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

Ismah, N.

CHAPTER SIX

Conclusion

Most studies of fatwas and how they are produced in Indonesia focus on established fatwa institutions dominated by men. These studies are characterized by various approaches. They discuss, for example, methodological aspects, the meaning of *maslaha* (social good), religious authority, or the relationship between fatwas and the social context in which they emerge. In many cases, they are based on an Islamic studies framework, in which fatwas are primarily seen as documents resulting from either *ijtihad* or *taqlid* derived collective and institutional interpretations. Such studies tend to ignore the everyday practice of issuing fatwas at the grassroots, spaces that are often considered as being of marginal importance in fatwa-making, such as Islamic study groups or private spaces in which religious authorities and *mustafti*—the person requesting a fatwa—meet. In these cases, the religious authorities in question are often women.

Taking a different approach in comparison to most existing fatwa studies, and employing a combined anthropological and gender lens, this dissertation seeks to make two key interventions. First, it chooses to focus on female juristic authority by looking at women's daily practice in making fatwas. The question that arises then is whether women have the authority to issue fatwas like men. When we look at established fatwa institutions, those who formulate the fatwas are typically men. It is therefore not possible to study women issuing fatwas using the mainstream point of view, which considers the practice of making fatwas in the context of established fatwa institutions. However, this

dissertation shows that it *is* possible to study women issuing fatwas once we consider fatwas and fatwa-making to be gendered practices and once we recognize the spaces in which women do play such a role.

Second, and as a logical consequence of the first intervention, this dissertation approaches fatwas not only as a written product but also as a process of daily interactions and communications between religious authorities and Muslim believers that may occur anywhere. In this interactive process, fatwa-giving becomes what Hussein Ali Agrama (2010) calls an ethical practice. Based on his primarily ethnographic research on the fatwa council of Al-Azhar University in Egypt, Agrama highlights the ethical component of fatwa-making as located in the interactions between religious authorities and ordinary Muslims. The mufti formulates his fatwas by looking at the believers and the situation closely, meaning that the fatwas for one and the same religious problem may be different depending on the person who asks the question. This dissertation follows Agrama in applying an ethnographic approach to everyday practices of fatwa-making. It also departs from his approach, however, as it studies this process not in the context of a powerful, male-dominated institution, like Al-Azhar, but by analysing interactions taking place between women ulama and their followers in places like the women's wings of Muslim mass organizations, religious schools, villages, study groups, and women's magazines.

I have demonstrated that Muslim women in Indonesia play an increasingly important role as ulama both at the grassroots and in the public sphere. I have researched a relatively progressive movement within Indonesian traditionalist Islam, in which women religious authorities turn out to be a key driving force. They build intellectual, cultural, and social networks both with *jamaah* at the grassroots and between themselves at the national level. Through these networks they spread progressive interpretations of Islam in their preaching, seminars, publications, and fatwa-making. They can do this because they have been able

to cultivate the capacity to become ulama. They have acquired classical Islamic knowledge. They are believed to demonstrate good character and act as pious exemplars for their followers in their religious attitude toward God and as human beings. The female ulama I observed have also developed another quality, however, namely gender awareness and a general concern and resolve to help disadvantaged and oppressed people, including women. I have analysed their juristic authority thus as being based not only on their Islamic knowledge but also on their ability to build on different forms of capital, in the Bourdieuan sense of the term. These are: firstly, symbolic capital, which appears through charisma inherited from their parents and family as religious or *pesantren* leaders; secondly, cultural capital, which includes possessing advanced Islamic classical knowledge and the quality of piety; thirdly, social capital gained from their long period of interaction and engagement with their communities; fourthly, economic capital, which is about giving or distributing money and economic opportunity. This capital strengthens their position in the community as they are able to take part in community economic empowerment and Islamic philanthropy, such as giving *sedekah* (Islamic charity) and providing jobs for people in their villages.

This study reveals female ulama's strong engagement with their religious followers at the grassroots, enabling them to exercise juristic authority and to be recognized as religious authorities by the communities of which they are part. I have called this community-based authority. This type of authority is closely aligned yet also distinct from other enabling factors of female religious authority as suggested by Hilary Kalmbach (2012), namely state sponsorship, male intervention, and women's agency. Female ulama exercise agency by choosing, deciding, and taking action as Islamic leaders, and they are supported by the state and by men. However, community engagement allows them to be ascribed authority and be recognized as ulama; this is an essential element of becoming religious authorities. I

consider identifying this type of community engagement and the authority that flows from it one of the key contributions of this dissertation.

I observed women issuing fatwas in Indonesia in different places and spheres of interaction between the fatwa-giver and fatwa asker. So instead of focusing on one or other established fatwa institution, in which women are usually underrepresented, I have examined the experience of women in Indonesia's largest traditional mass Muslim organization, Nahdlatul Ulama (NU). I have focused on different sites of interaction: the organization itself, formal fatwa councils, the village/grassroots level, women's activism, and women's magazines. These different spaces of interaction demonstrate the dynamic changes between women's experiences, women's expression of religious authority, and everyday practices of issuing fatwas by women due to different kinds of capital and resources provided in those spaces.

