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

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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.<sup>48</sup> 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.<sup>49</sup>

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

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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.<sup>50</sup> 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

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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.”<sup>51</sup> 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.<sup>52</sup>



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.”<sup>53</sup> 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*.<sup>54</sup> 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.<sup>55</sup> Bu Yayak Andriani and Bu Rahmawati, two other followers, similarly remarked on Nyi Ruq’s religious roles.<sup>56</sup> Meanwhile, Pak Rahmat,

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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.<sup>57</sup>

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,

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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.<sup>58</sup> 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.<sup>59</sup>

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.”<sup>60</sup>

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.

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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*.<sup>61</sup> 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.<sup>62</sup>

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.<sup>63</sup> 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

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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*.<sup>64</sup> In another instance, Bu Hanik was asked to put down the microphone while leading a Qur'anic recitation because her voice was considered *aurat*.<sup>65</sup>

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.<sup>66</sup> 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

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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.<sup>67</sup>



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

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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.<sup>68</sup> 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.<sup>69</sup>

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.<sup>70</sup>

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

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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.<sup>71</sup>

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*.

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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.”<sup>72</sup>

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

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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.<sup>73</sup>

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*

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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."<sup>74</sup>

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

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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.<sup>75</sup> 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.”<sup>76</sup>

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.<sup>77</sup>



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.<sup>78</sup> Similar to Mbak Khotim, Bu Afwah has set up a *pesantren* curriculum that

<sup>77</sup> Author's interview with Bu Afwah Mumtazah, 29 January 2018.

<sup>78</sup> *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.<sup>79</sup> 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

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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.<sup>80</sup> 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,

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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.<sup>81</sup> 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.<sup>82</sup> This is

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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*.<sup>83</sup> 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

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<sup>83</sup> *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.<sup>84</sup>

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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.<sup>85</sup>



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.<sup>86</sup>

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.<sup>87</sup>

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

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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.<sup>88</sup>

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,

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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, pripun* (Javanese: how) if someone brings an animal to slaughter for *qurban*, then he gets paid, what is the legal judgement [on this matter]?"<sup>89</sup> 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?"<sup>90</sup> 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*.<sup>91</sup>

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?”<sup>92</sup> 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?”<sup>93</sup> 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.<sup>94</sup>

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

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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.<sup>95</sup> 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.<sup>96</sup>

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.<sup>97</sup>

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

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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."<sup>98</sup> 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).<sup>99</sup> 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.<sup>100</sup>

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.<sup>101</sup> 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.<sup>102</sup>

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

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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.<sup>103</sup> 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.<sup>104</sup> 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.<sup>105</sup> 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.<sup>106</sup>

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

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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 *Dawah 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 Takhasus 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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