



Universiteit
Leiden

The Netherlands

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

Ismah, N.

Citation

Ismah, N. (2023, January 12). *Women issuing fatwas: female Islamic scholars and community-based authority in Java, Indonesia*. Retrieved from <https://hdl.handle.net/1887/3505634>

Version: Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/3505634>

Note: To cite this publication please use the final published version (if applicable).

Summary

Women Issuing Fatwas: Female Islamic Scholars and Community Based Authority in Java, Indonesia

This dissertation examines the everyday practices of women Islamic scholars issuing fatwas in Indonesia in a variety of places and social and institutional contexts. Taking a different approach in comparison to most existing fatwa studies which primarily focus on fatwas as texts, and employing a combined anthropological, religious studies, and gender lens, this dissertation seeks to make two key interventions. First, it chooses to focus on female juristic authority by looking at women's daily practice in producing fatwas. Second, and as a logical consequence of the first intervention, this dissertation approaches fatwas not only as a written product but also as a process of daily interactions and communications between religious authorities and Muslim believers that may occur anywhere.

For these purposes, I have examined the experiences of women in Indonesia's largest traditional mass Muslim organization, Nahdlatul Ulama (NU). But, instead of focusing on one or other established fatwa institutions, in which women are usually underrepresented, I have chosen to focus on different sites of interaction, namely: the organization and its formal fatwa council; the village/grassroots level; women's activism; and women's Islamic magazines. My analyses of these different spaces of interaction and the practices of fatwa-making that take place there reveal the dynamic changes in women's experiences, women's expression of religious authority, and everyday practices of issuing fatwas by women.

The main questions this dissertation answers are: (1) Who are the women who are recognized as ulama and where do they come from, and what is their authority based on? (2) Why and how can Muslim female leaders become ulama and issue fatwas? (3) Do they wield religious authority as strong as

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

The first chapter provides an overview of Muslim women and religious authority in the Indonesian context. Factors that enable Muslim women to successfully claim autonomy and a certain level of authority include their involvement in their organizational and social-religious activism. For example, most of the women actively participate in women wing organizations affiliated with the two largest mass Muslim organizations, Muhammadiyah and NU, namely Aisyiyah and Nasyiyah, and Muslimat and Fatayat, respectively. Despite their differences, both Muhammadiyah and NU stand for a moderate understanding of Islam that permits women to play roles in public lives. They embody the unique characteristics of Indonesian Islam as compared to other Islamic countries, especially in the Middle East, where Muslim women's roles are generally more restricted. The women work through education and economic empowerment programmes for other women from the lower and middle classes. These activities have created a basis for them to become leaders, activists, and female ulama who advocate for women's rights within an Islamic framework as well as by issuing gender sensitive fatwas.

The second chapter explores the first site of women issuing fatwas: NU, and its formal fatwa council, the Bahtsul Masail forum. I observed that female ulama are structurally in a subordinate position compared to their male counterparts in the process of fatwa-making. In the fatwa deliberations, the women play roles as “observers and participants” and do not hold positions as forum leaders. Therefore, in order to get a place and recognition in this male-dominated institution, women use their agency by organizing and building alliances. They work together to achieve specific shared goals, for example passing a fatwa on child marriage that is more attentive to gender equality.

In such circumstances, in which religious authority and fatwa-giving are primarily performed by men, women can only have authority when they play the same role as men. Men are recognized as having authority by the NU organization, firstly, because they are part of the male-dominated organization. So they issue fatwas in the name of the organization and the fatwas are considered valid. Secondly, they are recognized due to their scholarly capacity and the fact that they have acquired advanced Islamic classical knowledge. Therefore, in order to claim space in a male-dominated organization, women need to obtain a position and network in the organization and demonstrate their Islamic knowledge capacities.

Chapter 3 focuses on the second site of fatwa-making, namely the grassroots and community level in villages across Java. I found that female ulama play important roles as religious guides and fatwa-givers among their religious followers. Many of them developed a passion for teaching and working with communities through their parents and family, who are often also ulama or *pesantren* leaders. However, I also found that their achievements are not determined solely, or even primarily, by their family background or related prestige. The extent to which female ulama are able to exert authority depends on the effort they make in approaching and engaging with the community and the support they receive from both family and community.

In this context, the juristic authority of women can become more or less established depending on the extent to which it is socially certified by the local community, a process that Kloos and Künkler (2016, 485) have termed “bottom-up certification”. Women can be certified as ulama by demonstrating their ability in community leadership and applying their advanced knowledge of the Qur’an, hadith, and classical Islamic knowledge to provide religious guidance, advice, and fatwas about everyday problems and issues.

This dissertation also includes the practice of women issuing fatwas in the context of activism and the building of a social movement. Chapter 4 deals with the establishment of Kongres Ulama Perempuan Indonesia (KUPI, the Indonesian Congress of Women Ulama) in 2017 in Cirebon, West Java. This conference is an outcome of a long process of intellectual engagement initiated by Muslim activists and their organizations from the late 1980s through to the present. Etin Anwar identified this era as leading to an era of proliferation during the early 1990s, in which Islam and feminism converged and the idea of Islamic feminism spread through certain social groups and contexts. KUPI considers the fatwa as a key device for doctrinal change through which female ulama can campaign to change biased doctrines into more progressive interpretations. To achieve this goal, and sustain the progressive, gender-sensitive movement within Indonesian traditionalist Islam, female ulama within this network combine community-based activism with the KUPI framework as a new method for interpreting Islamic texts.

