turnitin

Digital Receipt

This receipt acknowledges that Turnitin received your paper. Below you will find the receipt information regarding your submission.

The first page of your submissions is displayed below.

Submission author:	Marhumah Tarbiyah
Assignment title:	Cek Plagiarism
Submission title:	Hadith, Justice, and Gender Equali…
File name:	1._MARHUMAH_jurnal_scopus.doc
File size:	143K
Page count:	17
Word count:	7,086
Character count:	40,227
Submission date:	02-Apr-2019 01:52PM (UTC+0700)
Submission ID:	1104357364

Hadith, Justice, and Gender Equality: Indonesian Progressive Muslims' Thought

Marhumah
Sunan Kalijaga State Islamic University, Yogyakarta, Indonesia
Emar_62@yahoo.com

ABSTRACT
This article seeks to explore Indonesian progressive Muslims' thought on Hadith and gender. It particularly focuses on analyzing the following questions. 1) How is the construction of their thoughts on Hadith and gender? 2) How is their Hadith hermeneutics: methods, principles, approaches, and interpretational implications? In doing so, I discusses two prominent Indonesian Muslim reformers, Husein Muhammad and Siti Musdah Mulia, who have significantly contributed to the contemporary development of Islamic intellectualism and gender justice in Indonesia. I reflect how their respective hermeneutical implications in understanding Hadith which endorses gender-biased and misogynist views against women. This article concludes that both Muhammad and Mulia question the authenticity of misogynist Hadiths, as they contradicts with the principles of gender equality and justice established in the Qur'an and the Prophet's tradition. Accordingly, both call for reformation in understanding the Hadiths in favour of gender equality and justice. They suggest that the Hadiths have to be understood within its socio-historical context. Their hermeneutics lie in the analysis of the chain of transmitter (*naqd al-isnad*) and the substance of Hadith's wordings or reports (*naqd al-matn*). These are not relatively new, as the early Hadith scholars used such method though with some limitations.
Keywords: Hadith, gender, Indonesian progressive Muslims

Hadith, Justice, and Gender Equality: Indonesian Progressive Muslims' Thought

by Marhumah Tarbiyah

Hadith, Justice, and Gender Equality: Indonesian Progressive Muslims' Thought

Marhumah
Sunan Kalijaga State Islamic University, Yogyakarta, Indonesia
Emar_62@yahoo.com

ABSTRACT

This article seeks to explore Indonesian progressive Muslims' thought on Hadith and gender. It particularly focuses on analyzing the following questions. 1) How is the construction of their thoughts on Hadith and gender? 2) How is their Hadith hermeneutics: methods, principles, approaches, and interpretational implications? In doing so, I discusses two prominent Indonesian Muslim reformers, Husein Muhammad and Siti Musdah Mulia, who have significantly contributed to the contemporary development of Islamic intellectualism and gender justice in Indonesia. I reflect how their respective hermeneutical implications in understanding Hadith which endorses gender-biased and misogynist views against women. This article concludes that both Muhammad and Mulia question the authenticity of misogynist Hadiths, as they contradicts with the principles of gender equality and justice established in the Qur'an and the Prophet's tradition. Accordingly, both call for reformation in understanding the Hadiths in favour of gender equality and justice. They suggest that the Hadiths have to be understood within its socio-historical context. Their hermeneutics lie in the analysis of the chain of transmitter (*naqd al-isnad*) and the substance of Hadith's wordings or reports (*naqd al-matn*). These are not relatively new, as the early Hadith scholars used such method though with some limitations.

Keywords: Hadith, gender, Indonesian progressive Muslims

INTRODUCTION

The debate on Islam and gender has always remained an interesting polemic in academic discourse. There are some Western-Liberal feminists who have accused Islam as a patriarchal religion as it discriminates and oppresses women (Mir-Hosseini, 2004). However, such an accusation is misleading, since Islam is embedded in historical, cultural, social, and political life and thus, understanding Islam should include a consideration of the above variables which ultimately may result in a myriad of interpretations. This includes the perception of whether Islam can be interpreted as promoting gender equality or the opposite. It is therefore important for us to differentiate what Fazlur Rahman has termed as the normative Islam and the historical Islam" (Rahman, 1979). While the former refers to Islam as scriptural-based religion as represented in the Qur'an and Hadith, the latter, refers to Islam which is interpreted throughout history. Against this normative framework, how Islam responds to the issue of gender equality and justice can be addressed.

To some extent, the discrimination against women in Islam can be observed in some of the Islamic *fatwas* (legal opinions). As such, they remain considered as the second class citizen and face discrimination and marginalization in family, socio-political, and economical spheres. The status and role of Muslim women are regarded as not equal in comparison with their Muslim male counterparts (Abou El Fadl, 2001).

It is noteworthy that there are some Qur'anic verses which might be interpreted used to justify gender inequality. Among the prominent Qur'anic verses considered as acknowledging the superiority of men over women is an-Nisā': 34 which is often interpreted that men are the leader of women (Scott, 2004). However, according to Khaled Abou El-Fadl, the verse does not significantly contribute to gender inequality but rather, Hadith contains a myriad of justifications with regard to the status and roles of Muslim women (Abou El Fadl, 2001). In the traditional Islamic jurisprudence, among the significances of Hadith is its role in clarifying the meanings of Qur'an verses. This implies that one must refer to Hadith on matters that are ambiguous or not clearly explained in the Qur'an (Khalāf, 2004). Therefore, conservative Muslim *ulemas* often use Hadith to justify their Islamic legal opinions including on matters related to the superiority of men over women.

Hadiths containing discriminative and gendered bias views against women are often called misogynist Hadiths (Mernissi, 1991). As the support for normative-theological basis, this kind of Hadith constitutes theological, social, political, and economic impacts that undermine the status and roles of women. This type of Hadith certainly has become a great challenge for Islamic feminists who have been questioning the authenticity of misogynist Hadiths and proposed egalitarian interpretations in favour of gender equality and justice (Duderija, 2016). Among the prominent proponents for these are Fatima Mernissi, Khaled

Abou El-Fadl, Asghar Ali Engineer, Riffat Hassan, Qasim Amin, and Amina Wadud.

