

GENDER JUSTICE AND THE CULTURAL DIMENSION OF RELIGION

A Proposal to Apply the Prophetic Traditions (the Hadiths) in Promoting Gender Justice among Indonesian Muslims

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ABSTRAK

Dengan melihat Agama sebagai interpretasi budaya dalam suatu masyarakat, seperti dikatakan Clifford Geertz, paper ini mengusulkan pendekatan interpretasi terhadap teks-teks hadits Nabi Muhammad Saw daripada pendekatan dekonstruksi kritis. Pendekatan interpretasi menekankan pada pemaknaan yang secara positif mendukung gagasan keadilan gender, baik dengan mendasarkan pada seleksi metode-metode interpretasi klasik, maupun aplikasi metode-metode kontemporer yang ditawarkan pemikir Muslim progresif. Karena pendekatan ini tidak menggugat otoritas Hadits yang secara budaya telah diterima mayoritas Muslim sebagai sumber kedua setelah Al-Qur'an, maka kerja-kerja advokasi kultural dalam menegosiasikan keadilan gender diasumsikan bisa lebih maksimal dan relatif bisa lebih leluasa. Dengan demikian, penerimaan sumber agama yang dianggap otoritatif dan interpretasi atasnya yang saya anggap sebagai dimensi budaya dari agama tersebut, harus dipertimbangkan dalam kerja-kerja advokasi keadilan gender bagi masyarakat Muslim Indonesia.

Kata Kunci: Islam, Budaya, Hadits, Keadilan Gender, dan Interpretasi.

ABSTRACT

By arguing that religion is the interpretative culture of people in their cultural context, as suggested by Clifford Geertz, this paper proposes an interpretation-oriented approach, rather than a critical-deconstructive one, to the texts of the hadiths of the Prophet Muhammad. The interpretation-oriented approach focuses on positive reading of the hadiths and advocating issues of gender justice, whether through selecting classical methods of interpretation or applying contemporary methods suggested by progressive Muslims. As this approach does not challenge the authority of the hadiths, which are accepted culturally by the majority of Muslims as a second source after the Quran, cultural works for gender justice are assumed to be relatively more flexible and can thus be further maximized. By doing so, I argue that this cultural dimension of religion –accepting its sources and working in the field of interpreting them- should be considered in promoting gender justice among Indonesian Muslims.

Keywords: Islam, Culture, Hadiths, Gender Equality, and Enterpretation.

INTRODUCTION

Religion is not about its truths or its falsities in the historical sense, rather much more about how it affects people in the social and cultural senses (Radcliffe-Brown, 1945). In his "interpretative anthropology", since human is "symbolizing, conceptualizing, meaning-seeking animal," Clifford Geertz has likened the cultures and religions to works of art and literary, in which both the former and the latter are "patterns of symbols and meanings in a particular culture" (Cain, 1987: 81). Therefore, working within community of religion for social changes is working in the domain of its cultural dimension in which people accept, resist to, and negotiate those changes. Unlike many Indonesian Muslim feminists (Mas'udi, 1996; Subhan, 1999; and Hasyim, 2001) who often highlight patriarchal tendencies in Islamic resources when addressing gender justice, I would rather work with the dimensions of these sources in which women may negotiate culturally their rights through interpretation of them.

I have my own interest advocating that gender justice be regarded as religious rather than secular work. I will argue for this theoretical framework from an Islamic perspective, based on my experiences as a male who promotes and negotiate for gender justice among Indonesian Muslims, particularly using the prophetic tradition (the hadith) as the second resource in Islam after the Quran. My view in this paper supports those who argue that addressing gender justice in a religious community is much more appropriate by acknowledging its reliable resource religiously and culturally (Wadud, 1999; Hashim, 1999; and Barlas, 2002). However, unlike Wadud and Barlas who work only in the Quran and abandon the hadith, I argue for acknowledging both, particularly the latter, as the bases for gender justice movement.

