

JUSTICE AND BEAUTY IN MUSLIM MARRIAGE

TOWARDS EGALITARIAN
ETHICS AND LAWS

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and Sarah Marsso

Tidak Untuk
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Foreword

I grew up in the 1960s and 70s with an utter faith in a just God and a just Islam. God cannot be God if God is unjust. It was as simple as that. But by the 1980s, things began to change. The rise of political Islam globally and in my home country, Malaysia, saw the inclusive and compassionate Islam I grew up with slowly evolve into a dogmatic, patriarchal and punitive religion that made no sense to the realities of my life.

Islamist political leaders and preachers over radio, television and in private homes were dominating the public discourse on Islam and women's rights: 'Men are superior to women'; 'A man has a right to four wives'; 'A husband has a right to bear his wife'; 'He has a right to demand obedience from his wife'; 'He has a right to have sex with his wife on demand and the wife has no right to say no'; 'Hell is full of women who have disobeyed their husbands.' The worst was a so-called hadith that said even if a woman has licked the pus oozing from her husband from head to toe, she still would not have done enough to be obedient to him. What kind of Islam could preach this injustice and harm to women?

At the same time, women were facing difficulties such as getting a divorce if the husband objected, husbands taking second wives without the first wives' knowledge, religious department officials telling women to go home and be good obedient wives when they reported domestic violence. Women felt they were pushed around like a ball, kicked from pillar to post in their search for solutions to end their misery.

The obvious question before us was this: Where is the justice and beauty of Islam in pronouncements and actions that cause harm to women and families? These assertions in the name of Islam went completely against my belief. I went to religious school for five years. None of my religious teachers ever

Qirā'a Mubādala: Reciprocal Reading of Hadith on Marital Relationships

Faqihuddin Abdul Kodir

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One of the challenges in developing a theology of gender justice in Islam relates to the process of interpreting Hadith. There are two main stances regarding Hadith on women's issues. The first approach considers Hadith as a primary source of Islamic teachings, using it to justify male superiority and domination over women. The second approach challenges the validity of the Hadith tradition and disregards it in the project of developing a theology of gender justice. Both views are problematic. The first distances Muslims from the global call for gender equality and human rights. The latter discards one of the main sources respected by Muslims and leaves believing advocates of gender justice without an authority of shared tradition that they can invoke within their communities.

In this chapter, I propose a new methodology to approach Hadith literature, which I call a 'reciprocal reading' (*Qirā'a Mubādala*). This approach aims to fill the gaps outlined above through a process of reinterpreting hadiths on gender issues, especially within the family, so men and women are treated as subjects who are addressed equally by the meanings contained in the texts. I argue that hadiths that traditionally have been interpreted only for men or only for women should be reinterpreted to uncover their substantial meanings and direct those meanings equally to

all. This approach suggests that the hadiths on marital relations revolve around a reciprocal relationship between the marrying couple who both love, care for and serve each other, as well as together take responsibility to do what is best for the family.

This methodology is grounded in several basic premises in Islamic teachings. First, *tawhīd* (the oneness of God) is a fundamental Qur'anic principle that affirms that all people, regardless of gender, are created by God to share the mandate of serving as *khalifa* (vicegerents) on earth. As such, the relationship between individuals should be that of synergy, partnership and cooperation and not hierarchy, dichotomy or domination. Second, Islamic teachings address all people without distinction. These teachings are grounded in the Qur'anic ethics of human dignity and principle of well-being. In addition, Islamic texts continue to be open to interpretation by present and future generations so they remain relevant and meaningful, while at the same time serving as a source of teachings on noble morals (*akhlāq karima*).

The methodology of reciprocal reading is inspired by the hermeneutical work of 'Abd al-Ḥalīm Muḥammad Abū Shuqqa (1924–95), as represented in *Tahrīr al-Mar'ā fi 'Aṣr al-Risāla* (*The Liberation of Women at the Time of the Prophecy*) (1990). He compiles thousands of hadiths about women's rights in Islam and reinterprets them using the principle of what he calls equality (*musawa*) in Islam.