In the context of Indonesia, challenging the authority of misogynist Hadith is not new. According to Robinson (2006), since Indonesia is the largest Muslim-majority country, Islam has largely contributed to the discourse of gender in the country. In the 1990s, gender analysis began to be incorporated in the study of Islam particularly the Qur'an and Hadith. In addition to that, the thoughts of Muslim reformist scholars has become widely popular and influenced Indonesian progressive Muslims. During Suharto's new order, the challenge to the reformists was the regime's policy which imposed the ideology of patriarchy known as "*state ibuism*" to family. This policy resulted in the state's patriarchal hegemony on what constitutes women and motherhood. By contrast, since the post-Suharto's new order, the challenge has been the flourish of Islamist or conservative Muslims who seek to enforce textual interpretations of Islam that jeopardise the principle of gender equality and justice (Robinson, 2006).

As far as the discourse of gender and Hadith are concerned, Indonesian progressive Muslims are generally critical towards misogynist Hadith. For them, since a Hadith was narrated in a particular context in which it was produced, it should be interpreted, contextualized, and re-examined in response to contemporary problems. However, to date, little attention has been given to the construction of Indonesian progressive Muslims' thought on Hadith and gender. This paper, thus, seeks to explore Indonesian progressive Muslims thoughts on Hadith and gender. Specifically, it addresses the following questions: 1) How is the construction of the Indonesia progressive Muslims' thoughts on Hadith and gender? 2) What is their Hadith hermeneutics i.e. methods, principles, approaches, and interpretational implications, like? This study, therefore, is significant as it attempts to provide a conceptualization underpinning the thoughts of the Indonesian progressive Muslims.

METHODS

Firstly, a sketch a brief historical account on the discourse of Islam and gender in Indonesia is provided to illustrate how Islam has always been significant in the pursuit of gender equality. Then discussion will explore the challenge of misogynist Hadith and the reason to why it is important for misogynist Hadith to be re-examined and reinterpreted. This is followed by a discussion on two prominent Indonesian Muslims thought on Hadith and gender, namely Husein Muhammad and Siti Musdah Mulia. These two scholars was chosen in this study because they represent two prominent Indonesian Muslim reformers who have significantly contribute to the contemporary development of Islamic intellectualism and gender justice in Indonesia. Their respective hermeneutical implications in understanding Hadith which endorses gender-biased and misogynist views will be explored in this paper.

RESULT

Islam and Gender in Indonesia: A Brief Historical Context

The interface between Islam and the pursuit of women's rights in Indonesia can be traced back to the early twentieth century. During the Dutch colonialism, the ethical politics has resulted in a policy that enabled women to have rights to education, albeit limited only to elite circles. This policy led to the establishment of women movements across the archipelago. While some of the movements were established on the basis of their respective primordial identities, others were established on the basis of Muslim identity. Among Muslim women organizations were *Aisyiah* (the Muhammadiyah's wing organization) established in 1917 in Yogyakarta, *Sarikat Siti Fatimah* established in 1918 in Garut, West Java, and *Nahdatoel Fataat* established in 1920 in Yogyakarta. These organizations essentially had similar concerns, namely the pursuit of women's rights both in domestic and public sphere, women empowerment and rights to education, health reproduction, and child protection (Affiah, 2017). However, it is noteworthy that they did not employ an Islamic-based framework within their movement.

During Suharto's New Order, the main challenge of women's movement was the policy enforced by the authoritarian regime which the "state *ibuism*" policy, i.e., "the official policy promoting the role of wife and mother of New Order which endorsed patriarchal familism as a cornerstone of authoritarian politics" (Robinson, 2006, p. 171). The authoritarian regime produced policies which placed women in domestic spheres. Facing this constrain, women movements began to incorporate gender framework into their activism in the 1980s. It then was significantly adopted in the contemporary Islamic thought in the 1990s. This, in turn, led to the interface between feminism and the Islamic tradition. Through the network of IAIN (State Islamic Institute), particularly IAIN Jakarta and IAIN Yogyakarta, a few Indonesian Muslim intellectuals have brought gender perspective into the discussion of gender equality from an Islamic point of view (Affiah, 2017).

It was also in the 1990s that the works of Islamic feminists both from Western and Middle East countries were translated into Bahasa Indonesia. They include *Setara di Hadapan Allah* (Equal before Allah) by Riffat Hassan and Fatima Mernissi (1994), *Wanita dalam Islam* (Women in Islam) by Fatima Mernissi (1994), and *Hak-Hak Perempuan dalam Islam* (Women's rights under Islam) by Asghar Ali Engineer (1994). These authors have profoundly influenced Indonesian Muslim intellectuals to advocate gender justice through an Islamic-based framework. The Indonesian works on Islam and gender subsequently emerged, such as Lies Marcoes-Natsir's and Meuleman's *Wanita Islam dalam Kajian Tekstual dan Kontekstual* (1993), Mansour Fakih's *Membincang Feminisme* (1996), and most importantly Nasaruddin Umar's *Argumen Kesetaraan Jender: Perspektif al-Qur'an* (1999) and Syafiq Hasyim's *Hal-Hal*

yang Tidak Dipikirkan: Tentang Isu-Isu Keperempuanan dalam Islam (2002) (Robinson, 2006).

The progressive Indonesia Muslim scholars have called for the reformation of the Islamic tradition which endorses the superiority of men over women. They conceded there are Qur'anic verses and Hadith that have misinterpreted to justify gender inequality and that gender-biased interpretations should be understood in the context of patriarchal tradition in which they are produced. Accordingly, the scholars have contended that the Qur'an and Hadith must be interpreted contextually in the light of contemporary problems. For them, Islam truly acknowledges the principle of justice and equality regardless of sexual and racial identities (Robinson, 2006; Wieinga, 2009; Brenner, 2011).

