



JUSTICE
AND BEAUTY
IN MUSLIM
MARRIAGE

TOWARDS EGALITARIAN
ETHICS AND LAWS

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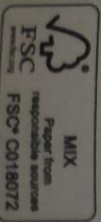
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Reading the Qur'an Through Women's Experiences

Nur Rofah

For men and women who are devoted to God – believing men and women, obedient men and women, truthful men and women, steadfast men and women, humble men and women, charitable men and women, fasting men and women, chaste men and women, men and women who remember God often – God has prepared forgiveness and a rich reward.

Qur'an 33:35

Why are we (women) not mentioned in the Qur'an in the same manner as men? When Umm Salama, the wife of the Prophet Muhammad (pbuh), raised this question, Allah responded with verse 33:35 (al-Tabari, 1971, 33:35). In explicitly noting both masculine and feminine linguistic forms for each of the believers' ethical characteristics, this verse removes any ambiguity about the audience addressed. The Qur'an is speaking to all humans who are devoted to God, regardless of their gender, class or race.

Umm Salama set a precedent by bringing women's experiences with the text to the conversation. This conversation was carried forward throughout the revelation, with an emphasis on taking different experiences and lived realities into account. However, the dynamic relationship between the text and its context eventually gave way to a male-centred rigid interpretive tradition. As a

Islamic teachings and the striking violence, suffering and daily injustices that women face on the ground. These two institutions, along with the Fakhmina Institute, helped initiate the Kongres Ulama Perempuan Indonesia (Congress of Indonesian Women Ulama or KUPI). In 2017, KUPI brought together gender-sensitive religious scholars (*ulama perempuan*) and facilitated women taking the lead in issuing fatwas (religious opinions) for the first time. KUPI is the culmination of more than thirty years of effort to create spaces and mechanisms for the inclusion of female scholars in the production of religious knowledge in Indonesia.

In this chapter, and as part of the KUPI process, I propose a *tafsir* methodology that allows for women's agency in reading the Qur'an in ways that uphold *haqiqi* justice. I also explore the significance of this methodology and the KUPI experience for reform of Muslim family norms and rights.

The chapter is divided into three sections. First, I map out the Qur'an's ethical trajectory towards *haqiqi* justice and shed light on how the trajectory gradually unfolds in line with the verses on gender issues. Through a critical analysis of different textual contexts and how they intersect with patriarchal ethics and egalitarian ethics of justice, I argue that based on the concept of *tauhid*,³ men and women as humans can be servants only of Allah, not of each other, and that both are also Allah's vicegerents (*khalifa*) that have a mandate to create goodness on earth. As Muslims, their value depends entirely on how they could prove their *tauhidic* commitment by creating goodness on earth. Muhammad, as the Prophet of Islam, was sent with a message of mercy and blessings to the universe (*rahmatan lil 'alamin*),⁴ including women. The foundation of Islamic teachings is to complete humanity's noble character (*ittimanna makarim al-akhlaq*).⁵

Second, I propose an approach that centres women's experiences as a lens for reading the Qur'an. The Qur'an's ethical trajectory has been curtailed by patriarchal interests to sustain male privileges and exclude women from shaping understandings of individual and collective well-being (*maslaha*).⁶ This

³ According to verse 21:107 ('And We have not sent you, O Muhammad, except as a mercy to the worlds'), *lil 'alamin* includes everybody regardless of gender, religion, etc. This is an important Qur'anic concept in Indonesia – a plural society – as it emphasizes that the teachings of Islam, as sent to the Prophet Muhammad, bring blessings, inclusivity, and moderation.

⁴ Aha Haryati reported that the Messenger of Allah, may Allah bless him and grant him peace, said, 'I was sent to perfect good character' (*Musnad al-Bazzar*, p. 364, <https://shamelessbook/12981/8782>; see also *Sulhi al-Bahabi*, 2000, Book 14, no. 273).

⁵ I distinguish my understanding of *maslaha* from the *fajri* one, which confines it to Qur'anic verses of legal competences (*ayat al-ahkam*). I understand *maslaha* as a concept that denotes an

are secondary. The term for a group made up primarily of women with *him* (one man present) would take the masculine form. This reflects the idea that one man is more valuable than any number of women. In addition, the idea of masculine (*jam' mufalakar*) can include women, while the plural feminine (*jam' mu'anzal*) can never include men. This reflects a perspective of men as active subjects who can incorporate women into their midst and women as passive objects who stand apart. How do we address the shortcoming of gender-specific language when we are trying to uncover a universal Qur'anic ethical message?

