical component of fatwa-making as located in the interactions between religious authorities and ordinary Muslims. The mufti formulates his fatwas by looking at the believers and the situation closely, meaning that the fatwas for one and the same religious problem may be different depending on the person who asks the question. This dissertation follows Agrama in applying an ethnographic approach to everyday practices of fatwa-making. It also departs from his approach, however, as it studies this process not in the context of a powerful, male-dominated institution, like Al-Azhar, but by analysing interactions taking place between women ulama and their followers in places like the women's wings of Muslim mass organizations, religious schools, villages, study groups, and women's magazines.

I have demonstrated that Muslim women in Indonesia play an increasingly important role as ulama both at the grassroots and in the public sphere. I have researched a relatively progressive movement within Indonesian traditionalist Islam, in which women religious authorities turn out to be a key driving force. They build intellectual, cultural, and social networks both with *jamaah* at the grassroots and between themselves at the national level. Through these networks they spread progressive interpretations of Islam in their preaching, seminars, publications, and fatwa-making. They can do this because they have been able

to cultivate the capacity to become ulama. They have acquired classical Islamic knowledge. They are believed to demonstrate good character and act as pious exemplars for their followers in their religious attitude toward God and as human beings. The female ulama I observed have also developed another quality, however, namely gender awareness and a general concern and resolve to help disadvantaged and oppressed people, including women. I have analysed their juristic authority thus as being based not only on their Islamic knowledge but also on their ability to build on different forms of capital, in the Bourdieuan sense of the term. These are: firstly, symbolic capital, which appears through charisma inherited from their parents and family as religious or *pesantren* leaders; secondly, cultural capital, which includes possessing advanced Islamic classical knowledge and the quality of piety; thirdly, social capital gained from their long period of interaction and engagement with their communities; fourthly, economic capital, which is about giving or distributing money and economic opportunity. This capital strengthens their position in the community as they are able to take part in community economic empowerment and Islamic philanthropy, such as giving *sedekah* (Islamic charity) and providing jobs for people in their villages.

This study reveals female ulama's strong engagement with their religious followers at the grassroots, enabling them to exercise juristic authority and to be recognized as religious authorities by the communities of which they are part. I have called this community-based authority. This type of authority is closely aligned yet also distinct from other enabling factors of female religious authority as suggested by Hilary Kalmbach (2012), namely state sponsorship, male intervention, and women's agency. Female ulama exercise agency by choosing, deciding, and taking action as Islamic leaders, and they are supported by the state and by men. However, community engagement allows them to be ascribed authority and be recognized as ulama; this is an essential element of becoming religious authorities. I

consider identifying this type of community engagement and the authority that flows from it one of the key contributions of this dissertation.

I observed women issuing fatwas in Indonesia in different places and spheres of interaction between the fatwa-giver and fatwa asker. So instead of focusing on one or other established fatwa institution, in which women are usually underrepresented, I have examined the experience of women in Indonesia's largest traditional mass Muslim organization, Nahdlatul Ulama (NU). I have focused on different sites of interaction: the organization itself, formal fatwa councils, the village/grassroots level, women's activism, and women's magazines. These different spaces of interaction demonstrate the dynamic changes between women's experiences, women's expression of religious authority, and everyday practices of issuing fatwas by women due to different kinds of capital and resources provided in those spaces.

The first site—explored in Chapter 2—is formed by the organization, NU, and its formal fatwa council, the Bahtsul Masail forum. Female ulama, I showed, are structurally in a subordinate position compared to their male counterparts in the process of fatwa-making. The women play roles as “observers and participants” in the fatwa deliberations and do not hold positions as forum leaders. However, this does not mean that these women have no influence at all. To get a place and recognition in this male-dominated institution, they have organized and built alliances, and have worked together to achieve specific goals, for example passing a fatwa on child marriage that is more attentive to gender equality.

In such circumstances, in which religious authority and fatwa-giving are primarily performed by men, women can only really have authority when they “play the same role as men”. Men are recognized as having authority by the NU organization, firstly, because they are part of the male-dominated organization. So they issue fatwas in the name of the organization and the

fatwas are considered valid. Secondly, they are recognized due to their scholarly capacity and the fact that they have acquired advanced Islamic classical knowledge. Therefore, in order to get space in a male-dominated organization, women need to have a position and network in the organization and demonstrate their Islamic knowledge capacities.

During my research, I saw dynamic changes in women's involvement in fatwa-giving practices. Revealing all of Kalmbach's key factors of state intervention, male invitation and women's agency, women cultivate authority through education, by getting involved actively in NU movements and activities, and by soliciting influential leaders and figures at the highest position within NU to accommodate women's thoughts and needs in the process of fatwa-making. Pieterrella van Doorn-Harder (2006) argued that since the 1920s, women's leadership in Muhammadiyah and NU emerged through women's involvement in interpreting and re-interpreting Islamic sources related to the role and rights of women. This female leadership has become even more prevalent and established in recent years.

Chapter 3 focuses on the second site of fatwa-making, namely the grassroots and community level in villages across Java. I found that female ulama play important roles as religious guides and fatwa-givers for their religious followers. Many of them developed a passion for teaching and working with communities through their parents and family, who are often also ulama or pesantren leaders. However, I also found that their achievements are not determined solely, or even primarily, by their family background or related prestige. The extent to which female ulama are able to exert authority depends on the effort they make in approaching and engaging with the community and the support they receive from both family and community. In this context, the juristic authority of women can become more or less established depending on the extent to which it is socially certified by the local community, a process that Kloos and Künkler (2016, 485) have termed "bottom-up certification".

Women can be certified as ulama by demonstrating their ability in community leadership and applying their advanced knowledge of the Qur'an, hadith, and classical Islamic knowledge to provide religious guidance, advice, and fatwas about everyday problems and issues.

These fatwas constitute both concrete ethical practices and—at a different, slower pace—doctrinal changes. The fatwa-making shows the interaction between female ulama and ordinary believers seeking religious opinions on everyday problems. In providing the answer, female ulama use their understanding of the situation and the needs of the fatwa-seeker, their experience and perspective as women, and progressive Islamic interpretations. This everyday practice exemplifies all five dimensions of fatwa-making as mentioned by Agrama (2010, 13): “pedagogy”, “proper conduct”, “facilitating people’s affairs”, “good faith”, and “shared responsibility between mufti and mustafti”.

Another contribution of this dissertation is that it shows the importance of women’s fatwas in offering safe spaces for linking women’s everyday problems to the process of religious interpretations. Women experience consulting with female ulama very differently compared to consulting with male ulama. They feel safer in speaking out, especially when the question and issue are related to sensitive gendered topics such as sexual violence. The process of fatwa-making is not just a legal consultation between *mufti* and female ulama, but it is also related to a psychological dimension where fatwa-seekers feel comfortable in sharing their problems without fearing for their privacy. They also feel assured and convinced about the female ulama and her fatwas. However, holding the authority to issue fatwas does not obliterate the limits of authority for female ulama advanced by traditional Islamic texts. For example, female ulama still have limited authority to play roles as an imam, leading prayers for men, or as marriage guardians and *penghulu* (religious marriage officials).