The rise of *Reformasi*, which refers to the Indonesia's political and economic transformation since the 1998, had opened up more inclusive space and opportunity for public debate. Numerous Muslim organizations also began to flourish, as this was previously impossible due to the authoritarian regime. The participation of Megawati Sukarno Putri as the only female candidate in the 1999 presidential election has generated Islamic debate over whether women can be leaders. Challenging traditional-conservative Muslim streams, Indonesian progressive Muslims scholars have argued that the concept of *qiwama* (men's leadership/superiority) must be reinterpreted in favour of gender equality (Robinson, 2006). In other words, it does not have to do with the prohibition of women's leadership. Rather, *qiwama* is about a familial relationship between husband and wife, which is dependent on a particular socio-cultural context. In principle, they argue that Islam acknowledges women's leadership (Mir-Hosseini, 2013).

For Indonesian progressive Muslims, the challenge was to deal with the state's policy on gender relationship, most notably with regard to family law. One of the most contentious issues was on polygamy. This has led to demand by the Indonesian progressive Muslims for the revision of the 1975 Marriage Law and "its further iteration through the 1989 Kompilasi Hukum Islam (Compilation of Islamic Law)" (Robinson, 2006, p. 174). The Gender Mainstreaming team of the Department of Religion, led by Siti Musdah Mulia, a prominent Indonesian Islamic feminist, has strongly called for the Counter-Legal Draft to the Compilation of Islamic Law, particularly concerning the Muslim Family Law. They contended that the law remains discriminative against women, and therefore it is imperative to revise it in favour of the principle of democracy and gender equality (Robinson, 2006).

The Challenge of Misogynist Hadith

The term "misogyny" is etymologically derived from the Greek word: *misogynia*. It is a composition of the two words: *miso* (hatred) and *gyne* (women). In English, the word has further evolved into *misogynism* which means "an ideology of hating

women". Terminologically, the term misogyny refers to doctrines of schools of thoughts which discriminate and dehumanize women (Sari, 2016). In *Cambridge Dictionary*, it refers to "a man who hates women or believes that men are much better than women".[1]

In the Western scholarly discourse, the term misogyny is used to describe a circumstance of ancient traditions, particularly medieval societies, in which a patriarchal culture heavily dominates. In the late twentieth century, a number of scholars have used the term to refer to hatred against women, but also an attitude and behaviour which is against anything about women (anti-feminine) (Rieder, 2012).

Meanwhile, Hadith etymologically refers to communication, story, and conversation. According to traditional Hadith scholars (*muḥaddithūn*), it terminologically refers to the report of all of the Prophet Muhammad's sayings, deeds, decrees, and characters (Azami, 1977; al-Khatib, 2006). Hadith is usually associated with another term: *Sunnah*, which etymologically means a path or way. For example, al-Imam al-Syafi'i firmly contends that the meaning of *Sunnah* is restricted only to the *Sunnah* of the Prophet (Azami, 1977). Nonetheless, *Sunnah* is not synonym with Hadith. Rather, its meaning encompasses habits, traditions, and actual practices of early Muslim communities.

Hadith which appears to endorse misogynist and gendered-bias views against women is called misogynist Hadith. For example, the Hadith stated that "Those who entrust their affairs to a women will never know prosperity" (Mernissi, 1991, p. 49) and "If a man calls his woman to bed, and she refuses to come, the angels will continue to curse her until the morning" (Abou El Fadl, 2001, p. 432). The Hadiths can be interpreted as acknowledging the inferiority of women and the prohibition of women's involvement in the public sphere (Abou El Fadl, 2001). The term misogynist Hadith was introduced by Fatima Mernissi, a prominent Islamic feminist, in her book entitled *The Veil and The Male Elite: A Feminist Interpretation of Women's Rights in Islam*. She was critical of the authenticity of misogynist Hadith, arguing that it is subject to validation and reinterpretation (Mernissi, 1991). The term misogynist hadith has also been widely used in the academic circle (Ilyas et al, 2003; Shahid, 2007; Marhumah, 2015).

According to Nasr Hamid Abu Zayd, the Islamic civilization has been built on texts (*al-ḥaḍarah al-naṣ*). In other words, it is underpinned by texts as its foundation. Muslims' worldview and practices, as manifested in socio-religious, political, and economic spheres, bases on texts. In this regard, Abu Zayd argues that the Qur'an is "the producer of civilization" (*al-muntij al-thaqafy*) (Abu Zayd, 1990).

---

[1] http://dictionary.cambridge.org/dictionary/english/misogynist

Abu Zayd does not concede that similar to the Qur'an, Hadith is the producer of the Islamic civilization. Yet, I would argue that Hadith is a bulk of texts which significantly play a role in shaping the Islamic civilization. This can be seen from traditional Muslim scholars' receptions on Hadith. It is positioned as the second authoritative source of Islam before the Qur'an. As a result, Muslim jurists deduce Islamic law from Hadith. Therefore, Hadith is indispensable and cannot be dissociated from Muslim life. Similar to the Qur'an, it profoundly constructs and influences Muslims' worldview and religious, social, cultural, and political practices.

From the perspective of this framework, misogynist Hadith significantly contributes to Muslims' view on women. It has theological, moral, and social impacts on the life of Muslim women. The domination of a patriarchal culture in the structure of Muslim societies, discrimination, marginalization, and even violence against women, can be normatively based on misogynist Hadith. Arguably, some Islamic laws and legal opinions, which discriminate women, refer to Hadith as their normative-theological basis. Therefore, it is imperative to be critical of misogynist Hadith in favour of gender equality and justice.

Husein Muhammad: A *Kyai* Feminist
Husein Muhammad is a *kyai*, Muslim clergy/ulema. He was born in May, 9, 1953. He began his education at *Pesantren* (Islamic boarding school) Lirboyo, Kediri, East Java. In 1980, he obtained a bachelor degree from *Perguruan Tinggi Ilmu al-Qur'an* (The Higher Institute for Qur'anic Studies) in Jakarta and subsequently studied at Al-Azhar University, Cairo. In 1983, he returned to Indonesia and now serves as the leader of *Pesantren* Darut Tauhid, Arjawinangun, Cirebon, West Java.