The chapter consists of four sections. I begin with a brief review of the main scholarly approaches towards the question of gender in Hadith, then introduce Abū Shuqqa's interpretive approach of equality (*musawa*). In the second section, I explain the proposed methodology of reciprocal reading ('*Qirā'ā Mubādala*'), its rationale, and its foundations in the Qur'an and the traditional Islamic legal theory (*uṣūl al-fiqh*). The third section expounds on the methodology and its implementation. I start by applying it to selected hadiths related to marital relations, then reflect on the ways in which the reciprocal reading builds on but also departs from Abū Shuqqa's methodology. The fourth and final section discusses the Indonesian context where I work as scholar activist, and explains why and how this methodology is useful in engaging with different actors around gender inequality and presenting the case for egalitarian Muslim marital relationships without jettisoning or discrediting the Hadith tradition. I also note the limits of this methodology and areas for further work and development.

1. READING HADITH FOR GENDER

According to traditional Islamic legal theory, the Qur'an and Sunna are the two primary sources of Islamic rulings. The Qur'an is the words of Allah (*swt*) as revealed to the Prophet Muhammad (pbuh), while Sunna consists of traditions and practices of the Prophet. Hadiths are narratives that record what the Prophet said and did. During the formalization of the juristic schools, the Sunna became Hadith-centred, with hadiths increasingly playing a bigger role in law-making (see El Shamsy (2013) and Nevin Reda's chapter in this volume). Many issues of Islamic theology, law and popular religious traditions are derived from the Hadith tradition, rather than from the Qur'an.

1.1 Overview of approaches

Although there have been many contemporary efforts to reinterpret the Qur'an to advocate for gender equality, there have been few gender-based studies on Hadith texts. This is despite the fact that Islamic teachings on gender relations are much more often drawn from Hadith than Qur'anic verses. Indeed, at the grassroots level, Muslims live with Hadith – and with the traditional misogynistic interpretations – and many believe these texts and their interpretations are the real words of the Prophet.

The first specific collection of hadiths on women, which almost completely established the traditional interpretation about the nature, role and fate of women in Islam, was the book *Aḥkām al-Nisā* (*Rulings on Women*) by 'Abd al-Rahmān Ibn al-Jawzī (d. 597 AH/1201 CE).¹ Later, new collections similar to this work emerged. They include *Husn al-Uṣwā fi mā Ṭhabata 'an Allāh wa Rasūlihi fi al-Niswā* (*Good Example on What is Stated by God and His Messenger on Women*) by Muḥammad Ṣiddiq Ḥasan Khān al-Qannūjī (d. 1307 AH/1890 CE) and *Sharḥ 'Uqūd al-Lujjāyn fi Bayān Huqūq al-Zawjāyn* (*Joining Two Oceans; Interpretation of Rights of Spouses*) by Muḥammad b. 'Umar al-Nawawī al-Bantānī (d. 1314 AH/1897 CE). Similar contemporary collections of hadiths circulate widely in the Muslim world today, such as works of

¹ There is a new publication of *Kitāb 'Ishrat al-Nisā* by Aḥmad b. Shu'ayb al-Nasā'ī (d. 303 AH/915 CE), which is a collection of hadiths on women's issues. I do not include it as a specific collection since it is originally a chapter of the book *Sunan al-Nasā'ī* by the same author.

Muḥammad 'Alī al-Hāshimī (2013), Muḥammad Farija (1996), and Sādiq ibn Muḥammad al-Hādī (2009).

These collections convey misogynistic interpretations of the hadiths. The authors, using a literal approach to Hadith, claim, for example, that women are deficient in intellect and religion; a woman's testimony is worth half that of a man; God created women from the crooked ribs of men; women are a source of temptation for men; and women most likely will be inhabitants of Hell in the Hereafter. Based on these interpretations, women are restricted from going out of the home and forbidden from travelling unless accompanied by close relatives. Furthermore, women are expected to act as obedient wives and servants of their family. Thus, their prayers should take place at home rather than in mosques. In these texts, men are women's leaders and people led by women will never achieve prosperity. These Hadith-based ideas are visible in many works of contemporary clerics, such as the works of Ibn Bāz (1988, 1994, 1995) and al-'Uthaymīn (1989, 1998, 1999), the most referenced clerics for contemporary Salafi Muslims around the world. Moreover, the Saudi cleric al-Najdī (1999, vol. 16, pp. 39–45) endorses inequality between men and women in Islam based upon hadiths related to the deficiency of female intellect and religion.