My study also considers the practice of women issuing fatwas in the context of activism and the building of a social movement. Chapter 4 deals with the establishment of Kongres Ulama Perempuan Indonesia (KUPI, the Indonesian Congress of Women Ulama) in 2017 in Cirebon, West Java. This conference cannot be separated from the long struggle of intellectual movements that were initiated by Muslim activists with their organizations in the late 1980s. Etin Anwar identified this as leading to an era of proliferation during the early 1990s, in which Islam and feminism converged and the idea of Islamic feminism spread. KUPI considers the fatwa as a key device for doctrinal change through which female ulama can campaign to change biased doctrines into more progressive interpretations. To achieve this goal, and sustain the movement, female ulama within the network combine community-based activism with the KUPI framework as a new method for interpreting Islamic texts.

In Chapter 5, I examined print media and the public sphere as a site of fatwa-making by examining three case studies, namely the magazines *NooR*, *AuleeA*, and *Swara Rahima*. In mass-mediated fatwa, three key agents are involved in co-producing fatwas, namely the readers who send in questions and the broader audience who read the question and answer, female ulama who provide the answers, and the editorial staff of the magazines. These three agents have different roles in the production of fatwas and their relationship is constantly negotiated. Readers ask questions related to their everyday dilemmas and lived realities. I observed a clear correlation between the composition of the audience and the questions posted in the Q&A sections. A widely distributed, commercial magazine such as *NooR* receives basic, “common” religious questions that exemplify the experiences of ordinary Muslims in general. A different picture emerges in *AuleeA* whose audience mostly come from NU circles and *Swara Rahima*, which addresses its female ulama network and the *jamaah*. The latter two magazines receive questions which require a certain level of religious understanding.

In this site, although the fatwa-making is mediated rather than involving direct, face-to-face communication, fatwa-giving emerges as an interactive, ethical process. In responding to the questions, female ulama consider the goal of the magazine, the nature of the audience, and the aspects of accessibility, readability, and acceptability of their answers for readers from different social and educational backgrounds. Indeed, the message of defending women's rights and progressive interpretation is still there, but it is done by carefully choosing the terms, references, and method of writing that are considered popular and easy to understand. In this process, the role of the third agent—the editor—becomes clear. The task of the editor is to help formulate readable and easily understandable written fatwas for the public. In this sense, juristic authority is being shared, with the female ulama taking the dominant role. Juristic authority is not only based on religious knowledge but also on writing skills and professionalism.

Studying women issuing fatwas from an anthropological and gender perspective reveals fatwas with a variety of terms, meanings, and practices. Fatwa can be called *ngendikan* (Javanese: statement), *dhebu* (Madurese: statement), opinions, answers, and *sikap dan pandangan keagamaan* (religious attitudes and views). In this context, the essential part of a fatwa is how the Muslim believer finds it applicable and able to solve his or her religious problems. The fatwa can thus become a medium for ethical improvement and doctrinal change with interpretations that are more sensitive to gender justice. The practice of making fatwas by women shows fatwas as a disruptive practice. When these widespread fatwa-making practices are made visible, revealing women's engagement, they can shift the entire discourse around the fatwa, derailing the idea of male domination. In addition, fatwas as a medium to demonstrate juristic authority not only occur in the context of religious institutions, but can also become part of the Islamic feminist movement. That has had two significant implications in the Third World women's movement,

as explained by Mohanty (2003). First, it is breaking down the assumption of “Western eyes” on women from the Third World, and secondly it is proposing a grounded and distinctive framework that is rooted in the local context, which is Indonesian Islamic feminism.

These changes come with opportunities for female ulama. At the same time they also come with certain paradoxes. On the one hand, female ulama want to appropriate the devices of religious authority by affirming their roles as ulama, by issuing fatwas, and by developing a methodology for textual interpretation that is on a par with the methodologies and processes through which men have established their authority and fatwa institutions. On the other hand, they also acknowledge that what they are doing is as gendered as what they claim the men are doing. They embrace their gender and their role as women, and they do not radically break the gender norms that are conservative so that they can talk at the local level with communities who are often very conservative and traditional. For example, in the case of becoming an imam, female ulama understand that women are not allowed to lead *salat* for men because they are women. When women can recite the Qur’an fluently and have the necessary knowledge about *salat*, they actually can stand in front of men as an imam. But they choose not to take that role because the community still cannot accept it.

Although the women have to compromise and adopt strategies that are paradoxical, they have managed to demonstrate how to make changes without hurting and going against tradition; in my opinion, that is a distinctive feature of the experience of NU women. They position tradition as something that can be shaped and reshaped, either through the ongoing process or the way in which power relations and other forms of contestation and conflict override any formulation of becoming a Muslim. My study suggests that the way they negotiate and determine strategies is influenced by their experiences as NU women and their deep religious immersion in *pesantren* and NU

values. For example, they do not necessarily reject the practices of their community that are still gender-biased. However, they sort out which are the main issues (*ushul*) and secondary matters (*furu'*), deciding where compromise is possible or what cannot be accepted in making changes, because change does not always have to eliminate and fight tradition, as NU has shown in positioning the traditions of society so that they can coexist with Islamic teachings.

As a result, NU women have succeeded in achieving major changes, both in the organizational context and in the community at the grassroots regarding their roles as a source of religious authority. They initially did not have the space to play a role as a source of religious authority within the organization, but they have since become able to be involved in the formulation of gender-sensitive fatwas. They can be accepted and recognized at the grassroots level as having religious authority, and their community-based authority has become the foundation for their wider role as ulama with the opportunity to build alliances and networks of women ulama at the national level. They have succeeded in organizing and establishing a network through the Indonesian Women's Ulama Congress by using fatwa-making as a medium for social change.

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GLOSSARY

This glossary contains names of organizations, abbreviations, and technical terms. I have added (A) to the words which have been derived from the Arabic language, but Arabic words which are now part of common Indonesian usage have not been indicated as such.

Adat: Local custom.

'*Adillah* (A.): Sources for legal proofs.

Ahlus Sunnah wal Jamaah: Usually abbreviated to *Aswaja*; literally means people of the *sunnah* and the (orthodox) community.

Ahmadiyah: A religious organization established in India in 1889.

Aisyiyah: Muhammadiyah women's wing organization.

Al-'adah muhakkamah (A.): Principle in Islamic jurisprudence that custom can be used as the rule of law.

Al-dhararu yuzalu (A.): Principle in Islamic jurisprudence that harm should be eliminated.

Al-dharurat al-khamsah (A.): Fundamental elements of human existence.

Al-Fikrah al-Nahdhiyyah (A.): Practical principles of NU, containing five points, namely moderation (*tawassutiyyah*), tolerance (*tasamuhiyyah*), reformation (*ishlahiyyah*), dynamic mindset (*tathawwuriyyah*), and methodological mindset (*manhajiyyah*).

Alimat: The Indonesian branch of Musawah (see Musawah).

Al-Muwafaqat: Literally means "approvals"; a book by al-Shatibi.

Al-Muwatta': Literally means "the Beaten Path"; a book by Imam Malik.

Al-nushush al-syar'iyah (A.): Texts which can serve as legal evidence.

Al-qawa'id al-fiqhiyyah (A.): The principles of Islamic jurisprudence.

AMAN: Asian Muslim Action Network.

Aqwalul 'ulama (A.): The opinions of religious scholars.

Aurat: Parts of the body that need to be covered to avoid embarrassment.

A'wan: The plural form of the Arabic word 'awn, which literally means "help". It is the part of Syuriah NU (the Supreme Body of NU) that provides assistance for the *ra'is* (the head of NU) and consists of a number of prominent ulama.

Badal: Assistant to a specific figure.