The scholar *amina wadud* proposed a hermeneutical approach that combines analysis of the social context, grammatical composition and the ethical worldview of the Qur'anic text. In her book *Qur'an and Woman* (1999, p. 7) she writes:

Although each word in Arabic is designated as masculine or feminine, it does not follow that each use of masculine or feminine persons is necessarily restricted to the mentioned gender – from the perspective of universal Qur'anic guidance. A divine text must overcome the natural restrictions of the language of human communication.

Just as the Qur'an had to grapple with the constraints of the social system in which it was revealed, it also had to deal with the limits of the human language in which it was conveyed. According to *wadud*, one needs to transcend the human restrictions of the Arabic language and focus on its ethical worldview. As such every reading of the Qur'an is informed by the ethical intent of the text and what she calls the 'prior text', or the language and cultural context in which the text is read. For the Qur'an, this 'prior text' is the male-centred Arabic language and culture, which has significant implications related to gender perspectives. Hence, it is important to keep in mind the limits and consequences of this 'prior text' in efforts to uncover women's voices and experiences of the Qur'an in its trajectory towards justice.

Throughout the past centuries and until today, women's experiences have been excluded from what are considered 'authoritative' sources of knowledge. Building on patriarchal assumptions and dichotomies such as 'rationality' (deemed to be a masculine value) versus 'emotionality' (deemed to be a feminine value), 'objective' versus 'subjective', or 'conceptual' versus 'emotional', women's experiences have been relegated to the backstage and regarded as informal and inadequate sources of knowledge. These patriarchal

in knowledge production and sharing have impacted the ways in which male and female have interpreted the Qur'an: that is, through their own standards and experiences, which were viewed as rational, objective and relevant to all. For the conventional readings of the Qur'an reflect the positionality and privilege of a dominant faction in society and exclude women and other marginalised people from a direct relationship and linguistic limits, the Qur'an makes a point of directly speaking to all human beings regardless of their class, gender, race or social position. Therefore, when we put aside the 'prior text' and the male-centred conventional readings of the Qur'an, we can begin to pay closer attention to the instances in which the Qur'an embodies women's experiences, such as verse 31:14, in which Allah says: 'We have commanded people to be good to their parents: their mothers carried them, with strain upon strain, and it takes two years to wean them. Give thanks to Me and to your parents – all will return to Me. Here the Qur'an acknowledges women's experience of pregnancy, childbirth, puerperium (*nifas*) but is also painful – *wahman 'ala wahman*' (hardship upon hardship). By emphasizing the difficulty of this motherly experience, the Qur'an aims to shift the reader's perspective from one that sees motherhood as 'degrading' or a reason to discriminate against women who are undertaking this task. In addition, the verse not only addresses mothers but also includes them in the parental unit, emphasizing the shared responsibility of both parents. This is significant when we think of seventh-century Arab society in which mothers were considered second-class parents under the authority of their husband and even sons. In this verse, while raising awareness about the parents' different locations (and the hardships experienced by the mother), the Qur'an puts both parents on equal footing who both deserve care, respect and gratitude from their children.

In fact, the Qur'an even goes a step further in acknowledging women's physical and social experiences by raising the question of breastfeeding and other maternal labour in verse 2:233:

Mothers suckle [breastfeed] their children for two whole years, if they wish to complete the term, and clothing and maintenance must be borne by the father in a fair manner. No one should be burdened with more than they can bear: no mother shall be made to suffer harm on

for all people, including women, and values women equally with men. These verses are the compass that guides us towards finding our better selves. They transcend different times and contexts and address humanity at large. Through these verses, the Qur'an reminds us of the foundations of its ethical message: justice, equality, human dignity, beauty and compassion. In order to achieve this final objective, women and men, as well as all people at the margins, are to be treated as equals. Anything that stands against these foundations, such as injustices, discriminatory norms, and practices and violence perpetrated against women, constitutes an obstacle to achieving the Qur'anic ethical end-goal. Examples of these verses include 9:71: 'The believers, both men and women, support each other; they order what is right and forbid what is wrong; they keep up the prayer and pay the prescribed alms; they obey God and His Messenger. God will give His mercy to such people: God is almighty and wise.' Or verse 3:195: 'Their Lord has answered them: "I will not allow the deeds of any one of you to be lost, whether you are male or female, each is like the other [in rewards]..."' There are many other verses that integrate this approach and foreground the Qur'anic ethical worldview towards justice.⁶ These verses play a critical role in taking forward the Qur'an's movement for social change. They provide the overarching lenses through which all the verses need to be read and interpreted in order to speak to today's requirements of justice.