Islam and the Notion of Gender Justice

I would like to start by claiming that justice is the essence of Islam. Of course, the definition of justice is contextual. The ways

Muslim activists approach the sources of Islam for addressing gender justice are also different from one to another. Many have evaluated authority of those sources critically and suggested not using them for liberating Muslim women although many also prefer using the sources in their works (Roald, 1998: 18-28). This suggestion, however, not only hurts people who believe in those sources, but rather alienates them –especially women in that community- from their own religious and cultural sources. Accordingly, religious communities, I mean Indonesian Muslims in this regard, are mistrusting of and reject the movement for gender justice. Their rejection is easily visible in polemics against cultural and neo-imperialism.

In the debate of Islam and gender justice in Indonesia, there is a good portion of literature on the narrative of feminist critique towards Islamic sources. Many issues in these literatures also have been adopted from the Christian Western context, such as the theology of the fall that affirms, according to feminist criticism, a "misogynist view of female sexuality and reproduction as the essence of the sinful, mortal, corruptible life" (Ruether, 1993: 18). In 1990s for instance, many writings have started the discourse of gender justice in Islam centering on such theology of the fall (Burhanuddin and Fathurrahman, 2004: 113-122).

In fact, many scholars have argued that Islam does not draw concepts of gender and sexuality from the theology of the fall of Adam (Kugle, 2004: 192), for such theology is not in the center of Islamic teachings. Moreover, the Quranic verses on the story of Adam negate those assumptions that women in religion are the essence of the sinful and corruptible life. From a cultural dimension regarding Muslim community, I would argue that the Quran and the hadith can work on the level of cultural acceptance to establish theological foundation for gender justice.

Unlike the critics of Islamic sources, therefore, I would rather read the case of the "forbidden fruit," as it is written in the Quran, as establishing equal relations

between Adam and Eve. One of the verses regarding this subject is below:

“But Satan whispered evil to him: he said, “O Adam! shall I lead thee to the Tree of Eternity and to a kingdom that never decays?” In the result, they both ate of the tree, and so their nakedness appeared to them: they began to sew together, for their covering, leaves from the Garden: thus did Adam disobey his Lord, and allow himself to be seduced.” (QS Taha (20) 120-121).

The quotation above affirms that in Islam both Adam and Eve were disobedient to God by eating the forbidden fruit. We read further that they asked forgiveness from God and were both eventually forgiven by Him. The story of Adam and Eve in Islam, therefore, is not a depiction of “original sin,” or a declaration that women are created from and less important than men. In this regard, I might add a saying of the Prophet “Three things were made beloved to me in this world of yours; women, perfume, and prayers” to begin addressing gender justice in the Muslim community (Kugle, 2004: 192).

As religion in practice is an interpretation of its texts, interpreting religious texts in accordance with gender justice is more strategic and appropriate than criticizing them from negative feminist perspectives. I would consider the interpretative works of Islamic sources as fundamental to establishing gender justice within Muslim community. Therefore, the position, taken by some Muslim feminists that Islamic texts cultivate gender inequalities in Muslim societies, and hence should avoid the usage of the texts, will “have more to lose than to gain” (Hashim, 1999: 7) in the effort of establishing gender justice within Muslim community. By saying this, I do not criticize those feminist critiques, rather the usage to abandon sources of religion in the field of transforming society who binds with it for gender justice.

DISCUSSION

Addressing Gender Justice through the Hadith

Amina Wadud (1992) and Asma Barlas (2002) have made a theological claim that

the Qur’ān argues clearly for gender justice in Islam. However, they have dismissed the Hadīth as being of minor importance and less significant compared to the Quran, and moreover, according to Barlas, the Prophetic traditions are a problematic and corrupted resource for establishing Islamic gender justice (Barlas, 2002: 44-45). Inasmuch as the most significant aspect of the scholarly study of religious texts is the acceptance of their believers (Graham, 1977), the hadith should be central to advocating gender justice in further academic research, as they have played a very important role in prescribing Islamic teachings throughout Muslim history (Siddiqi, 1961).