Bahtsul Masail: Literally means "discussion of issues"; a NU forum with responsibility to issue fatwas at the central level.

Bandongan: Also called *weton* teaching; a system in which a group of students (from five to five hundred) listen to a teacher who reads and translates Arabic texts word by word using the Javanese language, and then gives an explanation of the meaning.

Bidah: Literally means innovation. In practice it means Islamic practices unknown during Muhammad's era but that became popular in later eras.

BP4/*Badan Penasihatatan Pembinaan dan Pelestarian Pernikahan*: Body for Advising on, Nurturing and Preserving Marriage.

BPD/*Badan Permusyawaratan Desa*: Village Consultative Body.

Daiyah: Female preacher.

Darud Da'wah wal Irsyad: Abbreviated to DDI; Islamic mass organization established in 1947 in South Sulawesi.

Dhaif: Unreliable state, usually related to the low quality of hadith or an unauthoritative reference.

Dharma Wanita (Women's Service): Organization of wives of Indonesian civil servants or female civil servants.

Dua kulah: (A. *qullataini*), minimum water measurement volume according to *fiqh*.

Fahmina: A Muslim women's NGO established in 2000 which works on issues of community empowerment, democracy, human rights, pluralism, and gender justice rooted in the knowledge and traditions of *pesantren*.

Fatayat: One of NU's wing organizations, for young women.

FBMP3 (Forum Bahtsul Masail Pondok Pesantren Puteri): Women's Islamic Boarding School Deliberation Forum.

Fiqh: Islamic jurisprudence.

FORDAF (Forum *Daiyah* Fatayat Nahdlatul Ulama): the *Daiyah* Forum of Fatayat Nahdlatul Ulama.

Furu' (A.): Literally means branches; subsidiary to the main principles (*usul*) of Islamic jurisprudence.

Gerakan Pemuda Anshor (GP Anshor): One of NU's wing organizations, for young men.

Gharim (A.): Person who is in debt.

Gono-gini: Joint property of a married couple.

Hablu minallah (A.): The relationship between humans and God.

Hablu minannas (A.): The relationship among humans.

Hadith: Prophet tradition.

Halal: Lawful or permitted according to Islamic law.

Haram: Unlawful or forbidden according to Islamic law.

Haram lighairihi (A.): Unlawful because of another reason.

Haul: Annual remembrance of the deceased.

Hibah: Giving property according to Islamic rules.

Hijab: Wide type of scarf for Muslim women.

Hijrah: Religious transformation in order to become better Muslims.

HMI (Himpunan Mahasiswa Islam): Islamic Community of University Students.

IAIN (Institute Agama Islam Negeri): The State Institute for Islamic Studies.

Iddah: A waiting period for a woman whose husband has passed away or a divorcee woman who wants to remarry; the mourning period for a woman after her husband passed away.

Ifta' (A.): Activity for giving/issuing a fatwa.

Ihdad (A.): The mourning period for a woman after her husband passed away.

Ijazah: Diploma.

Ijbar (A.): Guardian's "coercive" authority.

Ijtima' ulama: Consensus of the ulama.

Ilhaqi (A.): Equating the legal judgement of new problems with problems that have been answered by great ulama in the *kitab kuning*.

'Illah (A.): Legal cause.

Imam: Leader of congregational prayers, and many other meanings.

IPNU (Ikatan Putera Nahdlatul Ulama): One of NU's wing organizations, for male students, which serves to implement the NU policy in the specific community.

IPPNU (Ikatan Putera Puteri Nahdhatul Ulama): A NU wing organization for female students, which serves to implement the NU policy in the specific community.

Ishlahiyyah (A.): Literally means the mindset of reformation; an effort to make improvements for a better condition.

ISIF (Institute Studi Islam Fahmina): Fahmina Institute of Islamic Studies.

Istidlal (A.): Analysis of the sources or the analytical and interpretative principles.

Istifta' (A.): Request for a fatwa.

Istihsan (A.): Seeking goodness; one of the rules to comply with in creating *Maqashid Shari'ah*.

Jamaah: Religious congregation.

Jam'iyah diniyyah (A.): Religious congregation.

Jilbab: Muslim women's headscarf.

Kalyanamitra: The second earliest Indonesian women's NGO, established during the New Order.

Kawin gantung: Suspended marriage.

Kejar paket: Formal education services through non-formal channels, provided for students who cannot access formal schools; at the end of this programme, the students receive a diploma.

Khalwat: Literally means seclusion; often used in the sense of inappropriate social mingling between marriageable men and women (being alone together in a closed place).

KHI (Kompilasi Hukum Islam): Compilation of Islamic Law.

Khilafiyah (A.): Different opinions.

Kiai: male *pesantren* leaders.

Kitab kuning: Literally means yellow book; the classical Islamic books, which are usually printed on light yellow paper.

Kitab mu'tabarah (A.): Reliable reference.

KNPI (Komite Nasional Indonesia Pusat): Indonesian Central National Commission.

KOHATI (Korps HMI-Wati): Women's wing organization of HMI.

Komnas Perempuan (Komisi Nasional Perempuan): National Commission on Violence against Women.

KOPRI (Korps PMII Puteri): Women's wing organization of PMII.

KPAI (Komisi Perlindungan Anak Indonesia): Indonesian's Children Protection Commissioner.

Kufr (A.): Literally means unbelief, opposite of *iman* (belief/faith).

KUPI (Kongres Ulama Perempuan or KUPI): Indonesian Congress of Women Ulama.

LPPL (Lembaga Penyiaran Publik Lokal): Local Public Broadcasting Institute.

LKiS (Lembaga Kajian Islam dan Sosial): Institution of Islamic and Social Studies.

LKKNU (Lembaga Kemaslahatan Keluarga): Family Welfare Institute. A NU body responsible for promoting family welfare through reproductive health and family planning.

LP3ES (Lembaga Penelitian, Pendidikan, dan Penerangan Ekonomi dan Sosial): Institute for Social, Economic, and Social Research, Education, and Information.

Ma'had Ali: *Pesantren* higher education for advanced Islamic study with a relevant curriculum related to the curricula of *pesantren*.

Mahram: Relatives in the family line who cannot be married to one another according to Islamic rules.

Majelis Tarjih Muhammadiyah: A fatwa-issuing forum at Muhammadiyah; established at the Muhammadiyah's sixteenth congress in 1927.

Makanatul mar'ah fil Islam (A.): Literally means women's position in Islam; the theme of the NU National Mukhtamar in Lombok, in 1997.

Mamba'u al-Sa'adah (A.): Literally means a source of happiness; A *kitab kuning* title, written by Faqihuddin Abdul Kodir.

Manhaj (A.): Legal reasoning methods.

Maqashid shari'ah (A.): The goals of shari'a.

Marafiq (A.): Appendix.

Maraji' (A.): Reference.

Ma'ruf: Goodness; One of the frameworks applied in the fatwa-making procedure of KUPI.

Maslaha (A.): Social good.

Maudhu'iyah (A.): Literally means related to titling/theme clustering; a commission of the Bahtsul Masail other than *Waqi'iyah* (concerning social phenomena) and *Qonuniyah* (concerning legal rules).

Modin: Islamic guide appointed in a village.

Muamalah: Social interaction.

Mubadalah: Hermeneutics of reciprocity.

Mudarat and *mafsadah*: Damage and harmful; opposite of *manfaat* and *maslaha*.