This misogynistic tendency has led some to refute the authority of Hadith, especially in the project of gender equality in Islam. Fatima Mernissi (1991), the Moroccan feminist scholar, undertook a comprehensive critical reading of hadiths. Grounding her theory in a historical criticism approach, Mernissi argues that all hadiths demeaning women are traditions of misogyny falsely attributed to the Prophet and accordingly are not authoritative sources for Islamic teachings. Riffat Hassan (1991) and Asghar Ali Engineer (2001) also hold that hadiths generally are a source of patriarchal Islam and are not authoritative for constructing a notion of egalitarian Islam. This approach towards Hadith is also present in the works of Syed Mohammed Ali (2004) and Ibn Qarnās (2011).

Another response is to accept the Hadith literature but circumvent some of the seemingly harsh literal meanings of the texts. Those who prefer this approach attempt to find an ethical message in each hadith that enables friendlier interpretations for women. This argument is present noticeably in the works of scholars such as Ghāda al-Khurasānī (1979), Fāṭima 'Umar Nāṣif (1989), Muḥammad al-Ghazālī (1989), Kaukab Siddique (1990), Yūsuf al-Qaraḍāwī (1991), Hiba Ra'ūf Izzat (1995), and Mohja Kahf (2000). These initiatives are generally partial and limited. In contrast, Abū Shuqqa

offers a holistic effort in his 1990 collection and reinterpretation of thousands of hadiths on women's issues, *Tahrir al-Mar'a fi 'Asr al-Risāla* (*The Liberation of Women at the Time of the Prophecy*), which presents a reading that favours women's rights and advocates gender equality.

I find all the mainstream approaches – misogyny, rejection of Hadith and partial readings – problematic and limiting. I am a Muslim scholar activist from Indonesia, where many Muslim communities firmly believe in both Hadith and gender equality within Islam. Given this perspective, I believe it is necessary to engage in the project of gender equality in a way that accepts the authority of Hadith but allows for reinterpretation. I therefore propose a methodology that engages with and builds on Abū Shuqqa's hadith-based egalitarian interpretative method, as it provides a path for reinterpretation towards gender equality and further development.

1.2 Abū Shuqqa and hermeneutics of equality

'Abd al-Halīm Muḥammad Abū Shuqqa (1924–95) wrote his six volume *Tahrir al-Mar'a fi 'Asr al-Risāla* (*The Liberation of Women at the Time of the Prophecy*) to liberate women from conservative interpretations and move towards equality (*musawa*) in gender relations.² The main elements of his interpretation are evident in four themes: women's full humanity; a non-segregated society as an ideal Muslim community; the active agency of women in public activities; and mutuality and reciprocity in all matters related to the spousal relationship, including sexual intimacy. Although Abū Shuqqa opines that women's place is primarily at home, he argues that women should have equal rights to education, economics, social relations and politics. In order to ensure wider opportunities for women to enjoy their rights in public, men are encouraged to take part in domestic work. Men and the entire society are also obliged to ensure conditions through which women can participate in the public sphere.

Although Abū Shuqqa still agrees with the mainstream juristic rulings on marriage, the nature and tone of his presentation is different. Cognizant of the potential abuse of a husband's authority within the traditional juristic concept of marriage, he emphasizes the purposive principle of the rules,

² This section is derived from my 2017 article, 'Seeds of Gender Equality within Islam: Abū Shuqqa's Approach to Hadith on Women's Liberation'.

which in turn eclipses male authority. He argues further that it is vital to foreground the principle of partnership when re-establishing new interpretations on marriage. In this process, the notion of 'spouses each helping the other' is the most obvious moral injunction that shapes marital relationships. In his interpretation, this principle emerges in every stage of the marital relationship, from the proposal of marriage until dissolution through death or repudiation. In general, Abū Shuqqa does not engage with the root causes of unequal gender relations. However, he sheds misconceptions about women that are prevalent among many Muslims. His work provides the basis for reciprocal relationships between the sexes.