The first site—explored in Chapter 2—is formed by the organization, NU, and its formal fatwa council, the Bahtsul Masail forum. Female ulama, I showed, are structurally in a subordinate position compared to their male counterparts in the process of fatwa-making. The women play roles as "observers and participants" in the fatwa deliberations and do not hold positions as forum leaders. However, this does not mean that these women have no influence at all. To get a place and recognition in this male-dominated institution, they have organized and built alliances, and have worked together to achieve specific goals, for example passing a fatwa on child marriage that is more attentive to gender equality.

In such circumstances, in which religious authority and fatwa-giving are primarily performed by men, women can only really have authority when they "play the same role as men". Men are recognized as having authority by the NU organization, firstly, because they are part of the male-dominated organization. So they issue fatwas in the name of the organization and the

fatwas are considered valid. Secondly, they are recognized due to their scholarly capacity and the fact that they have acquired advanced Islamic classical knowledge. Therefore, in order to get space in a male-dominated organization, women need to have a position and network in the organization and demonstrate their Islamic knowledge capacities.

During my research, I saw dynamic changes in women's involvement in fatwa-giving practices. Revealing all of Kalmbach's key factors of state intervention, male invitation and women's agency, women cultivate authority through education, by getting involved actively in NU movements and activities, and by soliciting influential leaders and figures at the highest position within NU to accommodate women's thoughts and needs in the process of fatwa-making. Pieternella van Doorn-Harder (2006) argued that since the 1920s, women's leadership in Muhammadiyah and NU emerged through women's involvement in interpreting and re-interpreting Islamic sources related to the role and rights of women. This female leadership has become even more prevalent and established in recent years.

Chapter 3 focuses on the second site of fatwa-making, namely the grassroots and community level in villages across Java. I found that female ulama play important roles as religious guides and fatwa-givers for their religious followers. Many of them developed a passion for teaching and working with communities through their parents and family, who are often also ulama or pesantren leaders. However, I also found that their achievements are not determined solely, or even primarily, by their family background or related prestige. The extent to which female ulama are able to exert authority depends on the effort they make in approaching and engaging with the community and the support they receive from both family and community. In this context, the juristic authority of women can become more or less established depending on the extent to which it is socially certified by the local community, a process that Kloos and Künkler (2016, 485) have termed "bottom-up certification".

Women can be certified as ulama by demonstrating their ability in community leadership and applying their advanced knowledge of the Qur*ʾan*, hadith, and classical Islamic knowledge to provide religious guidance, advice, and fatwas about everyday problems and issues.

These fatwas constitute both concrete ethical practices and—at a different, slower pace—doctrinal changes. The fatwa-making shows the interaction between female ulama and ordinary believers seeking religious opinions on everyday problems. In providing the answer, female ulama use their understanding of the situation and the needs of the fatwa-seeker, their experience and perspective as women, and progressive Islamic interpretations. This everyday practice exemplifies all five dimensions of fatwa-making as mentioned by Agrama (2010, 13): "pedagogy", "proper conduct", "facilitating people's affairs", "good faith", and "shared responsibility between mufti and mustafti".

Another contribution of this dissertation is that it shows the importance of women's fatwas in offering safe spaces for linking women's everyday problems to the process of religious interpretations. Women experience consulting with female ulama very differently compared to consulting with male ulama. They feel safer in speaking out, especially when the question and issue are related to sensitive gendered topics such as sexual violence. The process of fatwa-making is not just a legal consultation between *mustafti* and female ulama, but it is also related to a psychological dimension where fatwa-seekers feel comfortable in sharing their problems without fearing for their privacy. They also feel assured and convinced about the female ulama and her fatwas. However, holding the authority to issue fatwas does not obliterate the limits of authority for female ulama advanced by traditional Islamic texts. For example, female ulama still have limited authority to play roles as an imam, leading prayers for men, or as marriage guardians and *penghulu* (religious marriage officials).

My study also considers the practice of women issuing fatwas in the context of activism and the building of a social movement. Chapter 4 deals with the establishment of Kongres Ulama Perempuan Indonesia (KUPI, the Indonesian Congress of Women Ulama) in 2017 in Cirebon, West Java. This conference cannot be separated from the long struggle of intellectual movements that were initiated by Muslim activists with their organizations in the late 1980s. Etin Anwar identified this as leading to an era of proliferation during the early 1990s, in which Islam and feminism converged and the idea of Islamic feminism spread. KUPI considers the fatwa as a key device for doctrinal change through which female ulama can campaign to change biased doctrines into more progressive interpretations. To achieve this goal, and sustain the movement, female ulama within the network combine community-based activism with the KUPI framework as a new method for interpreting Islamic texts.