Mujbir: Person who holds guardian's "coercive" authority.

Mukena: A special cloth for women to wear when praying.

Munakahat (A.): A special branch of Islamic jurisprudence concerning marriage.

MUNAS (Musyawarah Nasional): National Meeting, usually associated with NU.

Musawah: A global movement for equity and justice in the family.

Mushahhah (A.): The person who is in charge as a final reviewer of the fatwa before it is declared.

Mushala: Prayer house or room.

Muslimat: A women's wing of Nahdhatul Ulama, for adult women, with a national board and branches from the provincial to village levels.

Mustafti (A.): The person who asks for a fatwa.

Mustahiq (A.): Person who deserves zakat.

Musta'mal (A.): Used water, which makes it invalid for use for the purpose of *taharah*.

Mustasyar: Literally means advisory; the advisory board of NU.

Musyawahar Keagamaan: Religious consultation; a fatwa forum of KUPI.

Nafkah: To fulfil the needs of anyone who is dependent, whether in the form of food, drink, clothing or shelter.

Najis: Excrement.

Najis ma'fu (A.): Excrement that does not need to be cleaned before someone prays.

Nasyiatul Aisyiyah: Muhammadiyah's young women's association.

Nifas: Blood after childbirth.

Nikah sirri: Unregistered marriage.

NU: Nahdlatul Ulama

P3M (Perhimpunan dan Pengembangan Pesantren dan Masyarakat): Association for the Development of Pesantren and Society.

Pancasila: Literally means five basic values; Indonesia's ideology as a nation.

PAUD (Pendidikan Anak Usia Dini): Early Childhood Education.

PBNU (Pengurus Besar Nahdlatul Ulama): Nahdlatul Ulama National Board.

PEKKA (Pemberdayaan Perempuan sebagai Kepala Keluarga): Women-Headed Household Empowerment.

Pengajian: Religious lesson.

Penghulu: Religious marriage official.

PERSIS (Persatuan Islam): Islamic Unity, an Indonesian Islamic mass organization established in Bandung in 1923.

Pesantren: Islamic boarding schools.

PKB (Partai Kebangkitan Bangsa): National Awakening Party.

PKDRT (Penghapusan Kekerasan dalam Rumah Tangga): Elimination of Domestic Violence.

PKK (Pembinaan Kesejahteraan Keluarga): Family Welfare Guidance.

PMII (Pergerakan Mahasiswa Islam Indonesia): The Indonesian Muslim Students Movement.

PPIM (Pusat Penelitian Islam dan Masyarakat): Centre for Islamic and Community Research.

PPP (Partai Persatuan Pembangunan): United Development Party.

PTIQ (Perguruan Tinggi Ilmu Al-Qur'an): Higher Education for Al-Qur'an Studies, located in Jakarta.

PUP (Pengkaderan Ulama Perempuan): Female Cadre Programme, a training programme organized by Rahima to prepare female ulama for gaining an excellent acquaintance with classical Islamic knowledge.

Qabul (A.): Consent of agreement, usually paired with *ijab* to show common agreement between two parties.

Qiyas (A.): Legal analogy.

Qonun: Law or regulation enacted by a government; used to refer to Islamic legislation in contemporary Aceh.

r.a. (*radhiya Allah ‘anhu*) (A.): May God be pleased with him.

Rahima: An NGO established in August 2000 by Muslim activists who were engaged with the Fiqhunnisa’ programme of P3M.

RMI (Rabithah Ma’ahid Islamiyyah): Organization under NU that connects *pesantren* across Indonesia.

Safinatun Najah: Literally means ship of safety; A short introductory text on *fiqh* by Salim b. Abdallah b. Samir, a Hadrami, who lived in Batavia in the mid-nineteenth century.

Sakinah: Safe and prosperous family.

Santri: Students at a traditional Islamic school.

Santri kalong: Students of a school under *pesantren* management but living outside the *pesantren*.

Sarekat Islam (SI): Indonesian Islamic movement established in 1912 in Surakarta (Solo), Central Java.

SAW (*shallallahu alaihi wasallam*) (A.): May God bless him and preserve him.

Selamatan: Communal feast.

Shalawat: Salutation for Prophet Muhammad.

Sunat: Circumcision.

Sunnah: Recommended; getting reward for doing but no punishment for skipping; another term for hadith.

Tafsir: Qur’anic interpretation.

Taharah: Literally means purification; a process to go through before performing prayer.

Tahlil: Utterance of the formula of the faith, *la ilaha illa Allah* (there is no God but God).

Talaq: Divorce; break-up of marriage.

Tanfidziyah: Executive board of NU.

Taqlid: Adhering to a respected person or school in all matters of religion.

Tarjih: Finding the strongest opinion from *fiqh* texts.

Tasamuiyyah (A.): Literally means tolerance; in practice means accepting differences in faith, ways of thinking, and culture.

Tasawuf: Islamic mysticism, Sufism.

Tashawwur (A.): Description.

Tathawwuriyyah (A.): The dynamic mindset; one of NU's particular principles that implies that it considers the context in response to various problems.

Tawadu: Modesty.

Tawassuttiyyah (A.): Moderation.

Tawazun (A.): Balanced; balanced in dealing with various issues.

Tazkiyah (A.): Recommendation; one of KUPI's fatwa structures.

Thalib al-'ilm (A.): A searcher for knowledge.

Tradisi: Literally means habit; usually preserved across generations.

Ubudiah: Islamic jurisprudence on worship.

UIN (Universitas Islam Negeri): State University for Islamic Studies.

Ulama *jumhur*: The majority of Ulama.

'Urf (A.): Custom or 'adah; see *adat*.

Ushul fiqh (A.): The general principles of Islamic jurisprudence.

Waqaf al-hayat (A.): Current social lives.

Waqf (A.): Charitable trust; endowment.

Wilayah (A.): Guardianship.

Women's Crisis Centre: An organization established to help women dealing with hard household conditions or similar; found in some regions.

YKF (Yayasan Kesejahteraan Fatayat): Fatayat Welfare Foundation.

Zakat: The welfare tax.

Ziarah: Visitation; often used to refer to the practice of visiting a grave for the purpose of praying for the deceased.

Zina: Fornication or adultery.

Summary

Women Issuing Fatwas: Female Islamic Scholars and Community Based Authority in Java, Indonesia

This dissertation examines the everyday practices of women Islamic scholars issuing fatwas in Indonesia in a variety of places and social and institutional contexts. Taking a different approach in comparison to most existing fatwa studies which primarily focus on fatwas as texts, and employing a combined anthropological, religious studies, and gender lens, this dissertation seeks to make two key interventions. First, it chooses to focus on female juristic authority by looking at women's daily practice in producing fatwas. Second, and as a logical consequence of the first intervention, this dissertation approaches fatwas not only as a written product but also as a process of daily interactions and communications between religious authorities and Muslim believers that may occur anywhere.

For these purposes, I have examined the experiences of women in Indonesia's largest traditional mass Muslim organization, Nahdlatul Ulama (NU). But, instead of focusing on one or other established fatwa institutions, in which women are usually underrepresented, I have chosen to focus on different sites of interaction, namely: the organization and its formal fatwa council; the village/grassroots level; women's activism; and women's Islamic magazines. My analyses of these different spaces of interaction and the practices of fatwa-making that take place there reveal the dynamic changes in women's experiences, women's expression of religious authority, and everyday practices of issuing fatwas by women.