In 2001, Muhammad was involved in establishing several NGOs for women's rights, such as Rahima, Puan Amal Hayati, Fahmina Institute, and Alimat, to name but a few. Since 2007, he has served as the commissioner of the national commission for anti-violence against women. Muhammad is well-known for his both intellectualism and activism pertaining to the issue of gender equality and religious pluralism.

Muhammad's interest in gender and feminism issues began in 1993 when he was invited by Masdar Farid Mas'udi, a Muslim intellectual, to participate in a seminar on women from the perspective of religion. That was when Muhammad realized that there is a big problem with regard to women's rights in Indonesia. He believed that to a large extent, the religious authorities may play a significant role in the construction of gender inequality within the Muslim society, and since then, he has actively engaged in the pursuit of gender equality through intellectual activism. Among Muhammad's important works are *Fiqh Perempuan: Refleksi Kiai atas Wacana Agama dan Gender* (2001) and *Islam Agama Ramah*

Perempuan: Pembelaan Kiai Pesantren (2005). He is well known as a feminist *kyai* from the Pesantren (Nuruzzaman, 2005).

The main focus of Muhammad's thought on gender equality is to reform Islamic texts in Indonesia that endorse gender-biased interpretations, with the main focus on classic texts known as *Kitab Kuning* (The Yellow Books) which are dominantly used in the teaching of Islam at *pesantren*. An example of such text is *'Uqūd al-Lujjayn* by Sheikh Nawawi al-Bantani which emphasises the concept of unequal relationship in a marriage. It is noteworthy that in doing so, Muhammad has employed the Islamic jurisprudence (*fiqh*)-based framework to conceptualize their ideas of gender justice (Nuruzzaman et al, 2005).

According to Muhammad, Islam profoundly acknowledges the universal principles of justice and equality as manifested in the doctrine of *tawhīd* (monotheism). He argues that in principle *tawhīd* truly acknowledges justice and equality before God. A number of Qur'anic verses affirm these principles, such as Al-Ḥujurāt: 13. Muhammad further insists that *tawhīd* must become the basis in the conceptualisation of gender justice and equality from an Islamic point of view (Muhammad, 2005).

Nonetheless, Muhammad also concedes that some Qur'anic verses and Hadith might be interpreted as endorsing gender-biased and misogynist views against women. This might be due to the fact that there are some parts of Islamic texts that remain ambivalent and contradictive. On the one hand, there are some Qur'anic verses and Hadith that affirm gender justice, yet, there are some that are against the principle. Therefore, according to Muhammad, it is crucial that one should understand the Islamic texts properly by analyzing the socio-historical context in which they are revealed or narrated (Muhammad, 2005).

Muhammad (2005) believes that it is therefore necessary to conceptualize a new approach to hermeneutics to understand gender-biased and misogynist Hadith. As such, he proposes the following hermeneutical steps: 1) make the objective of Shari'a (*maqāṣid al-sharī'ah*) as the primary basis for interpretation; 2) analyze the socio-historical context (*al-siyāq al-tārikhi al-ijtima'i*) of the texts; 3) analyze the linguistic dimensions of meaning used within its particular context (*al-siyāq al-lisāni*); 4) identify the casual aspects of the texts as a way to think about the needs of the new social context (*qiyās al-ghāib 'ala al-shāhid*); 5) test the reliability and credibility of Hadith, including *isnad* criticism (the chain of Hadith transmission), to test the authenticity of Hadith based on the Hadith transmitters, and *matn* criticism (the substance of the report), to test the authenticity of Hadith based on its content (Muhammad, 2005, p. 187-188).

In particular, Muhammad has employed *isnad* criticism and *matn* criticism in the reading of misogynist Hadith. This can be seen from his criticism of Sheikh Nawawi al-Bantani's *'Uqūd al-Lujjayn* which contains gender-biased understandings of the Hadith. According to Muhammad, after testing the chain of Hadith transmission, there are thirty Hadiths with *isnad* that are defective of

which cannot be trusted. While the rest are reliable (*ṣaḥīḥ*), the substance of the *matn* is unacceptable, as it is contrary to the Qur'an and other Hadiths which advocate justice, equality, and respect for women (Muhammad, 2005).

Muhammad insists that it is necessary to analyze the socio-historical context of Hadith (*asbāb al-wurūd*) when examining misogynist Hadith. He contends that the principle of equality, justice, and universal human ethics was championed by the Prophet Muhammad in the context of the Arabic patriarchal culture. Accordingly, the Islamic texts, both the Qur'an and Hadith, which appears to endorse gendered-bias views against women, should be positioned in the context of their historical context as being directed toward the social goals of justice and equality. In principle, it is significant to analyze a particular context in which Hadith is narrated (Muhammad, 2005).

For example, in the Prophet's Hadith that states "Those who entrust their affairs to a women will never know prosperity" (Mernissi, 1991, p. 49). There are some conservative Muslims who used it to justify the prohibition of female leadership (Abou El Fadl, 2001). According to Muhammad, the Prophet narrated the Hadith to show a Persian queen who failed to rule her kingdom in 628 AD. Therefore, it cannot be generalized toward all women. Rather, it is restricted only to a woman addressed in the Hadith: a Persian queen. In addition, Muhammad argues that the Hadith is essentially informative in nature and not designed to outline legislation or law. Accordingly, the Hadith merely represents a historical information from the Prophet, and thus cannot be a legal justification for the prohibition of female leadership. This what Muhammad refers as analyzing the linguistic dimension of meaning within its particular context (*al-siyāq al-lisāni*) (Muhammad, 2001). From the perspective of *uṣūl al-fiqh* (principles of Islamic jurisprudence), I would argue that this is justifiable, since the wording of the Hadith does not signify a command (*amr*) (Zaidan, 1976).