Accordingly, it will be more effective also to address gender justice in Muslim societies by applying the hadith to argue for gender equality rather than to prove feminist assumptions about religion. The aforementioned text of the hadīth (“Three things were made beloved to me in this world of yours; women, perfume, and prayers”), for instance, shows not only the closeness of women to the Prophet (pbuh) but places women at the same importance level as his ritual prayers. Although some sources in Islam –secondary ones, such as exegesis and Islamic jurisprudence- can be held responsible for the exclusion of women and the gender dualism within Islam, further discussion within classical Islamic jurisprudence may reveal the essence of Islam, justice and equality, which disregards those assumptions of exclusion and dualism.

Arguing for women’s social participation using the Prophetic traditions is rather simple, since they provide abundant examples of inclusion. Women around the Prophet (pbuh), for instance, were depicted in the literatures of his biography as strong women, intelligent, independent, and integral to the emergence of the new faith in seventh-century Arabia. The widely known stories of his wives Khadijah and Aisha, the warrior Nusayba bint Ka’b al-Ansari who saved his life in the battle of *Uhud*, his daughter Fatima, and his granddaughter

Zaynab prove that from the beginning Islam is a religion unusually open to women and supportive of their rights. Generally, the hadith narratives, argues Leila Ahmed (1992: 72), show women in early Muslim society “characteristically participated and were expected to participate in the activities that preoccupied their community; those included religion as well as war.”

Moreover, the evidence above suggests further that arguing gender justice is possible and also plausible through reinterpretation of the hadith. Since the Quran is possibly subject to reread using women’s perspective according to Wadud and Barlas, the hadith is also plausible to be so using the same perspective. By proposing this perspective, Wadud argues for a fresh method of interpreting religious texts in Islam particularly of the Quran with regard to gender matters. This perspective of rereading operates through two very basic hermeneutical assumptions; the universality of the message of the Quran and the particularity of its understanding and its implementation. While the former is beyond space and time, the latter is characterized with ideological, political, cultural, even individual assumptions of its interpreter and the community in which this interpretation happens (Wadud, 1999: 1-14).

In this respect, Wadud urges to introduce women’s perspective in rereading the sacred text for women living in this age. In this rereading, one should realize mainly the message and the goal of the text; i.e. the principles of justice, equity, harmony, moral responsibility, and spiritual awareness. Through this realization, a reader hence examines overall the verses of the Quran. By proposing this perspective, interpreting the sacred text according to Wadud can be purposive as long as it meets linguistic structures, rational analysis, and primarily the main Quranic principle; i.e. the social justice. The task of interpretation here, thus, according to Wadud, is to “challenge patriarchy –not for matriarchy, but for an efficient co-operative and egalitarian system

which allows and encourages the maximum participation of each member of society” (Wadud, 1999: 103).

What is true for the Quran and its interpretations is definitely true for the hadith and its interpretations, as both are sacred texts that are practically interpreted in daily lives of majority of Muslims. In cultural dimensions of religion, its interpretations are more important than the religious text itself. What follows is method of interpreting the hadith, suggested by many scholars (Abū Shuqqah, 1990; al-Ghazālī, 1992; and al-Qaradhawi, 1999), which is in some extent similar to Wadud’s proposal.

Contextual Approach and Interpretative Approach

As Muslims believe in the divinity of the Quran and in the quasi-divinity of the hadith, the task of interpretation in Islamic scholarship therefore is to reveal meanings from them and make them accessible to the needs of their readers. The tradition of interpretation, however, is likely an essay of the relationship between belief in efficacy of the religious texts and recognition of the capacity of human reason. In regards to interpreting the hadith, Muslim scholars seek to arrive at a more precise appreciation of the meaning contained in it which helps clarify the correlation between the particular text and other sources. A hadith text is also a linguistic text and its meaning is thus related to the structure, character, and vocabulary of the language in which it is expressed. Every language is a product of the culture it belongs to and functions against a cultural background and Arabic is no exception. The communication of ideas by means of linguistic symbols, and the interpretation of those symbols by readers, entails an inevitable risk of diverse, incompatible, and even reductionist and distorted understanding (Kodir, 2007: 14-15).