The main questions this dissertation answers are: (1) Who are the women who are recognized as ulama and where do they come from, and what is their authority based on? (2) Why and how can Muslim female leaders become ulama and issue fatwas? (3) Do they wield religious authority as strong as

that of male ulama in issuing fatwas? If so, why and how do they exercise such religious authority? (4) To what extent are female ulama able to issue—i.e. formulate and communicate—fatwas that are contested and controversial from a traditional Muslim point of view? (5) What are the forces (dominant norms, power structures, and powerful institutions, including the state) that enable women to exert authority and what are the forces that limit them in different social and institutional contexts? (6) What do both everyday practices and more contested interventions regarding fatwa-giving by female ulama reveal about the role and meaning of the fatwa in contemporary Indonesian society and beyond? (7) How do changes in the exercise of religious authority either reveal or feed in to reformulations, remakings, or reinterpretations of the notions of *keulamaan* (ulama-ness), fatwa, and fatwa-making in contemporary Indonesia?

The first chapter provides an overview of Muslim women and religious authority in the Indonesian context. Factors that enable Muslim women to successfully claim autonomy and a certain level of authority include their involvement in their organizational and social-religious activism. For example, most of the women actively participate in women wing organizations affiliated with the two largest mass Muslim organizations, Muhammadiyah and NU, namely Aisyiyah and Nasyiyah, and Muslimat and Fatayat, respectively. Despite their differences, both Muhammadiyah and NU stand for a moderate understanding of Islam that permits women to play roles in public lives. They embody the unique characteristics of Indonesian Islam as compared to other Islamic countries, especially in the Middle East, where Muslim women's roles are generally more restricted. The women work through education and economic empowerment programmes for other women from the lower and middle classes. These activities have created a basis for them to become leaders, activists, and female ulama who advocate for women's rights within an Islamic framework as well as by issuing gender sensitive fatwas.

The second chapter explores the first site of women issuing fatwas: NU, and its formal fatwa council, the Bahtsul Masail forum. I observed that female ulama are structurally in a subordinate position compared to their male counterparts in the process of fatwa-making. In the fatwa deliberations, the women play roles as “observers and participants” and do not hold positions as forum leaders. Therefore, in order to get a place and recognition in this male-dominated institution, women use their agency by organizing and building alliances. They work together to achieve specific shared goals, for example passing a fatwa on child marriage that is more attentive to gender equality.

In such circumstances, in which religious authority and fatwa-giving are primarily performed by men, women can only have authority when they play the same role as men. Men are recognized as having authority by the NU organization, firstly, because they are part of the male-dominated organization. So they issue fatwas in the name of the organization and the fatwas are considered valid. Secondly, they are recognized due to their scholarly capacity and the fact that they have acquired advanced Islamic classical knowledge. Therefore, in order to claim space in a male-dominated organization, women need to obtain a position and network in the organization and demonstrate their Islamic knowledge capacities.

Chapter 3 focuses on the second site of fatwa-making, namely the grassroots and community level in villages across Java. I found that female ulama play important roles as religious guides and fatwa-givers among their religious followers. Many of them developed a passion for teaching and working with communities through their parents and family, who are often also ulama or *pesantren* leaders. However, I also found that their achievements are not determined solely, or even primarily, by their family background or related prestige. The extent to which female ulama are able to exert authority depends on the effort they make in approaching and engaging with the community and the support they receive from both family and community.

In this context, the juristic authority of women can become more or less established depending on the extent to which it is socially certified by the local community, a process that Kloos and Künkler (2016, 485) have termed “bottom-up certification”. Women can be certified as ulama by demonstrating their ability in community leadership and applying their advanced knowledge of the Qur’an, hadith, and classical Islamic knowledge to provide religious guidance, advice, and fatwas about everyday problems and issues.

This dissertation also includes the practice of women issuing fatwas in the context of activism and the building of a social movement. Chapter 4 deals with the establishment of Kongres Ulama Perempuan Indonesia (KUPI, the Indonesian Congress of Women Ulama) in 2017 in Cirebon, West Java. This conference is an outcome of a long process of intellectual engagement initiated by Muslim activists and their organizations from the late 1980s through to the present. Etin Anwar identified this era as leading to an era of proliferation during the early 1990s, in which Islam and feminism converged and the idea of Islamic feminism spread through certain social groups and contexts. KUPI considers the fatwa as a key device for doctrinal change through which female ulama can campaign to change biased doctrines into more progressive interpretations. To achieve this goal, and sustain the progressive, gender-sensitive movement within Indonesian traditionalist Islam, female ulama within this network combine community-based activism with the KUPI framework as a new method for interpreting Islamic texts.

Chapter 5 examines print media and the public sphere as a site of fatwa-making by examining three magazines, namely *NooR*, *AuleeA*, and *Swara Rahima*. In mass-mediated fatwa, three key agents are involved in co-producing fatwas, namely the readers who send in questions and the broader audience who read the question and answer section, female ulama who provide the answers, and the editorial staff of the magazines. These three agents have different roles in the production of fatwas and their

relationship is constantly negotiated. Readers ask questions related to their everyday dilemmas and lived realities. I observed a clear correlation between the composition of the audience and the questions posted in the Q&A sections. A widely distributed, commercial magazine such as *NooR* receives basic, “common” religious questions that exemplify the experiences of ordinary Muslims in general. A different picture emerges in *AuleeA* whose audience mostly come from NU circles and *Swara Rahima*, which addresses its female ulama network and the *jamaah* (religious followers). The latter two magazines receive questions which require a certain level of religious understanding.

During my research, I saw dynamic changes in women’s involvement in fatwa-giving practices. Women cultivate juristic authority through education, by getting involved actively in NU movements and activities, and their strong engagement with their religious followers at the grassroots which they are part. I have called this community-based authority. This type of authority is closely aligned with yet also distinct from other enabling factors of female religious authority as suggested by Hilary Kalmbach (2012), namely state sponsorship, male intervention, and women’s agency. Female ulama exercise agency by choosing, deciding, and taking action as Islamic leaders, and they are supported by the state and by men. However, community engagement allows them to have authority ascribed to them and be recognized as ulama; this is an essential element of becoming religious authorities. I consider identifying this type of community engagement and the authority that flows from it one of the key contributions of this dissertation.

In conclusion, this dissertation suggests, firstly, that the study of the role of female ulama as fatwa-givers in itself should be seen as a significant contribution as there is almost no literature on women giving fatwas in the context of everyday life. Indonesia is the home of Muslim women playing roles as religious authority and fatwa giver. There is the very everyday fatwa-giving at the local level, not particularly controversial,

dealing with ritual matters, broadly accepted, and continuously taking place in everyday life all around Indonesia. On the other hand, there is the practice of fatwa-giving in the public sphere, involving hundreds of women Islamic scholars from different social, educational, and professional backgrounds, on issues that are controversial, such as child marriage and in a female ulama conference, a site that is politically contested as it is part of a women's movement.

This dissertation also offers further nuances to the the anthropology of the fatwa as pioneered in, among others, a significant publication by Hussein Ali Agrama (2010). Based on his largely ethnographic research on the fatwa council of Al-Azhar University in Egypt, he suggested that fatwa should be studied as an ethical practice by looking at the everyday interactions between mufti and Muslim believers in the process of *istifta'* (seeking fatwas) from an ethnographical perspective, and how that communication takes place in practice. I studied women practicing fatwa from anthropological perspective but my study doesnot rely only on the observation of a single established institution or fatwa council, as Agrama has done. Rather, my study should be approached as a multi-sited study as the fatwa is a scattered phenomenon.