Muhammad further argues that the primary principle of politics is to manifest public goods and to avoid social damages. In his view, this is consistent with the principle of Islamic jurisprudence: "a ruler's governance towards his/her citizens must be based on public goods". Accordingly, Muhammad argues that the Hadith does not remain a theological basis to prohibit female leadership in politics (Muhammad, 2001). Nonetheless, it is unfortunate that he does not examine the credibility of the Hadith's first narrator, namely Abu Bakrah, the Prophet's companion. Whereas, according to Fatima Mernissi, due to the incredibility of Bakrah, in terms of *isnad*, the Hadith is not reliable (Mernissi, 1990). Conversely, Muhammad prefers to comment it from the perspective of Islamic jurisprudence. That is, he uses the paradigm of *fiqh* to articulate his progressive ideas in favour of gender justice. As such, Muhammad is called as "the text from *pesantren*", because his ideas are rooted in the classic intellectual traditions of *pesantren*, especially the *fiqh* (Nuruzzaman, 2005).

Siti Musdah Mulia: A Female Muslim Feminist

Siti Musdah Mulia is a prominent Muslim feminist in Indonesia. Born in Bone, South Sulawesi, Mulia was raised in a religious family. She began her education at *pesantren* (Islamic boarding school), where she encountered with classical-Islamic sciences, such as Islamic jurisprudence (*fiqh*) and Qur'anic exegesis. In 1982, she obtained bachelor in Arabic Literary from State Islamic Institute (IAIN) of Alaudin, Makasar, master in the History of Islamic Thought (1992) and Ph. D in Islamic Political Thought (1997) from State Islamic Institute of Syarif Hidayatullah, Jakarta, where she encountered with and was profoundly influenced by some liberal-progressive Muslim intellectuals at the time, such as Nurcholis Madjid and Harun Nasution.

Mulia intensely participated in some trainings and programs on gender, human rights, pluralism, and democracy. She was the leader of the Gender Mainstreaming team of the Department of Religion. She is also a professor of Islamic studies at Syarif Hidayatullah State Islamic University (UIN) Jakarta. She is well-known for her intellectualism and activism pertaining to gender and sexuality, pluralism, democracy, and minority rights issues. Among her prominent works are *Kesetaraan dan Keadilan Gender Perspektif Islam* (2001), *Muslimah Reformis: Perempuan Pembaru Keagamaan* (2005), *Islam dan Inspirasi Kesetaraan Gender* (2007), *Menuju Kemandirian Politik Perempuan* (2008), *Kemuliaan Perempuan dalam Islam* (2014), and *Indahnya Islam: Menyuarakan Kesetaraan dan Keadilan Gender* (2014).

According to Mulia (2009), the doctrine of *tawhīd* (Islamic monotheism) reflects a theological basis for gender justice and equality. She argues that *tawhīd* is the essence of Islam which illuminates the whole aspects of Islam. Therefore, understanding its meaning and essence correctly is imperative, as it serves as a fundamental-theological guidance for Muslims to manifest both their religiosity and humanity on a daily basis. According to Mulia, the very essence of *tawhīd* is justice and equality. Since it means that Allah is the only true God, other than Him remains the same. Each human being is equal before Him. As a consequence, both men and women are equal. Both have equal status and responsibility as God's creature. The principle of justice and equality, therefore, should be a fundamental consideration in the understanding and manifestation of Islamic teachings. Furthermore, *tawhīd* is not merely a theological doctrine, but more importantly it is also a social-ethics that gives impetus for the pursuit of justice and equality (Mulia, 2014).

In Mulia's view, the Qur'an acknowledges a set of provisions for women's rights, such as inheritance (An Nisā':11) and witness (Al-Baqarah: 282) things that women cannot gain before Islam came. Besides, according to the Qur'an, both men and women are equal before God (Al Ḥujurāt: 13). They have equal status and rights as God's creatures (*khalifah*). The Qur'an also explains that gender relation presupposes equality and partnership (At Taubah: 71). In

particular, Mulia elucidates the image of women from a Qur'anic worldview. First, women have a political independence (*al-istiqlal al-siyasah*) as reflected in the figure of the Queen of Sheba (An Naml: 23). Second, women have an economic independence (*al-istiqlal al-iqtishadi*) as reflected in the figure of a woman who managed farming in the story of Moses (Al Qashash: 23). Third, women have an individual autonomy (*al-istiqlal al-syakhsyi*), as either an individual (At Tahrim: 11) or part of society (At Tahrim: 12) (Mulia, 2009).

Meanwhile, we can also find the manifestation of the principle of gender equality in the Prophet's Hadith. The Prophet says that "women are the sibling of men" (Sunan Abu Dawud and Tirmidzi). According to Mulia (2014), the meaning of "sibling" in the Hadith reflects equality, compassion, respect, and justice. Therefore, both men and women have to be in cooperation for the realization of shared ideals of humanity. It is also mentioned in the Hadith that the Prophet highly values women's dignity, a thing undermined by the Arabs before Islam came (Shahih al-Bukhāri). In practice, according to Mulia (2014), these principles of gender equality manifested in the life of the Prophet himself. Some Hadiths reported that during the life of Prophet, women were not domesticated, but rather actively involved in public affairs.

Nonetheless, like Husein Muhammad, Mulia concedes that there are some Qur'anic verses and Hadiths that might be interpreted to justify gender inequality. According to Mulia (2014), such an interpretation is resulted from a textual interpretation on both the Qur'an and Hadith. This can be seen from the followings. First, on the creation of Adam and Eve. It is often misinterpreted that Eve was created from Adam's rib, derived from An Nisā': 1. This implies the superiority of men over women. Second, on the story of the fall of human from heaven to the earth. It is also often misinterpreted that Eve is the one who persuaded Adam to disobey God's command. This, in turn, results in misogynist stereotypes against women that they are seducer and source of *fitnah* (immorality), who deserves to be domesticated. Third, on the leadership of women. Due to the superiority of men, women are not allowed to pursue leadership in public sphere. The rationale is that women are inferior upon men, because they have feminine attributes. This is justified by the followings Hadiths: "women are weak in mind and religion (Shahih al-Bukhāri)".