Abū Shuqqa's interpretative approach to Hadith begins with his acknowledgement of male biases within prevalent traditional interpretations. He thereby seeks strategies of centring women, particularly by mainstreaming the notions of partnership, mutuality and reciprocity. He also acknowledges that empirical research on women is very important to produce contemporary interpretations of hadiths on gender issues. He demonstrates his initiative for centring women in the entire interpretative approach of the *Tahrir* by including the experiences of the female Companions of the Prophet as religious authority and a source of Islamic teachings on gender relations. These experiences, according to Abū Shuqqa, represent the original prophetic guidance on gender relations. He names these experiences 'practical and applied Hadith' (*al-ahādith al-'amaliya al-talbiqiyya*) on relationships between men and women in diverse aspects of life. He also attributes prophetic guidance (*hady al-nabi*)⁵ to the deeds of 'Ā'isha, Umm Ḥarām and Zaynab bint Jaḥsh.⁶ Indeed, he alludes to the idea that there are Sunna of the Prophet and of the early women of Islam. He reorganizes his collection of the hadiths into new themes and chapter headings in which women are visible, knowledgeable, demonstrate noble morals and are shown as active participants in domestic and public activities.

A significant element of his method is to include women as subjects in the process of reading hadiths, which can be referred to as 'hermeneutics of equality'. This is important because Arabic is a gendered language in which stories are mostly structured using a masculine expression. This method has two important features. It raises awareness about the discriminating context

⁵ 'Ā'isha and Zaynab bint Jaḥsh were wives of the Prophet and Umm Ḥarām was a member of the tribe of al-Khazraj, al-Ansār, Medina. She was the sister of Umm Salim, the aunt of Anas ibn Mālīk, and the wife of 'Ubādah Ibn as-Sāmīr.

of the text, and then shifts towards an egalitarian understanding. Having established this, the method then counters traditional hermeneutics that puts the onus only on women to be responsible for everything regarded as religious deviation. He aims to balance the meaning by centring women in the stories of the text. He proposes an interpretive approach that re-examines and limits the application of hadiths on gender issues that contradict established principles (*mukhtalaf wa mushkil al-ahādith*). Based on the principles of human dignity, autonomy and responsibility of women, Abū Shuqqa reinterprets the problematic hadiths by limiting the scope of meaning only to certain contexts, privileging the metaphorical meaning, and focusing on the main message that ethically binds Muslims and affirms inclusivity and partnership.

The bulk of Abū Shuqqa's thesis is the possibility of rereading Hadith texts to establish a theological base for gender equality from within an Islamic perspective. This initiative occurs within the context of contemporary struggles of Muslims for gender equality. It concerns interpretative attempts to perceive Hadith positively as a source of Islamic teachings for meaningful lives and just relations between women and men. While Abū Shuqqa's interpretation of egalitarian gender relations is debatable, his methodological approach to Hadith deserves ample appreciation because it lays the foundation for further efforts to unearth Islamic bases of mutuality and reciprocity in gender relations. Building on his approach, I propose a method that ensures that women become central subjects in the entire process of interpretation and their experiences become authoritative bases of reading. My aim is to guarantee application of the fundamental concept of equality within a partnership, as introduced by Abū Shuqqa, in the entire process of reading Hadith and in its results.

2. RECIPROCAL READING (QIRĀ'A MUBĀDALĀ): METHODOLOGY

The basis of the methodology of *Qirā'a Mubādala* (reciprocal reading) is to adopt interpretive lenses that unearth principles which can lead to equal cooperative relationships between men and women in all spaces, both within the family and in society.

Therefore, the main premise of the *Qirā'a Mubādala* method is to ensure that men and women are equal subjects in the texts. The textual tradition

requires both men and women to work to achieve what is beneficial (*jalb al-maṣlaḥa*) and prevent what is harmful (*dar' al-maṣada*). For any text that is literally addressed to men, this principal meaning must be found so it can also be used to address women. Similarly, the principal meaning of any text that is literally addressed to women must be found so it can also be used to address men. Gender equality is the main requirement for creating ideal gender relations of reciprocity, partnership and cooperation.