A multi-sited study of the fatwa is crucial when we talk about women's everyday practices of fatwa-making, because if we go to the most well-known and arguably most authoritative Islamic institutions in the world, such as Al-Azhar's fatwa council, we will not find many women there. The approach, then, has been to follow the women rather than the established institutions as a way of paying heed to fatwa-giving as a practice that takes place in different spheres of life, different spheres of interaction, and at many different sites, ranging from villages to mosques to religious organizations, to social movements, and to mediascapes. In that sense, my study offers a richer landscape and new approach that enables me to uncover women's everyday practices of requesting and issuing fatwas.

The daily practice of women issuing fatwas shows that there are dimensions of interaction and communication between women and their *jamaah* not only related to educational matters, proper conduct as a Muslim, facilitating people's affairs, good faith, and sharing responsibility between muftis and fatwa seekers. But, the practice also displays two other dimensions, namely a safe space and empowerment, which are more specific to situations in which it is women who are issuing fatwas. Because the questions being asked are sometimes related to unfortunate and painful experiences of the *jamaah* such as marital violence and divorce, the answers given by the women can help them with possible way out of dire situations from the perspective of Islam.

Finally, the practice of fatwa-giving by women also provides insight into the relationship between the process of doctrinal change and the process of the fatwa as an ethical practice. Thus, in the study of fatwa, instead of separating these two dimensions, my study suggests that we should approach the fatwa as an ethical and everyday practice, and as a way of communicating religious opinions with the fatwa seeker as a phenomenon that also feeds back into the process of doctrinal change. They are not separate processes because the female ulama in Indonesia I studied are not just interested in fatwas as an ethical practice. They are also interested in, and able to achieve, doctrinal change and the capacity enshrined in these daily interactions to challenge mainstream, gender-insensitive Islamic interpretations.

Samenvatting

Vrouwen die fatwa's uitvaardigen: vrouwelijke islamitische geleerden en op de gemeenschap gebaseerd gezag in Java, Indonesië

Dit proefschrift onderzoekt de alledaagse bezigheden van vrouwelijke islamitische geleerden die fatwa's uitvaardigen in Indonesië, op verschillende plaatsen en in een veelvoud van sociale en institutionele contexten. In een benadering die verschilt in vergelijking met de meeste fatwa studies, die zich hoofdzakelijk concentreren op fatwa's als teksten en gebruik maken van een gecombineerde antropologische, godsdienstwetenschappelijke en *gender* invalshoek, wil dit proefschrift twee belangrijke wijzigingen in aanpak doorvoeren. In de eerste plaats legt het de nadruk op vrouwelijk juridisch gezag door te kijken naar de dagelijkse praktijk van vrouwen in het maken van fatwa's. In de tweede plaats, en als logisch gevolg hiervan, benadert dit proefschrift fatwa's niet alleen als een resultaat op schrift, maar ook als een proces van dagelijkse interacties en contacten tussen religieuze autoriteiten en islamitische gelovigen die overal kunnen optreden.

Hiertoe heb ik de dagelijkse ervaringen van vrouwen onderzocht in Indonesië's grootste traditionele massaorganisatie, de Nahdlatul Ulama (NU). Echter, in plaats van mij te concentreren op een gevestigde fatwa institutie, waarin vrouwen ondervertegenwoordigd zijn, heb ik gekozen mij te concentreren op verschillende plaatsten van interactie: de organisatie en haar formele fatwa raad, het niveau van het dorp en de *grassroot*, vrouwenactivisme en islamitische tijdschriften voor vrouwen. Mijn analyse van deze verschillende plekken van interactie en de manieren van het maken van fatwa's die daar plaats vinden, laten de dynamische veranderingen zien in de ervaringen van vrouwen, de uitdrukking van religieus gezag door vrouwen en

de dagelijkse praktijk van het uitvaardigen van fatwa's door vrouwen.

De belangrijkste vragen die dit proefschrift beantwoordt zijn: (1) wie zijn de vrouwen die als ulama worden erkend en waar komen zij vandaan en waarop is hun gezag gebaseerd? (2) waarom en hoe kunnen islamitische vrouwelijke leiders ulama worden en fatwa's uitvaardigen? (3) oefenen zij religieus gezag in even sterke mate uit als mannelijke ulama bij het uitvaardigen van fatwa's? en zo ja, waarom en hoe oefenen zij dan een dergelijk religieus gezag uit? (4) in welke mate zijn vrouwelijke ulama in staat om fatwa's uit te vaardigen – dat wil zeggen te formuleren en openbaar te maken – die worden bestreden en controversieel zijn vanuit een traditioneel islamitisch standpunt? (5) Wat zijn de krachten (dominante normen, machtsstructuren en machtige instituties waaronder de staat) die vrouwen in staat stellen om gezag uit te oefenen en wat zijn de krachten die hen beperken in verschillende sociale en institutionele contexten? (6) wat maken de alledaagse praktijken alsmede meer omstreden activiteiten met betrekking tot het geven van fatwa's door vrouwen duidelijk over de rol en de betekenis van de fatwa in de hedendaagse Indonesische samenleving en daarbuiten? (7) hoe onthullen of beïnvloeden veranderingen in het uitoefenen van religieus gezag herformuleringen, het opnieuw maken of formuleren van de begrippen *keulamaan* (ulama-schap), fatwa, en het maken van fatwa's in het hedendaagse Indonesië?

Het eerste hoofdstuk geeft een overzicht van islamitische vrouwen en religieus gezag in de Indonesische context. Tot de factoren die vrouwen in staat stellen om met succes hun autonomie een zekere mate van gezag op te eisen, behoren de betrokkenheid bij hun organisatorisch en sociaal-religieus activisme. De meeste vrouwen nemen, bij voorbeeld, actief deel in vrouwelijke vleugelorganisaties die verbonden zijn met de twee grootste islamitische massaorganisaties, de Muhammadiyah en de NU, respectievelijk de Aisyiah en de Nasyiyah, en de

Muslimat en de Fatayat. Ondanks hun verschillen staan zowel de Muhammadiyah als de NU voor een gematigd begrip van de islam, dat vrouwen toestaat een rol in het openbare leven te spelen. Zij belichamen de unieke eigenschappen van de Indonesische islam in vergelijking met andere islamitische landen, in het bijzonder in het Midden-Oosten, waar in het algemeen de rol van islamitische vrouwen beperkter is. De vrouwen spannen zich in door middel van onderwijs en economische *empowerment* programma's voor andere vrouwen uit de lagere en midden klasse. Deze activiteiten hebben voor hen een basis gecreëerd om uit te groeien tot leiders, activisten en vrouwelijke ulama die vrouwenrechten bepleiten binnen een islamitisch kader, alsmede om *gender*-gevoelige fatwa's uit te vaardigen.

Het tweede hoofdstuk onderzoekt de eerste plek waar vrouwen fatwa's uitvaardigen: de NU en haar formele fatwa raad, het Bahtsul Masail forum. Ik zag dat vrouwelijke ulama zich in vergelijking met hun mannelijke collega's structureel in een ondergeschikte positie bevinden in het proces van het maken van fatwa's. Bij de besprekingen over fatwa's vervullen de vrouwen rollen als "waarnemers en deelnemers" en bekleden geen posities als forum-leiders. Om derhalve een plaats en erkenning te krijgen binnen deze door mannen gedomineerde institutie, gebruiken vrouwen hun *agency* door het organiseren en maken van verbintenissen. Zij werken samen om specifieke gemeenschappelijke doelen te bereiken, bijvoorbeeld door een fatwa over het kinderhuwelijk aan te nemen die meer aandacht heeft voor *gender* gelijkheid.