Mulia argues that misogynist views against women are resulted from literalist or textual understandings on both the Qur'an and Hadith. This way of understanding downplays the universal principles of Shari'a (*maqāṣid al-sharī'ah*). As such, she insist that understanding gender relation and particularly women's position in Islam requires a contextual reading on the revealed texts (the Qur'an and Hadith). This allows us to take historical accounts, including socio-historical and political contexts in which they are revealed or narrated. It is particularly significant, since Islam emerges in the context of the seventh century of Arabian Peninsula which is patriarchal (Mulia, 2009).

Mulia (2009) insists that reading Hadith should take the objective of Shari'a (*maqāṣid al-sharī'ah*) into consideration. This is particularly important, Mulia argues, as Shari'a aims to realize public goods (*mashlahah*), including justice and equality. *Maqāṣid al-sharī'ah* aims at protecting the five necessities: preserving of faith (*hifz al-din*), soul (*hifz al-nafs*), wealth (*hifz al-mal*), mind (*hifz al-aql*), and offspring (*hifz al-nasl*) (Auda, 2007). According to Mulia (2014), based on the concept of *maqāṣid al-sharī'ah*, some Hadiths explaining gender relation are subject to reinterpretation, as they are particular rulings (*furu'*), not the fundamentals (*uṣūl*). In principle, *maqāṣid al-sharī'ah* should be a basic framework for understanding Hadith.

Like Husein Muhammad, Mulia's methodology for understanding Hadith much more focuses on analyzing the substance of Hadith's wordings or reports (*matn criticism*). It is conceptualized as follows. First, Hadith should be understood in the light of the Qur'an. Second, it should be understood in the light of socio-historical context (*asbāb al-wurūd*) in which it was narrated. Third, it requires a substantive ethics analysis to reflect an ethical implication resulted from Hadith. Fourth, a particular Hadith should be in comparison to other Hadiths (Mulia, 2009).

In order to ground Mulia's methodology, I would examine how she understands Hadiths which endorse misogynist views against women. For example, a Hadith on women's leadership states, "Those who entrust their affairs to a women will never know prosperity" (Mernissi, 1991, p. 49). As previously explained, it is misunderstood as the prohibition of women's leadership in public sphere. According to Mulia (2014), the Hadith is not valid, since it contravenes the capability of the Queen of Sheba to lead and govern her people as recorded in the Qur'an (An Naml: 23). Also, the Hadith should be understood in the light of its historical context. That is, it tells about the story of Kisra's daughter, a Persian queen, who failed to rule her kingdom. Accordingly, it was limited to its historical context, and thus cannot be applied generally to prohibit women's leadership.

Another example is a Hadith on the obligation of a wife to her husband: "a woman cannot fulfil her obligations towards God unless she fulfils her obligations towards her husband. In fact, if he desires her while she sits on a saddle (or an upright seat used for birthing), she should submit." Another version of the Hadith says, "If a man calls his woman to bed, and she refuses to come, the angels will continue to curse her until the morning" (Abou El Fadl, 2001, p. 432). Following the textual logics of the Hadith, it presupposes a blind submission of wife upon his husband. According to Mulia, the Hadith can be used as a legitimation for sexual forcefulness or even sexual abuse against women. From an ethical viewpoint, it seems impossible that the Prophet says the Hadith, considering how other Hadiths report that the Prophet himself treated his wives with respect, compassion, and love. Mulia further insists that the Hadith is in contrary with the principles of marriage in the Qur'an: companionship and compassion (*mawaddah*

wa rahmah) (Ar Rūm: 21). The Qur'an even commands husbands to treat wives with kindness (An Nisā': 19). Sexual authoritarianism, therefore, cannot be justified.

DISCUSSION
Some Hermeneutical Implications
From the preceding discussions, the objection toward Hadiths which endorse gender-biased and misogynist views against women lies in their contradiction with the principles of justice and equality as explained in the Qur'an. Besides, the Hadiths are in contrary with the Prophet's attitudes and practices that treat women with love, compassion, and respect. The two Indonesian progressive Muslims, therefore, question how the Prophet's Hadith justifies gender inequality and misogynism against women.

In the Islamic tradition, Hadith has remained central in the hearth of Muslims, as it is the second Islamic source after the Qur'an. Therefore, we can understand why misogynist Hadiths are used to justify gender inequality. As a result, some would consider that gender difference is God's destiny that has to be accepted. However, Hadith should be positioned as a "discursive tradition" which is subject to criticism and reinterpretation. This is due to the authenticity of Hadith which remains questioned. Authentically, Hadith is different from the Qur'an. In the science of Hadith (*ulūm al-Hadith*), the authenticity of Hadith is really an issue. How do we justify a Hadith is truly the Prophet's saying? It is central to scholars of Hadith from the classical to contemporary era. A Hadith should fit to the requirements of validity in order to become a referential argument (*hujjah*), to produce Islamic rulings, and to be practiced by Muslims (*ma'mul bih*) (al-Adhabi, 1983).

Syuhudi Isma'il (2007) elucidates the significance of the inquiry of Hadith's authenticity. First, Hadith was written much later after the life of the Prophet. Second, based on some historical accounts, a number of Hadiths were fabricated even since the companion era. Third, the process of Hadith compilation and codification was undertaken much later after the death of the Prophet. Fourth, a variety of Hadith canons used various methods in codification. Fifth, in the process of Hadith transmission, Hadith might be transmitted in its meaning (*al-riwayah bi al-ma'na*) instead of its wordings.

Both Husein Muhammad and Siti Musdah Mulia are in line that Hadith should be understood within its socio-historical context. The reason is that Hadith is arguably a historical text which reflects a particular historical context. A historical analysis is particularly significant to understand the authorship context of Hadith. Besides, Muhammad and Mulia are in agreement that a comparative analysis, *i.e.* to compare Hadith with the Qur'an, is highly significant to discern the authenticity of Hadith. Since the Qur'an is seen as the authentic divine words,

Hadiths which contradicts the universal Qur'anic principles, are subject to criticism and reinterpretation.