2.1 The Qur'anic basis for *Qirā'a Mubādala*

Qirā'a Mubādala, or reciprocal reading, is grounded in two key Qur'anic principles: the principle of *tawḥīd* and the Qur'anic affirmation of reciprocal relationships between men and women. In what follows, I will expound on each.

The concept of *mubādala* has strong roots in the most fundamental teaching of the Qur'an – *tawḥīd*, or the belief in the oneness of Allah (*swt*). The Qur'anic sentence '*lā ilāha illallāh*' ('There is no God but God'), which is recited often, is a declaration about the oneness of Allah as the only Essence that deserves to be worshipped and obeyed absolutely. Declaring *tawḥīd* means declaring two things: first, recognition of the oneness of Allah, and second, affirmation of the equality of all human beings before God. There is no God other than Allah, which means there is no intermediary between God and God's vicegerents, and there is no one who can become a god for others. No man nor woman can become a god or servant for one another because both men and women are equal servants of Allah.

In this matter, the Muslim theologian amina wadud affirms that *tawḥīd* is the theological basis for equality between men and women. This equality becomes the foundation for reciprocal relationships between men and women (see Wadud, 1999; 2006; 2009; 2015). According to wadud, taking part in a patriarchal social system that makes men superior and women subordinate is engaging in an act of *shirk* (recognizing another god other than Allah) and *istikbār* (arrogance), which is contradictory to the concept of *tawḥīd*. *Tawḥīd* ensures a direct relationship between each woman and God, without any man as an intermediary. Since humans are meant to have vertical relations only with God, the relations between men and women need to be horizontal, with both parties equal. As such, what needs to be built among and between

humans – regardless of gender – is cooperation and reciprocity, not superiority and domination.

According to wadud, patriarchy is not only about men's domination over women, but is also about centring men's existence, thinking, knowing and acting. In a patriarchal system, women's worth is inferior to that of men. The opposite condition – where only the existence of women is centred – is also contradictory to *tawḥīd*. Shifting to a *tawḥīd* perspective requires changing from patriarchy into reciprocity, domination into cooperation, hegemony into equality and competition into collaboration. This, according to wadud, is the basic value of the fundamental relation between men and women, in both domestic and public spheres. Consequently, opportunities for women should open widely for their equal participation in the public sphere. Their contributions in both public and private spheres should also be recognized. Unlike patriarchy, which sets a hegemonic social system between men and women, *tawḥīd* mandates a reciprocal, equal, collaborative and cooperative social system.

This *tawḥīdic* horizontal social system will allow the principle of justice to be achieved. According to the Indonesian Qur'anic scholar Nur Rofiah (2019, pp. 30-2), in the context of gender relations, *tawḥīd* provides a fundamental view about equality and justice in the status, position, roles and value of men and women. First, men and women are spiritually created from the same essence (*min nafsin wāḥida*), and physically through the same process. Second, in Islam, men are not the primary creatures and women the secondary. Both are equally primary creatures who are capable of implementing and undertaking the role of vicegerent on the earth, and both can become equally secondary before Allah when they become the servants of God. Third, women do not dedicate their life to the benefit of men, but both men and women are equally required to dedicate their life to the benefit of all God's creatures. Fourth, women need not absolutely obey men, but both must equally obey Allah for the benefit of all. Fifth, the quality of human beings is not determined by their biological sex, but by their *taqwā* (God-consciousness) and the deeds they do to benefit human beings and the universe.