Onder dergelijke omstandigheden, waarin religieus gezag en het geven van fatwa's voornamelijk door mannen wordt uitgeoefend, kunnen vrouwen alleen gezag hebben wanneer zij dezelfde rol spelen als mannen. Allereerst erkent de NU organisatie dat mannen gezag hebben, omdat zij deel uitmaken van een door mannen gedomineerde organisatie. Derhalve vaardigen zij fatwa's uit in naam van de organisatie en worden de fatwa's als geldig beschouwd. In de tweede plaats worden zij

erkend door hun wetenschappelijke onderlegdheid en het feit dat zij een gevorderd niveau in de islamitische klassieke wetenschap hebben bereikt. Om, derhalve, ruimte op te eisen in een door mannen gedomineerde organisatie, moeten vrouwen een positie en netwerk in de organisatie krijgen en hun vaardigheden in de islamitische wetenschap bewijzen.

Hoofdstuk 3 concentreert zich op de tweede plek van het maken van fatwa's, namelijk het niveau van de *grassroot* en de gemeenschap in de dorpen verspreid over Java. Ik ontdekte dat vrouwelijke ulama belangrijke rollen spelen als religieuze gidsen en gevers van fatwa's voor hun religieuze volgelingen. Velen van hen ontwikkelden een passie voor onderwijs en het werken met gemeenschappen door toedoen van hun ouders en familie, die vaak ook ulama of *pesantren* leiders zijn. Ik ontdekte echter ook dat hun successen niet uitsluitend, of zelfs hoofdzakelijk, worden bepaald door hun familie achtergrond of de daarmee samenhangende prestige. De mate waarin vrouwelijke ulama in staat zijn om gezag uit te oefenen hangt af van de inspanning die zij zich getroosten om de gemeenschap te benaderen en hieraan deel te nemen, en van de steun die zij ontvangen van zowel de familie als de gemeenschap. In deze context kan het juridisch gezag van vrouwen in meerdere of mindere mate worden gevestigd in overeenstemming met de mate waarin dit sociaal wordt bevestigd door de plaatselijke gemeenschap, een proces waarvoor Kloos en Künkler (2016, 485) de term "bottom-up certification" hebben gebruikt. Vrouwen kunnen worden bevestigd als ulama door hun vaardigheid te laten zien in het leiden van de gemeenschap en het toepassen van gevorderde klassieke islamitische kennis van de koran, hadith and klassieke islamitische geleerdheid om religieuze leiding, advies en fatwa's te geven over alledaagse problemen en kwesties.

Dit proefschrift behandelt ook de praktijk van vrouwen die fatwa's uitvaardigen in het kader van activisme en het opbouwen van een sociale beweging. Hoofdstuk 4 gaat over de oprichting van Kongres Ulama Perempuan Indonesia (KUPI,

het Indonesische Congres van Vrouwelijke Ulama) in 2017 in Cirebon, West-Java. Deze conferentie is een resultaat van een lang proces van intellectuele betrokkenheid dat werd geïnitieerd door islamitische activisten en hun organisaties vanaf het einde van de jaren 1980 tot aan vandaag. Etin Anwar heeft dit tijdperk geïdentificeerd als de inleiding op een tijdvak van snelle uitbreiding tijdens het begin van de vroege jaren 1990, waarin islam en feminisme samenkwamen en het idee van islamitisch feminisme zich verspreidde via bepaalde sociale groepen en contexten. KUPI beschouwt de fatwa als een van de belangrijkste instrumenten voor doctrinaire verandering, waarmee vrouwelijke ulama in de openbaarheid kunnen treden om vooringenomen leerstellingen te veranderen in progressieve interpretaties. Om dit doel te bereiken en om de progressieve, *gender*-gevoelige beweging binnen de Indonesische traditionalistische islam te consolideren, combineren vrouwelijke ulama binnen dit netwerk een op de gemeenschap gebaseerd activisme met het KUPI netwerk als een nieuwe methode om islamitische teksten te interpreteren.

Hoofdstuk 5 onderzoekt gedrukte media en de publieke ruimte als een plek voor het maken van fatwa's, door drie tijdschriften te onderzoeken, namelijk *NooR*, *AuleeA*, and *Swara Rahima*. In fatwa's die door massamedia worden verspreid, zijn in hoofdzaak drie soorten handelende personen betrokken bij het gezamenlijk produceren van fatwa's, namelijk de lezers die hun vragen opsturen en het bredere publiek dat de vraag en antwoord rubriek leest, vrouwelijke ulama die de antwoorden geven en de staf van de uitgeverij van de tijdschriften. Deze drie groepen hebben verschillende rollen in de productie van fatwa's en over hun onderlinge verhouding wordt voortdurend onderhandeld. Lezers stellen vragen over hun alledaagse dilemma's en geleefde werkelijkheden. Ik zag een duidelijke correlatie tussen de samenstelling van het publiek en de vragen die worden opgenomen in de vraag en antwoord rubrieken. Een wijd verbreid en commercieel tijdschrift, zoals *NooR* ontvangt basale, algemene religieuze vragen die de ervaringen van

doorsnee moslims in het algemeen weerspiegelen. Een ander beeld rijst op uit *AuleeA* waarvan het publiek hoofdzakelijk afkomstig is uit NU kringen, en *Swara Rahima* dat zich richt op haar netwerk van vrouwelijke ulama en de *jamaah* (religieuze volgelingen). De twee laatste tijdschriften ontvangen vragen die een zekere mate van religieuze onderlegdheid vereisen.

Tijdens mijn onderzoek zag ik dynamische veranderingen in de betrokkenheid van vrouwen bij verschillende manieren van het geven van fatwa's. Vrouwen bouwen juridisch gezag op door onderwijs, door actief betrokken te raken in NU afdelingen en activiteiten, en door hun sterke bemoeienis met hun religieuze volgelingen op het *grassroot* niveau waarvan zij deel uitmaken. Ik heb dit "op de gemeenschap gebaseerd gezag" genoemd. Dit type van gezag is nauw verbonden met, maar ook verschillend van andere factoren die vrouwelijk religieus gezag bevorderen, zoals voorgesteld door Hilary Kalmbach (2012), namelijk sponsorschap van de staat, mannelijke tussenkomst en *agency* van vrouwen. Vrouwelijke ulama oefenen *agency* uit door het maken van keuzen en beslissingen, en actief op te treden als islamitische leiders, en de mate waarin zij worden gesteund door de staat en mannen. Echter, de betrokkenheid bij de gemeenschap stelt hen in staat om aan hen toegeschreven gezag te hebben en om te worden erkend als ulama. Dit is een essentieel element in het worden van een religieuze autoriteit. Ik beschouw het aantonen van dit type betrokkenheid bij de gemeenschap en het gezag dat daaruit voortkomt als een van de belangrijkste bijdragen van dit proefschrift.