The three types of verse outlined above mirror three different social systems in which the recognition of women's equality and full humanity ranges from non-existent to fully enhanced: 'hard patriarchies', soft patriarchies and gender just societies'. Like justice, how we define 'human' must be true to all humans. Yet for centuries, the patriarchal systems – across cultures, religions and geographical spaces – have put forward a male-centred definition of humanity that excludes the experiences of those on the margins, such as women. As a result, their dignity and human rights have been violated, and their access to justice hindered. The social systems can be explained as follows:

- **Hard patriarchies** establish structures of domination of men over women. The most powerful men in these societies impose their will

⁶ Other verses include, for example, verse 4:3. This verse is often used to justify polygynous marriage, but its ending ('If you fear that you cannot be equitable [to them], then marry only one...') clearly emphasizes the call for justice and hence the final goal of the Qur'an to promote monogamous marriages. Verse 4:3 and other verses like 4:11 and 24:6–10 include elements that fall both in the second and third category and need to be interpreted in light of the overarching Qur'anic trajectory towards *haqiqi* justice.

and their definition of what it means to be human, which exclusively serves their interests. In such social systems, women are considered to be passive objects and deficient human beings. Hence, their experiences, needs and demands are not considered in measuring and achieving the collective well-being (*maslaha*). Within hard patriarchies, only the *maslaha* of men exists.

Soft patriarchies sustain existing forms of male domination while putting in place a system of protection and care for those who are subjected to this domination. Women are now included in the definition of what it means to be human, but as second-class human beings with no regard for their experiences, needs and demands. Instead, they are subjected to a male standard of what it means to be human and what is needed to achieve well-being. Under soft patriarchies, women's human dignity and rights are still not fully honoured and they cannot access real justice. In soft patriarchies, only the same experiences, needs and demands of men and women are considered in determining *maslaha*, and not needs and experiences that differ between them.

Gender just societies aim to prevent, counteract and redress the consequences of patriarchal domination. These social systems represent the final objective in the trajectory towards *haqiqi* justice for all, including women. All human beings and their distinctive experiences and locations are taken into account, equally, in the measure of what it means to be human and the contours of the collective well-being (*maslaha*). Women's physical experiences like menstruation, pregnancy, giving birth, puerperium (*nifās*) and breastfeeding, and social experiences such as stigmatization, subordination, marginalization, violence and double burdens, are taken into account and addressed to eliminate any pain they may bring, whether physically or psychologically. The goal of such societies is to humanize all people as active subjects who equally belong to Allah.

These three categories of verses and social systems also reflect a change in the concepts of *qiwāma* (male authority) and *wilāyā* (guardianship). In the hard patriarchal system and starting point verses, the social context was that women were owned by men during their lifetimes: first by fathers, then husbands, and then sons or other male relatives. The intermediary stage and soft patriarchal

methodology' offers a way to overcome textual dilemmas related to gender issues by reclaiming women's bodily and social experiences and voices both within the Qur'anic text and in relationship with the text. To illustrate my argument, I apply this approach to a set of selected verses on gender relations in marriage.

Finally, I reflect on the implications of this approach on Muslim family/law reform efforts in the Indonesian context. Through the example of KUPI and its farwa on child marriage, I highlight the importance of women's agency in inhabiting the spaces in which religious knowledge is produced. By producing religious knowledge and condemning the harmful practice of child marriage, the women behind KUPI are following and furthering the Qur'an's trajectory towards *haqiqi* justice: they stand for the well-being (*ma'afah*) of the vulnerable, young women and girls in this case, and those on the margins.