In this regard, the well-known authority of Al-Azhar University Shaykh Muhammad al-Ghazali (1992) sharply criticized the tendency to use an overly

literal approach to the interpretation of hadith. In order to provide some guidelines for using interpretative as opposed to literal approaches, his student, Yusuf al-Qaradhawi, a prominent contemporary Muslim scholar proposed basic guidelines for arriving at a proper understanding of a hadith text: compare the text with verses from the Quran; compare with other texts of the hadith that have a similar theme; classify texts that are contradictory; investigate the causes, circumstances, and purpose of a text; differentiate between text that concerns a particular as opposed to a general matter; between texts that are material and metaphorical; between texts that concern the supernatural and the natural world; finally and most essentially confirm using the literal wording of a text of the hadith (al-Qaradhawi, 1999: 93-183).

In the practices of interpreting the hadith for advocating gender justice, the methods may be divided simply into two; contextual and interpretative approaches. A contextual approach acknowledges that the texts presented in the past in a particular context of social and political norms, therefore they should be interpreted differently in a different place and time. In interpreting those texts one must refer to the principles of Islam advocated by general verses and texts of both the Quran and the hadith. This assumes that Islam has essentially granted equality between women and men and guaranteed a set of women's rights in various aspects of life. However, in their practical lives, Muslims have been influenced by biased gender mindsets that render problematic their understandings and implementations of the liberating messages of the Quran. The historical approach puts certain religious texts in their context of revelation, while their main message of liberating humankind is central in interpreting the rest of text.

The interpretative approach comes from the belief that religious texts -particularly the Quran and the hadith- are readable and suitable for all generations, regardless of differences in place and time. This approach

attempts to reinterpret the texts for gender justice using different meanings of the words of the texts available in the classical dictionaries. The approach often uses metaphorical meanings of the texts rather than literal meanings. The interpretative approach also believes that the notion of gender justice should be used as the foundation in reinterpretation of the religious texts. While the contextual approach centers the change on the whole and general meaning of the text based on its main aim due to the change of the context, the interpretative stresses on changing meaning of the text, word by word, due to its possibility to change linguistically.

Let us take the example of polygamy to examine how Indonesian Muslim scholars reinterpret the sources that literally permit to it. In Islam polygamy is mentioned in the Quran surah (4) verse (3) and was practiced by the Prophet (pbuh) as the hadith. According to the old reading, men are permitted to marry up to four women. Before the last three decades of Indonesian history, it was very difficult to find a proponent of banning the practice of polygamy from an Islamic perspective. From the reformation era until now, there has been an abundance of articles and books from Muslim scholars that employ different Islamic perspectives to examine the question of polygamy (Nurmila, 2009). How then, have contextual and interpretative approaches been applied by Indonesian Muslim scholars to reread the sources using gender justice perspective?

In the contextual approach, the verse (QS 4: 3) is seen in the context of pre-Islamic culture, relative to the trend of men marrying tens or hundreds of women. The revealed verse permitting men marry up to four wives is seen as a drastic reduction of the previously unlimited number. The verse is contextual and not universal. The universal principle of marriage in Islam (QS 30: 21) is the creation of mutual respect and love between wife and husband, which is only available in monogamy in our current context. The verse (QS 4: 3) itself states the centrality of justice in allowing men marry more than one wife,

and one who suspects himself of doing any injustice is commanded to marry only one wife (Mulia, 1999 and Kodir, 2005).