Ter afsluiting suggereert dit proefschrift, ten eerste, dat de rol van vrouwelijke ulama als gevers van fatwa's op zichzelf moet worden gezien als een belangrijke bijdrage, omdat er bijna geen literatuur bestaat over vrouwen die fatwa's in de context van het alledaagse leven geven. Indonesië is het thuis van islamitische vrouwen die rollen spelen als religieuze gezagsdragers en gevers van fatwa's. Er is het zeer alledaagse geven van fatwa's op het lokale niveau, niet erg controversieel en algemeen geaccepteerd,

dat handelt over rituele zaken en dat voortdurend plaatsvindt in het dagelijks leven overal in Indonesië. Aan de andere kant is er de praktijk van het geven van fatwa's in de publieke sfeer, waarbij honderden vrouwelijke islamitische geleerden betrokken zijn met een verschillende achtergrond in sociale herkomst, onderwijs en beroep. De fatwa's betreffen controversiële kwesties, zoals kinderhuwelijk, en daarnaast worden fatwa's gegeven in een conferentie van vrouwelijke ulama, een plek die politiek betwist is, omdat het deel uitmaakt van een vrouwenbeweging.

Dit proefschrift brengt ook verdere nuances aan in de antropologie van de fatwa zoals dit voor het eerst is aangepakt in onder meer een belangrijke publicatie van Hussein Ali Agrama (2010). Gebaseerd op zijn in hoofdzaak etnografisch onderzoek naar de fatwa raad van de Al-Azhar Universiteit in Egypte, stelde hij voor dat de fatwa moet worden bestudeerd als een ethische praktijk door te kijken naar de alledaagse interacties tussen de mufti en de islamitische gelovigen in het proces van *istifta'* (het vragen van fatwa's) vanuit een etnografisch perspectief, en naar hoe deze communicatie in werkelijkheid plaatsvindt. Ik bestudeerde vrouwen die zich met fatwa's bezighouden vanuit een antropologisch perspectief, maar mijn studie berust niet slechts op het observeren van een enkel gevestigd instituut of fatwa raad, zoals Agrama heeft gedaan. Eerder moet mijn onderzoek worden beschouwd als een studie die op meerdere plekken is verricht, omdat de fatwa een wijd verbreid verschijnsel is.

Een onderzoek naar de fatwa op meerdere plekken is cruciaal wanneer we spreken over de alledaagse praktijk van het maken van fatwa's door vrouwen, omdat wanneer we naar de meest bekende en wellicht de meest gezaghebbende islamitische instellingen in de wereld gaan, zoals Al-Azhar's fatwa raad, wij daar niet veel vrouwen zullen aantreffen. De gevolgde benadering is dus om me te richten op de vrouwen in plaats van op de gevestigde instellingen als een methode om aandacht te geven aan het geven van fatwa's als een praktijk die plaatsvindt

in verschillende domeinen van interactie en op veel verschillende plekken, variërend van dorpen tot moskeeën tot religieuze organisaties, tot sociale bewegingen en tot medialandschappen. In die betekenis biedt mijn onderzoek een rijker landschap en een nieuwe benadering die mij in staat stelt om alledaagse praktijken van vrouwen in het vragen en uitvaardigen van fatwa's te bestuderen.

De dagelijkse praktijk van vrouwen die fatwa's uitvaardigen laat zien dat er dimensies bestaan van interactie en communicatie tussen vrouwen en hun *jamaah* die niet uitsluitend verband houden met onderwijskundige zaken, juist gedrag als moslim, het ondersteunen van de bezigheden van mensen, het juiste geloof en het delen van verantwoordelijkheid door mufti's en de vragers van fatwa's. Maar, de praktijk laat ook twee andere dimensies zien, namelijk een veilige plek en *empowerment*, die meer specifiek zijn voor situaties waarin het de vrouwen zijn de fatwa's uitvaardigen. Omdat de gestelde vragen soms verband houden met ongelukkige en pijnlijke ervaringen van de *jamaah*, zoals geweld binnen het huwelijk en echtscheiding, kunnen de door de vrouwen gegeven antwoorden hen helpen met een mogelijke uitweg uit deze benarde situaties vanuit het perspectief van de islam.

Tenslotte, geeft het geven van fatwa's door vrouwen ook inzicht in de relatie tussen het proces van doctrinaire verandering en het proces van de fatwa als een ethische praktijk. Mijn onderzoek suggereert derhalve dat bij het bestuderen van fatwa's in plaats van deze twee dimensies te scheiden, wij de fatwa moeten benaderen als een ethisch en alledaags gebruik, en als een manier om religieuze meningen bekend te maken aan de vrager van de fatwa, als een verschijnsel dat ook invloed heeft op het proces van doctrinaire verandering. Dit zijn geen gescheiden processen, omdat de vrouwelijke ulama in Indonesië die ik bestudeerde, niet alleen maar geïnteresseerd zijn in fatwa's als ethische praktijk. Zij zijn ook geïnteresseerd in en in staat tot het

realiseren van doctrinaire verandering en de mogelijkheid die in deze dagelijkse interacties is ingesloten om algemeen aanvaarde, *gender*-ongevoelige islamitische opvattingen ter discussie te stellen.

Curriculum Vitae



Nor Ismah was born in Pekalongan, Central Java on 23 December 1978. She works as a research, training, and curriculum development consultant for government institutions and national and international NGOs in the field of gender and media. Recently she is appointed as the director of the research institution and community service and development of Nahdlatul Ulama University in Yogyakarta. She obtained her pre-university education in the Islamic Boarding School in Tambakberas, Jombang, East Java, Indonesia from 1990-1997. She went to Sunan Kalijaga State University for Islamic Studies for her Bachelor majoring Arabic language and literature from 1997-2002. She obtained her MA in Southeast Asian Studies from School of Pacific and Asian Studies, University of Hawaii at Manoa, USA, in 2012 funded by the International Fellowship Program of Ford Foundation. Her PhD study at Leiden University Institute for Area Studies (LIAS) is fully sponsored by the Indonesia Endowment Fund for Education of Ministry of Finance of Republic Indonesia from 2016 -2023. She published articles in peer reviewed journals including “Reading Indonesian and Malaysian Young Adult Novels: Capturing the Image of Young Muslim Women in Indonesia and Malaysia”, *Journal Humanisma*, Center for Gender

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WOMEN ISSUING FATWAS

Female Islamic Scholars and Community-Based Authority
in Java, Indonesia

This dissertation deals with the legitimacy of Muslim women as Islamic scholars (ulama) and the right ascribed to them by society to interpret religious texts and issue fatwas in response both to the everyday concerns of their followers and to urgent social problems. The study is therefore primarily concerned with the concept of religious authority and how this is modulated through gender. Using a combined anthropological, religious studies, and gender lens, it examines how and why women issue fatwas in different spaces of interaction between the fatwa-giver and fatwa-asker. These spaces, which include women's branches of Islamic organizations and institutions, local communities, and women's magazines, are often and unduly considered as being of marginal importance in fatwa-making. The main argument of this dissertation is that, both at the grassroots and in the public sphere, Muslim women in Indonesia play an increasingly influential role as ulama, both sought by and responding to ordinary believers seeking religious opinions, and, as such, acting as agents of and advocates for change. Although their role is not often recognized by men, once we privilege the perspective of women a completely different picture emerges, one in which women are granted religious authority that turns out to be as strong as that of male ulama in issuing fatwas. Their authority is, on the one hand, a community-based authority contingent on local concerns and networks of knowledge. Yet on the other hand these women also contribute to a larger effort, namely the creation of a national network of Indonesian female ulama.