The equality of all humans and the importance of reciprocal relationships between them is another important Qur'anic principle that informs the reciprocal reading. The literature around the circumstances of revelation in verses 3:195 and 33:35, for example, explicitly refers to women's concerns

that the Qur'an did not appreciate their contributions, especially their public roles such as participation in migration (hijra) and defending the community (jihad). Verse 2:218 talks about belief (*imān*), hijra and jihad. However, it does not explicitly mention women and therefore most people at the time (and now) understood these verses as addressing men only. In contrast, verse 3:195 explicitly mentions women (*unthā*) and men (*dhakar*) in its discussion of belief, hijra, jihad, war and martyrdom.⁴

Verse 9:71 also supports the main idea of *mubādala* in gender relations. This verse affirms that men and women are to be 'awliya' (guardians) of each other. Being a guardian means being the protector, supporter, the person in charge and the leader. Thus, the Qur'an calls on men and women to support and help each other in all life aspects, worship and social works. They are both called to promote kindness and prevent harm, pray, pay alms and be obedient to Allah and the Prophet. In verse 3:195, they are both called on to fulfil the duty of hijra and jihad. Both men's and women's beliefs are accepted and recognized by Allah. Their good deeds are counted without any discrimination, and they are both rewarded exponentially and promised heaven (verses 9:71; 3:195; 4:124; 16:97; 40:40; 48:5; 57:12). Conversely, they will equally be held accountable for their bad deeds (verse 40:40). Whoever steals or commits adultery, whether man or woman, will be punished without any discrimination (verses 5:39; 24:2–3). All humans, regardless of gender, must obey God's command and the Prophet Muhammad (verse 33:36). Neither men nor women can become the object of slander or be hurt (verses 33:58; 85:10). They both are requested to lower their gaze and to protect their chastity (verse 24:31). If they make mistakes, both men and women are advised to repent, apologize and return to the way of Allah (verses 33:73; 47:19; 71:28).

There are other Qur'anic verses which also clearly affirm reciprocity and cooperation in the relations between men and women in the family domain. For example, verse 2:187 regards husbands and wives as garments to one

another; verse 2:233 asks parents not to hurt each other but to be happy and to consult with each other; verse 2:232 calls on husbands and wives to be content with each other; and verse 4:21 emphasizes the beauty of sexual intimacy between husband and wife. These verses also affirm the reciprocal relationship between men and women.

In all the above verses, the Qur'an clearly mentions men and women in its messages. In the Arabic language, which differentiates between men and women and uses a masculine structure, to include women explicitly was something new. This new approach that was initiated by the Qur'an – mentioning both sexes explicitly – can be categorized as a *tashriḥ* (explanatory) approach. There are many verses which mention both sexes explicitly. This can become the basis for a textual argument for gender equality. It also highlights the importance of affirming both sexes in all processes of interpreting Islamic sources, especially if the neutral texts are being used to negate the presence of women.

2.2 Reciprocal reading and *uṣūl al-fiqh*

The *Qirā'ā Mubādala* method is designed to address several methodological problems of interpreting hadiths. One such problem is partial reading, in which only a sentence or a phrase from the text is used as the normative basis of an interpretation without considering broader principles of Islamic teachings such as mercy, noble character, or the objectives of the Shari'a (*maqāsid al-shari'a*). Worse than that, as pointed out by Abū Shuqqa, many weak and even false or inauthentic hadiths have been used as references. According to Abū Shuqqa, many of these false hadith-created norms related to women violate precedents from earlier Muslim generations that are written in Hadith books. The method of *Qirā'ā Mubādala* has the potential to integrate partial texts with the main principles of Islam. Such a holistic integration in reading texts can be found in the tradition of Islamic classical interpretation, especially in *uṣūl al-fiqh* (principles of Islamic jurisprudence).

The term *uṣūl al-fiqh* literally means the foundations of understanding. This discipline deals with how to extract laws from their sources, especially the Qur'an and Hadith, and how to apply these on the level of reality. In its long history, this science offers many methods of how to extract meaning from limited source texts to include things in an ever-expanding and

⁴ See al-Shawkānī (1991, juz 1, p. 461 and juz 4, p. 325). This story can be found in most major books of Qur'anic exegesis when they explain the causes of revelation of verse 33:35, while the main books of Hadith which tell these stories are *Sunan al-Tirmidhi*, 2000, nos. 3295, 3517; and *Musnad Ahmad ibn Hanbal*, 2000, nos. 27218, 27246.35. The numbering of hadiths in this article refers to the books of Hadith (*Ṣaḥīḥ al-Bukhārī*, *Ṣaḥīḥ Muslim*, *Sunan al-Tirmidhi*, *Sunan Abi Dāwūd*, *Sunan Ibn Māja*, *Sunan al-Nasā'i*, *Muwatta' Mālik*, and *Musnad Ahmad ibn Hanbal*) published by Jam'iyyah al-Maknaz al-Islami (Cairo, 2000). Translations are taken from *Sunnah.com*, with some minor modifications made for clarity.