In Chapter 5, I examined print media and the public sphere as a site of fatwa-making by examining three case studies, namely the magazines *NooR*, *AuleeA*, and *Swara Rahima*. In mass-mediated fatwa, three key agents are involved in co-producing fatwas, namely the readers who send in questions and the broader audience who read the question and answer, female ulama who provide the answers, and the editorial staff of the magazines. These three agents have different roles in the production of fatwas and their relationship is constantly negotiated. Readers ask questions related to their everyday dilemmas and lived realities. I observed a clear correlation between the composition of the audience and the questions posted in the Q&A sections. A widely distributed, commercial magazine such as *NooR* receives basic, "common" religious questions that exemplify the experiences of ordinary Muslims in general. A different picture emerges in *AuleeA* whose audience mostly come from NU circles and *Swara Rahima*, which addresses its female ulama network and the *jamaah*. The latter two magazines receive questions which require a certain level of religious understanding.

In this site, although the fatwa-making is mediated rather than involving direct, face-to-face communication, fatwa-giving emerges as an interactive, ethical process. In responding to the questions, female ulama consider the goal of the magazine, the nature of the audience, and the aspects of accessibility, readability, and acceptability of their answers for readers from different social and educational backgrounds. Indeed, the message of defending women's rights and progressive interpretation is still there, but it is done by carefully choosing the terms, references, and method of writing that are considered popular and easy to understand. In this process, the role of the third agent—the editor—becomes clear. The task of the editor is to help formulate readable and easily understandable written fatwas for the public. In this sense, juristic authority is being shared, with the the female ulama taking the dominant role. Juristic authority is not only based on religious knowledge but also on writing skills and professionalism.

Studying women issuing fatwas from an anthropological and gender perspective reveals fatwas with a variety of terms, meanings, and practices. Fatwa can be called *ngendikan* (Javanese: statement), *dhebu* (Madurese: statement), opinions, answers, and *sikap dan pandangan keagamaan* (religious attitudes and views). In this context, the essential part of a fatwa is how the Muslim believer finds it applicable and able to solve his or her religious problems. The fatwa can thus become a medium for ethical improvement and doctrinal change with interpretations that are more sensitive to gender justice. The practice of making fatwas by women shows fatwas as a disruptive practice. When these widespread fatwa-making practices are made visible, revealing women's engagement, they can shift the entire discourse around the fatwa, derailing the idea of male domination. In addition, fatwas as a medium to demonstrate juristic authority not only occur in the context of religious institutions, but can also become part of the Islamic feminist movement. That has had two significant implications in the Third World women's movement,

as explained by Mohanty (2003). First, it is breaking down the assumption of "Western eyes" on women from the Third World, and secondly it is proposing a grounded and distinctive framework that is rooted in the local context, which is Indonesian Islamic feminism.

These changes come with opportunities for female ulama. At the same time they also come with certain paradoxes. On the one hand, female ulama want to appropriate the devices of religious authority by affirming their roles as ulama, by issuing fatwas, and by developing a methodology for textual interpretation that is on a par with the methodologies and processes through which men have established their authority and fatwa institutions. On the other hand, they also acknowledge that what they are doing is as gendered as what they claim the men are doing. They embrace their gender and their role as women, and they do not radically break the gender norms that are conservative so that they can talk at the local level with communities who are often very conservative and traditional. For example, in the case of becoming an imam, female ulama understand that women are not allowed to lead *salat* for men because they are women. When women can recite the Qur'an fluently and have the necessary knowledge about *salat*, they actually can stand in front of men as an imam. But they choose not to take that role because the community still cannot accept it.

Although the women have to compromise and adopt strategies that are paradoxical, they have managed to demonstrate how to make changes without hurting and going against tradition; in my opinion, that is a distinctive feature of the experience of NU women. They position tradition as something that can be shaped and reshaped, either through the ongoing process or the way in which power relations and other forms of contestation and conflict override any formulation of becoming a Muslim. My study suggests that the way they negotiate and determine strategies is influenced by their experiences as NU women and their deep religious immersion in *pesantren* and NU

values. For example, they do not necessarily reject the practices of their community that are still gender-biased. However, they sort out which are the main issues (*ushul*) and secondary matters (*furu'*), deciding where compromise is possible or what cannot be accepted in making changes, because change does not always have to eliminate and fight tradition, as NU has shown in positioning the traditions of society so that they can coexist with Islamic teachings.

As a result, NU women have succeeded in achieving major changes, both in the organizational context and in the community at the grassroots regarding their roles as a source of religious authority. They initially did not have the space to play a role as a source of religious authority within the organization, but they have since become able to be involved in the formulation of gender-sensitive fatwas. They can be accepted and recognized at the grassroots level as having religious authority, and their community-based authority has become the foundation for their wider role as ulama with the opportunity to build alliances and networks of women ulama at the national level. They have succeeded in organizing and establishing a network through the Indonesian Women's Ulama Congress by using fatwa-making as a medium for social change.