In the Hadith scholarship, both Muhammad's and Mulia's methodology for understanding Hadith represent a contemporary trend to validate the authenticity of Hadith. In other words, it does not only test the authenticity of the chain of Hadith transmission (*naqd al-isnad*), but also more importantly, to examine the substance of Hadith's wordings or reports, including its historical context (*naqd al-matn*). It is noteworthy that their methodology is not relatively new, as some classical Hadith scholars had employed such criticism to test the authenticity of Hadith, even since the companion era.

Salāḥ al-Dīn al-Adhabi (1983) is critical of Ahmad Amin's claim that the early hadith scholars only focused on *isnad* criticism and downplayed *matn* criticism. He argues that it is not true, for the early Hadith scholars and even some the Prophet's companions took *matn* criticism into account. He cites many examples on this. Among the examples is a narration of Aisha, the Prophet's wife, in which she criticized the Hadith narrated by Abu Hurairah: "a deceased person will be punished because of his family's cry" (Al-Adhabi, 1983, p. 113). For Aisha, the Hadith is not reliable, saying that Abu Hurairah's hearing is bad. She subsequently explained about the Hadith's historical context (*asbāb al-wurūd*) and compared it to the Qur'an. According to Aisha, the Hadith was uttered when the Prophet passed the house of a Jew crying for a person who was dead. Besides, it is not consistent with the Qur'an (Al Baqarah: 286) explaining that a deceased person will bear his/her own burden.

In addition, Jonathan Brown argues that Western scholars' and modern Muslim scholars' conclusion that early hadith scholars have only focused their methods in determining the authenticity of Hadith on the chain of transmitter is lack of evidence from the early Islamic period. By introducing fifteen examples of the early Sunni hadiths scholars' methods in the 3rd/9th and 4th/10th century, Brown argues that early hadith scholars had applied *matn* (content) criticism to test the authenticity of Hadith (Brown, 2008). One of the examples is:

> In his entry on the weak transmitter Ḥashraj b. Nubāta (fl. mid 2nd/8th century) in the *Kitāb al-ḍuʿafāʾ al-ṣaghīr*, al-Bukhārī notes that Ḥashraj narrated the ḥadīth "the Prophet (ṣ) said to Abū Bakr, ʿUmar and ʿUthmān, 'these are the caliphs after me.'" Al-Bukhāri adds that this ḥadīth is "not corroborated (*lā yutābaʿu ʿalayhi*) because ʿUmar b. al-Khaṭṭāb and ʿAlī b. Abī Ṭālib said, 'the Prophet did not appoint any successor (*lam yastakhlif al-nabī*) (Brown, 2008, p. 163).

According to Brown (2008), the above example signifies that the early Sunni hadith scholars, like al-Bukhārī, also took *matn* criticism into account to test the authenticity of Hadith. For al-Bukhārī, the content of the Hadith contradicts with the historical evidence that the Prophet never appointed any

successor. Therefore, he rejected the Ḥashraj's Hadith. Nevertheless, *matn* criticism is hardly to find within the early Sunni hadith scholars' works. Brown argues that this is because a tension occurred between *ahl al-hadith* (the traditionalist) and *ahl al*-ra'y (the rationalist) over "a cult of methodology" in testing the authenticity of Hadith. For *ahl al-ra'y,* the methods of *ahl al-hadith* were misleading, because they highly depend on the chain of transmitter as the only means and overlook *matn criticism* to test the authenticity of Hadith. On the contrary, for *ahl al-hadith, ahl al-ra'y* were "arrogant heretic", as they glorify human reason and neglect the chain of transmitters. Against this ideological polemics, Brown contends that for *ahl al-hadith,* analyzing the content of Hadith without relying to the chain of transmitters will affirm the rationalist methodology (Brown, 2008).

CONCLUSION

This paper has explored the Indonesian progressive Muslims' thoughts on Hadith and gender. As discussed in this paper, for Husein Muhammad and Musdah Mulia, misogynist Hadiths have always remained questioned in favour of the pursuit of gender equality and justice in Islam. According to these two Indonesian progressive Muslims, the Qur'an and Hadith essentially acknowledge the principles of gender equality based on the doctrine of *tawhīd* (Islamic monotheism). Therefore, Hadiths which appears to endorse gendered-bias and misogynist views against women are subject to criticism and reinterpretation, since they are in contrary with the principles.

Both Muhammad and Mulia have proposed a set of hermeneutics for understanding the Hadiths. They suggested that the Hadiths have to be understood within its socio-historical context: the seventh century of Arabian Peninsula. This allows us to discern in which particular occasions the Hadiths were uttered by the Prophet. Their hermeneutics lie in the analysis of the chain of transmitter (*naqd al-isnad*) and the substance of Hadith's wordings or reports (*naqd al-matn*). This implies that to test the authenticity of the Hadith, Muslims cannot rely only to the validity of the chain of Hadith transmission, but also more importantly, to be critical of the substance of Hadith's wordings or reports, including analyzing its historical context. In essential, the methods proposed by the two Indonesian progressive Muslims lead us to be critical of the Hadiths before employing them as the source for the *fatwa* (legal opinions) making. These are not relatively new, as the early Hadith scholars used such method though with some limitations.

REFERENCES

Abou El Fadl, Khaled M. (2001). *Speaking in God's name: Islamic law, authority, and women*. Oxford: Oneworld Publications.

Abū Zayd, Naṣr Ḥāmid. (1990). *Mafhūm al-naṣ*. Cairo: al-Hai'ah al-Miṣriyyah li al-Kitāb.

Affiah, Neng Dara. (2017). *Potret perempuan muslim progresif Indonesia*. Jakarta: Yayasan Obor Pustaka.

Al-Adhabi, Salah al-Din bin Ahmad. (1983). *Manhaj Naqd al-Matn 'Inda 'Ulama' al-Hadis al-Nabawy*. Beirut: Dar al-Afaq al-Jadidah.

Al-Khatib, Muhammad 'Ajjāj. (2006). *Uṣūl al-ḥadīs*. Beirut: Dar al-Fikr.

Auda, Jasser. (2007). *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems* Approach. London: The International Institute of Islamic Thought.