1. THE QUR'ANIC TRAJECTORY TOWARDS HAQIQI JUSTICE

Although the Qur'an was revealed in a specific time and context, namely in the Arabian Peninsula from 611–634 CE, its ethical worldview encompasses humanity at large. The Qur'an says in verse 21:107: 'And We have not sent you [O Muhammad], except as a mercy to the worlds.' Behind each of the Qur'an's contextual readings, we can unearth an all-embracing ethical lesson.

Several contemporary Muslim reformist scholars have attempted to theorize this relationship between the ethical intent of the Qur'anic text and the derivation of context-specific norms and rules. They proposed different interpretive methods such as historical contextualization, intra-textual analysis focusing on language and themes, or the holistic ethical worldview of the sacred text. Among these reformist scholars is Mahmud Mohamed Taha (1987), who revisited the concept of *nashb* (abrogation) to prioritize the Meccan verses (upholding universal ethical values) over the Medinan ones (recommending context-specific norms). Another key reformist scholar is Fazlur Rahman (1982), who introduced the 'double movement theory'. He suggested a dynamic reading that overcomes the atomistic approach of conventional *tafsir* methodologies and highlights the underlying ethical teachings of

¹ all-encompassing goodness for all creatures in the universe, which is true to the core message of the Qur'an (which Indonesian scholars call *ma'afah al-Qur'an*).

...in our contemporary times, women often struggle with how verses are interpreted and care, justice equality and care, how can we reshape the Qur'an that is grounded in both lived realities through an approach towards real, actual justice - or *haqiqi justice* - for women? This chapter addresses this question through an analysis of the ways in which the Qur'an's ethical worldview gradually unfolded to address gender injustices from the time of the revelation until today. It proposes a methodology that centres women's experiences as a lens for interpreting the sacred text with the aim of achieving *haqiqi justice* that fully acknowledges women's bodily and social experiences. The chapter also illustrates how this approach has been successfully adopted in activism around Muslim family law reform in the Indonesian context.

My research is situated within Islamic feminist scholarship and grounded in the Indonesian grassroots movement for gender justice. Growing up within the Indonesian *pesantren* (Islamic boarding school) education system and then studying *tafsir* and Hadith at university level, I received knowledge that was produced through male lenses and did not speak to my lived experiences. However, I had neither the tools nor the language to address this discomfort. After receiving my doctorate degree in Turkey, I became a lecturer at the Institute for Qur'anic Studies in Jakarta. This was an eye-opening experience, as for the first time I was in a position of authority, and was a woman teaching a classroom of male students. This gave me the agency to question gender-biased Qur'anic interpretations and to open conversations about our different locations while reading the text of the Qur'an.

Moving from a position of receiving knowledge to one of constructing knowledge that is grounded in lived experiences, I became involved in several women's grassroots and activist spaces in Indonesia. My engagement as a scholar activist played a key role in shaping my approach to the Qur'an and the Islamic tradition at large. For instance, as a board member of Rahima, an organization that supports female religious leaders, preachers and teachers, and Alimat, a coalition that advocates for Muslim family law reform in Indonesia, I became increasingly aware of the gap between the beauty of

¹ This is the term that I use in Indonesia to signify a layered justice that is real and authentic to women because it takes into account their unique experiences and realities.
² These are two of the five knowledge positions in the process of cognitive development known as 'women's ways of knowing' (Belenky, Clinchy, Goldberger, & Tarule, 1997).

Islamic teachings and the Quranic text on the grounds of Indonesian Women's Institute. Women of Indonesian religious leaders, preachers and teachers, and Alimat, a coalition that advocates for Muslim family law reform in Indonesia, I became increasingly aware of the gap between the beauty of

In this chapter, I explore how the KUPI experience upholds *haqiqi justice* through a methodology that allows women's experiences to be the starting point for an ethical trajectory. The chapter is grounded in a methodology that allows women's experiences to be the starting point for an ethical trajectory. The chapter is grounded in a methodology that allows women's experiences to be the starting point for an ethical trajectory. The chapter is grounded in a methodology that allows women's experiences to be the starting point for an ethical trajectory.

³ According to the words of the Qur'an, 'Islam, as sent by Allah through the Prophet Muhammad, is a religion of peace and justice' (Qur'an, 2:190).
⁴ Abul Hasan Ali Nadwi, *The Islamic Law: Its Principles and Sources* (Lahore: Islamic Publications, 1991), p. 1298.
⁵ I distinguish between the two types of law.