Chapter 5 examines print media and the public sphere as a site of fatwa-making by examining three magazines, namely *NooR*, *AuleeA*, and *Swara Rahima*. In mass-mediated fatwa, three key agents are involved in co-producing fatwas, namely the readers who send in questions and the broader audience who read the question and answer section, female ulama who provide the answers, and the editorial staff of the magazines. These three agents have different roles in the production of fatwas and their

relationship is constantly negotiated. Readers ask questions related to their everyday dilemmas and lived realities. I observed a clear correlation between the composition of the audience and the questions posted in the Q&A sections. A widely distributed, commercial magazine such as *NooR* receives basic, “common” religious questions that exemplify the experiences of ordinary Muslims in general. A different picture emerges in *AuleeA* whose audience mostly come from NU circles and *Swara Rahima*, which addresses its female ulama network and the *jamaah* (religious followers). The latter two magazines receive questions which require a certain level of religious understanding.

During my research, I saw dynamic changes in women’s involvement in fatwa-giving practices. Women cultivate juristic authority through education, by getting involved actively in NU movements and activities, and their strong engagement with their religious followers at the grassroots which they are part. I have called this community-based authority. This type of authority is closely aligned with yet also distinct from other enabling factors of female religious authority as suggested by Hilary Kalmbach (2012), namely state sponsorship, male intervention, and women’s agency. Female ulama exercise agency by choosing, deciding, and taking action as Islamic leaders, and they are supported by the state and by men. However, community engagement allows them to have authority ascribed to them and be recognized as ulama; this is an essential element of becoming religious authorities. I consider identifying this type of community engagement and the authority that flows from it one of the key contributions of this dissertation.

In conclusion, this dissertation suggests, firstly, that the study of the role of female ulama as fatwa-givers in itself should be seen as a significant contribution as there is almost no literature on women giving fatwas in the context of everyday life. Indonesia is the home of Muslim women playing roles as religious authority and fatwa giver. There is the very everyday fatwa-giving at the local level, not particularly controversial,

dealing with ritual matters, broadly accepted, and continuously taking place in everyday life all around Indonesia. On the other hand, there is the practice of fatwa-giving in the public sphere, involving hundreds of women Islamic scholars from different social, educational, and professional backgrounds, on issues that are controversial, such as child marriage and in a female ulama conference, a site that is politically contested as it is part of a women's movement.

This dissertation also offers further nuances to the the anthropology of the fatwa as pioneered in, among others, a significant publication by Hussein Ali Agrama (2010). Based on his largely ethnographic research on the fatwa council of Al-Azhar University in Egypt, he suggested that fatwa should be studied as an ethical practice by looking at the everyday interactions between mufti and Muslim believers in the process of *istifta'* (seeking fatwas) from an ethnographical perspective, and how that communication takes place in practice. I studied women practicing fatwa from anthropological perspective but my study doesnot rely only on the observation of a single established institution or fatwa council, as Agrama has done. Rather, my study should be approached as a multi-sited study as the fatwa is a scattered phenomenon.

A multi-sited study of the fatwa is crucial when we talk about women's everyday practices of fatwa-making, because if we go to the most well-known and arguably most authoritative Islamic institutions in the world, such as Al-Azhar's fatwa council, we will not find many women there. The approach, then, has been to follow the women rather than the established institutions as a way of paying heed to fatwa-giving as a practice that takes place in different spheres of life, different spheres of interaction, and at many different sites, ranging from villages to mosques to religious organizations, to social movements, and to mediascapes. In that sense, my study offers a richer landscape and new approach that enables me to uncover women's everyday practices of requesting and issuing fatwas.

The daily practice of women issuing fatwas shows that there are dimensions of interaction and communication between women and their *jamaah* not only related to educational matters, proper conduct as a Muslim, facilitating people's affairs, good faith, and sharing responsibility between muftis and fatwa seekers. But, the practice also displays two other dimensions, namely a safe space and empowerment, which are more specific to situations in which it is women who are issuing fatwas. Because the questions being asked are sometimes related to unfortunate and painful experiences of the *jamaah* such as marital violence and divorce, the answers given by the women can help them with possible way out of dire situations from the perspective of Islam.

Finally, the practice of fatwa-giving by women also provides insight into the relationship between the process of doctrinal change and the process of the fatwa as an ethical practice. Thus, in the study of fatwa, instead of separating these two dimensions, my study suggests that we should approach the fatwa as an ethical and everyday practice, and as a way of communicating religious opinions with the fatwa seeker as a phenomenon that also feeds back into the process of doctrinal change. They are not separate processes because the female ulama in Indonesia I studied are not just interested in fatwas as an ethical practice. They are also interested in, and able to achieve, doctrinal change and the capacity enshrined in these daily interactions to challenge mainstream, gender-insensitive Islamic interpretations.