Azami, M. (1977). *Studies in hadith methodology and literature*. Indianapolis: Islamic Teaching Centre.

Brenner, S. (2011). Private moralities in the public sphere: Democratization, Islam, and gender in Indonesia. *American Anthropologist*, *113*(3), 478-490.

Brown, J. A. (2008). How We Know Early Hadīth Critics Did Matn Criticism and Why It's So Hard to Find. *Islamic Law and Society*, *15*(2), 143-184.

Duderija, A. (2016). *Constructing a Religiously Ideal', Believer', and', Woman', in Islam: Neo-traditional Salafi and Progressive Muslims' Methods of Interpretation*. Springer.

Ilyas, Hamim, et al. (2003). *Perempuan tertindas? Kajian hadis-hadis misoginis*. Yogyakarta: elSAQ Press & PSW UIN Sunan Kalijaga, 2003.

Ismail, M. Syuhudi. (2007). *Metodologi Penelitian Hadis Nabi*. Jakarta: Bulan Bintang.

Khalāf, 'Abd al-Wahhāb. (2004). *'Ilm uṣūl al-fiqh*. Al-Ḥaramain.

Marhumah, M. (2015). The roots of gender bias: misogynist hadiths in pesantrens. *Indonesian Journal of Islam and Muslim Societies*, *5*(2), 283-304.

Mernissi, Fatima. (1991). *The veil and the male elite: A feminist interpretation of women's rights in Islam*. New York: Basic.

Mernissi, Fatima. (1991). *Women and Islam: An historical and theological enquiry*. London: Basil Blackwell.

Mir-Hosseini, Ziba. (2004). The quest for gender justice: Emerging feminist voices in Islam. *Islam*, *21*(36), 1-5.

Mir-Hosseini, Ziba. (2013). Justice, equality and Muslim family laws, in Ziba Mir Hosseini et al (Eds.). *Gender and equality in Muslim family law: Justice and ethics in the Islamic legal tradition*. London: I.B. Tauris.

Muhammad, Husein. (2001). *Fiqh perempuan: Refleksi kiai atas wacana agama dan gender*. Yogyakarta: LKiS.

Muhammad, Husein. (2005). *Islam agama ramah perempuan*. Yogyakarta: LKiS.

Mulia, Siti Musdah. (2009). *Islam dan Inspirasi Kesetaraan Gender*, 3rd edition. Yogyakarta: Kibar, 2009.

Mulia, Siti Musdah. (2014). *Indahnya Islam: Menyuarakan Kesetaraan dan Keadilan Gender*. Jakarta: Nauvan Pustaka.

Nuruzzaman, M. (2005). *Kiai Husein membela perempuan*. Yogyakarta: LKiS.

Rahman, Fazlur. (1979). Islam: challenges and opportunities, in A. T. Welch and P. Chacia (Eds.). *Islam: Past influence and present challenge*. Edinburgh: Edinburgh University Press.

Rieder, P. M. (2012). The uses and misuses of misogyny. *Historical Reflections/Réflexions Historiques, 38*(1), 1-18.

Robinson, K. (2006). Islamic influences on Indonesian feminism. *Social Analysis, 50*(1), 171-177.

Robinson, Kathryn. (2009). *Gender, Islam, and democracy in Indonesia*, Oxon: Routledge.

Sari, N. R. (2016). Misogynist di dalam Hadis (Telaah Hadis Sunan Tirmidzi dan Ibnu Majah, perempuan sumber fitnah paling berbahaya). *Marwah: Jurnal Perempuan, Agama dan Jender, 13*(2), 199-218.

Scott, R. M. (2009). A Contextual Approach to Women's Rights in the Qurʾān: Readings of 4: 34. *The Muslim World, 99*(1), 60-85.

Shahid, K. (2007). Feminism and Islam: Contextualizing Equality of Gender in Islam. *Pakistan Journal of History & Culture, 28*(1), 121-153.

Wieinga, S. E. (2009). Women resisting creeping Islamic fundamentalism in Indonesia. *Asian Journal of Women's Studies, 15*(4), 30-56.

Zaidan, ʿAbdul Karim. (1976). *Al-Wajīz fī uṣūl al-fiqh*. Maktabah al-Bashāir.

Hadith, Justice, and Gender Equality: Indonesian Progressive Muslims' Thought

9   Submitted to The University of Manchester
Student Paper
<1%

10   Jonathan Brown. "How We Know Early Hadīth Critics Did Matn Criticism and Why It's So Hard to Find", Islamic Law and Society, 2008
Publication
<1%

11   Alfitri, . "Whose Authority? Contesting and Negotiating the Idea of a Legitimate Interpretation of Islamic Law in Indonesia", Asian Journal of Comparative Law, 2015.
Publication
<1%

12   "Maqasid al-Shariâ a and Contemporary Reformist Muslim Thought", Springer Nature, 2014
Publication
<1%

13   Submitted to University of Kent at Canterbury
Student Paper
<1%

14   www.siawi.org
Internet Source
<1%

15   www.lfip.org
Internet Source
<1%

16   Zezen Zaenal Mutaqin. "Culture, Islamic feminism, and the quest for legal reform in Indonesia", Asian Journal of Women's Studies, 2018
Publication
<1%

17 digitalcommons.fiu.edu
Internet Source
<1%

18 www18.georgetown.edu
Internet Source
<1%

19 "Islamic Perspectives on Science and Technology", Springer Nature America, Inc, 2016
Publication
<1%

20 sevgiligiyim.com
Internet Source
<1%

21 www.ijlgc.com
Internet Source
<1%

22 Adis Duderija. "Constructing a Religiously Ideal ',Believer', and ',Woman', in Islam", Springer Nature, 2011
Publication
<1%

23 "Handbook of Islamic Education", Springer Nature America, Inc, 2018
Publication
<1%

24 digilib.uin-suka.ac.id
Internet Source
<1%

25 Ahmed Al-Dawoody. "The Islamic Law of War", Springer Nature, 2011
Publication
<1%

www.gwi-boell.de