In this chapter, I use these approaches to map out the Qur'anic trajectory towards *haqiqi justice*, or real and authentic justice for women, I understand the term *haqiqi justice* as embracing the full humanity of all people while taking into account the different locations, privileges, and other factors that play an important role in advantaging or disadvantaging some human over others. This includes experiences that many women face but men do not, including bodily experiences like menstruation, pregnancy, giving birth, longer duration, and feature greater pain than bodily and reproductive experiences of men. Whereas menstruation, pregnancy, giving birth, recovery from birthing and breastfeeding can be incredibly painful and last from days to years, mens' ejaculation of sperm is generally pleasurable and last from minutes. In addition, women face social experiences that men do not, such as being seen as the property of men and thus socially stigmatized, marginalized, subordinated or subject to violence and double burdens. My main focus therefore lies in shedding light on the Qur'anic ethos of *haqiqi justice* for women and girls in a way that honours their full humanity.

Throughout the twenty-three years of revelation, the Qur'anic message included a clear intention to improve the situation of women and girls within seventh-century Arabian society. While stressing their full human dignity and equal position before the eyes of God, in creation, and in the Hereafter, the revelation adopted a gradual approach to achieving gender justice in society. Hence, like all trajectories towards social change, the Qur'anic trajectory towards gender justice has a starting point, an intermediary stage and a final objective. According to this Qur'anic didactic approach, we can identify three types of verses which reflect different locations within the trajectory towards justice when it comes to addressing women's issues.

The first type of verses mark the starting point of the Qur'anic trajectory towards *haqiqi justice*. These verses convey a picture of the social fabric and systems of Arab society at the time of the revelation, which viewed women as inferior and dependent on men. These verses therefore address a context specific audience and cannot be read without considering the circumstances of their revelation. The teachings behind these verses are starting points that do not reflect and cannot be applied to today's requirements of gender justice. Examples of these verses include 2:223: '[...]Your wives are your fields, so go into your fields whichever way you like, and send [something good] ahead for yourselves. Be mindful of God: remember that you will meet Him! [People] give good news to the believers.' Or verses 56:35-40: 'We have specially

created - original, loving of matching age - for those on the Right, many from the past and many from later generations. Through these verses we can clearly see the tensions between the patriarchal and egalitarian ethics of the Qur'anic text. If we read this type of verse literally, without taking into account the socio-historical and linguistic context, we have trouble seeing the trajectory towards *haqiqi justice*. But by categorizing them as starting point verses, these women's *haqiqi justice* messages have only a didactic purpose: to help us grasp the scope of the Qur'anic trajectory, where it starts and where it can potentially take us in different times and circumstances. For instance, as a starting point message, the wife is described as a place of cultivation, but the moral foundation and eternal messages relate to husbands putting forth righteousness (God-consciousness), the connection between sexual behaviour and *taqwa* (God-consciousness).

The second type of verse reflects an intermediary stage in the Qur'anic trajectory towards women's *haqiqi justice*. These verses take a step forward and plant the seeds for reforming discriminatory norms and practices against women. However, true to the Qur'anic gradual approach, these verses were not a given audience for which women's full human dignity and equality were not a given. Hence, these verses call for social justice within the patriarchal and slavery social system of the seventh century, and thus still value women as one quarter, one third, one half of men. The teachings behind these verses are strongly embedded within the social fabric of that time, which is not aligned with our contemporary understandings of justice. Examples of these verses include 4:3: 'If you fear that you will not deal fairly with orphan girls, you may marry whichever [other] women seem good to you, two, three or four. If you fear that you cannot be equitable [to them], then marry only one ...' Or verse 2:282: '... Call in two men as witnesses. If two men are not there, then call one man and two women out of those you approve as witnesses, so that if one of the two women should forget the other can remind her ...' Many other verses, including some related to marriage and inheritance matters, fall under this intermediary category. While they aim at upholding social justice, the scope is limited by the strong political, economic and social barriers of that time. As for the category above, these verses play an important didactic role in the Qur'anic ethical trajectory towards *haqiqi justice*. These verses bring women to the table after they had been completely excluded from the economic and political vision of that time. Yet, this new position is still not an equal one, but one that is subjected to men's maintenance and protection. That is why these verses need to be taken forward.

Verses in the third category focus on the final goal of the Qur'anic trajectory which is a system that is a blessing for the universe, provides *haqiqi justice*