In the interpretative approach, the verse (QS 4: 3) is reinterpreted by changing the subject-object relationship in the case of polygamy. In the old and conservative interpretation, men are permitted to marry women as they (men) choose. Here, the subjects are obviously men while women are only the objects. In the less gender-biased interpretation, on the other hand, men are only permitted to marry more than once if the women are willing. In this reinterpretation, women are the subjects and not the objects. With a rising awareness of their rights, women hopefully do not support polygamy anymore. This reinterpretation is possible, as the sentence "*mâ tâba lakum*" in the verse (QS 4: 3) can be interpreted according to lexical sources "if women are willing to do so" (Kodir, 2005: 82-95). Both approaches are used widely by Indonesian Muslim feminists to refute the practice of polygamy in particular (Nurmila, 2009).

In the contextual reinterpretation of the hadith, meanings inscribed in the literal language of the text are not regarded as definitive and need not be applied in an unconditional manner. When the social context changes then the essential purpose of the texts of the hadith must be emphasized, rather than its literal terms. This approach presents in the Shaykh al-Ghazali's examination of the hadith that states, "A people that turns over leadership to a woman will never be happy." He argued that this text must be understood in context, otherwise it does not accord with the reality that women have often achieved positions of leadership in the world.

The text, according to him, addresses a situation in which a Persian queen was in line to succeed to the throne in a period of dynastic transition. At the time, the social and political circumstances in Persia were chaotic. It had been defeated by the Romans and there was unrest everywhere. The times demanded a leader who was strong, disciplined and

had an understanding of the problems. The throne, however, was given over to a young woman, inexperienced and with little understanding of the realm's problems. In this text, the Prophet was addressing these realities, and not delivering a legal ruling prohibiting women from holding positions of political leadership (Al-Ghazali, 1992: 55-58).

Working for Gender Justice in Muslim Community

The notion of gender justice is relatively novel and freshly negotiated among contemporary Muslims. In order to make this negotiation effective, appreciative stance toward their resources should be considered. Reinterpreting the hadith, in this context, is more plausible than criticizing it or put it as the main cause of women's subordination. In my experience working at the community level, I need more works employing an interpretative approach towards the religious texts, rather than historical and contextual approach. I often apply historical approach only to understand the context in which a text presented, while I apply interpretative when I address the subject in the community. Seen from a critical feminist reading, for instance, the following text apparently reinforces the dualism of humanity, separating women from the religious realm of men (Shaikh, 2004). However, when I work in the community I prefer to interpret by juxtaposing this text with others. I often refer to the Islamic traditions and jurisprudences that support my reinterpretation too.

"Anas ibn Malik said: I will narrate to you a hadith and none other than I will tell you about after it. I heard Allah's Apostle saying: From among the portents of the Hour are (the following): (1) religious knowledge will decrease (by the death of religious learned men); (2) religious ignorance will prevail; (3) there will be prevalence of open illegal sexual intercourse; (4) women will increase in number and men will decrease in number so much so that fifty women will be looked after by one man" (HR. Bukhari).

The text above can be easily interpreted to reinforce male religious authority and disregard female capacity to reach religious realm. Women are not only seen as subordinates, but also as having half the humanity of men, as being incapable of maintaining morality and religion, as full of ignorance, and as incompetent to lead society (Shaikh, 2004). However, there are widely accepted traditions that the Prophet (pbuh) received revelation in 'one blanket' with his wife Aisha, whereby the traditional patriarchal dualism is challenged. The notion of Muhy al-Din Ibn 'Arabi (1165-1240) that sexual orgasm is part of the concept of spiritual closeness to God is another famous tradition that discards the assumption of the split between spirituality and sexuality in Islam (Murata, 1992). Kugle (2004: 192) also shares the notion that Prophetic traditions do not regard sexuality as "an obstacle to spirituality in general. Rather sexuality is a field where spirituality plays out."

To criticize Islamic exegesis and jurisprudence that maintain domestic violence using the authority of the hadith is also rather simple and plausible. The opinions of Islamic jurisprudence, known in the grounded level of Muslim community, permit men to perform a so-called 'good beating', explained by some scholars as a beating equal to beating with a handkerchief and wooden toothbrush. In practice, however, there is no such thing as a 'good beating'; in reality many husbands take advantage of such permission to beat their wives to a worrying extent. Again, on the cultural level of working for gender justice, it will be more effective to criticize that abusive opinion using the example of the Prophet Muhammad (pbuh). Narrated by Abu Dawud (202-273 H/817-889 AD), the Prophet listens not only to women's protests against beating, but also condemns and prohibits such behavior. In the following hadith, Iyās ibn 'Abdillāh ibn Abī Dhubāb (ra) reported that the Prophet said:

"Do not beat Allah's handmaidens," but when Umar came to the apostle of Allah PBUH and said: "Women have become emboldened towards their husbands," he

(the Prophet), gave permission to beat them. Then many women came round the family of the apostle of Allah complaining against their husbands. So the apostle of Allah said, "Many women have gone round to Muhammad's family complaining against their husbands. Those husbands are not the best among you." (The *Sunan* of Abu Dawud (I): 652).

This text shows the process by which women's protests were carried out in the time of the Prophet, as women negotiated their demands of freedom from domestic violence, and the Prophet himself listened then to them and condemned those husbands who beat their wives. There are many narrations of the hadith that show examples of teachings of the Prophet in the way he treated his own wives as human beings and never beat any women. Moreover, the traditions also show how in his marriage, the Prophet frequently found his wives' behavior to contrast with his own wishes, though he never committed domestic violence.

The Prophet's wife, Aisha once criticized the revelation which allowed the Prophet to marry another woman, saying "Truly thy Lord makes haste to do thy bidding" (Armstrong, 1992: 196). Nevertheless, the Prophet always sought to solve problems wisely, such as by giving his wives time to think, reflect and make their decisions on their own terms. The Prophet never showed his anger by using coarse language, let alone by beating women or turning to violence. The Prophet was too noble to do such a thing. The most extreme form of punishment he used against his wives was to leave them and to stay in the mosque for up to a month (Kodir, 2005: 77-85).

CONCLUSION

What widely accepted in feminist scholarship is that women in world religions are placed as the second sex, not equal to men, and in many cases are associated with sin, with being dirty, with unlawful sexuality, with ignorance, and with everything that relates to irreligious behaviors (Franzmann,

2000). The approach outlined in this paper, which addresses gender justice in Muslim community using a positive mindset toward the sources of Islam, is not intended to diminish the validity of those assumptions made by feminist scholarship. Rather, it shows weakness of delivering those assumptions, generally developed in the Western context, in addressing gender justice in Muslim community.

In Islamic scholarship, as I have shown, there are many religious opinions that paint a picture of Islam in which the notions of women's exclusion or the dualism of humanity are challenged. In this regard, one who works for gender justice in Muslim community, is advised to start introducing those positive opinions and interpretation rather than bringing to them feminist critiques on religion. This is because in the works of promoting gender justice and the transformation of society among religious communities, it is important to focus on how religion brings meaning to their lives rather than criticizing its authority.

In these works, many activists for gender justice in Indonesia have already made extensive theological claims that the Quran is a clear resource for establishing gender justice in Islam (Dzuhayatin, 1996; Subhan, 1999; Umar, 2001), although they are aware of that claim as only "a matter of interpretation" (Hefner, 2000: 218). On the same level of awareness, my attempt in this paper is limited to arguing for the hadith, which is accepted widely in cultural life of Muslim community, in the pursuit of gender justice. Compared to the works on the hadith, Indonesian Muslims have much works on less gender-biased Quranic interpretations circulated in the centers of Islamic education. The thing needs more concerns from them to develop positive interpretations of the hadith for works of gender justice.

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