infinite reality. This begins from the simplest method known as reasoning by analogy (*qiyās*) to a fairly complex theory of the five objectives of the law (*maqāsid al-shari'a al-khamsa*), taking into account the hierarchy of human needs.

Uṣūl al-fiqh also has a fairly complex theory about how a word or a sentence has meaning within the Arabic language, and if and how it can include new meanings. One concept that is relevant here is whether a word for male (*mudhakkar*) also includes female (*mu'annath*). This relates to the concept of *taghlib*, in which three types of meanings are usually discussed.⁵

The first type concerns words such as '*an-nās*,' '*al-ins*' and '*al-bashar*,' which all refer to 'human beings'. All of these words are regarded as gender neutral, thus include both men and women. The second type concerns words such as the Arabic word '*man*,' which is a pronoun that means 'someone'. Even though this is in the masculine form in its sentence structure, it includes both men and women. The third type is words used only for men, unless there is another indication that diverts the meaning, such as '*rajul*' or '*rijāl*,' which mean 'a man or men,' or the words '*al-mu min*' or '*al-mu minūn*,' which means 'believing man' or 'believing men'. Similarly, some words are specific to women, such as '*imra'a*' or '*nisā'*,' which mean 'a woman or women,' and '*al-mu minā'*' or '*al-mu mināt*,' which mean 'a believing woman' or 'believing women'.⁶

The second type of words, such as the Arabic word '*man*' in verse 2:112 about someone who surrenders to Allah, are understood by many scholars to be gender neutral. However, the Arabic word '*man*' in verse 2:30, about someone who is chosen to be the vicegerent of Allah, is understood to be only for the Prophet Adam, who is male, as someone in charge of and a preserver of the earth. This means that Eve or other human beings are not included. If we are consistent with the rule, '*man*' in verse 2:30 should also mean every human being, both men and women, become responsible for the mandate from Allah to make this earth prosperous.

⁵ The concept of *taghlib* related to gender means that within the linguistic structure the male form of a word takes precedence over the female form. Therefore, a masculine noun can include and refer to both male and female.

⁶ It is true that there are also other 'ulama' who have different opinions, namely that the Arabic word '*man*' is intended only for men, and women cannot be automatically included except when there is an indication that allows women to be included in that word. See this discussion in al-Zarkashi (2000, pp. 231–2).

For the third type, many 'ulama' regard masculine words such as '*rajul*' or '*al-mu minūn*' to include women. Imam Ibn Hazm (d. 456 AH/1064 CE), for example, firmly stated that when the plural masculine form has an additional letter '*waw*' and '*nūn*' in the adjective, it becomes neutral and includes men and women. One such example is '*al-mu minūn*,' which means believers. If there is no indication to specify men, then this word is for both men and women. The argumentation is that Islamic texts as representations of Islamic teachings revealed from Allah to the Prophet Muhammad are basically directed to both sexes, not to one sex excluding the other (see Ibn Hazm, 2005, p. 369).

Ibn al-'Arabi (d. 543 AH/1148 CE), in interpreting verse 24:30, also argues that '*al-mu minūn*' includes both men and women. The additional word '*al-mu mināt*' after '*al-mu minūn*' is an affirmation to ensure readers do not forget women as subjects. It was this affirmation which was demanded by women in the Prophet Muhammad's era and was responded to positively with various verses explicitly mentioning women (see Ibn al-'Arabi, 1988, juz 3, p. 379).

Similarly, the word '*rajul*' in various hadith texts is male, but its meaning is also directed to women (al-Munāwī, 1937, juz 4, p. 220). Ibn Hajar al-'Asqalānī, for instance, states: 'Mentioning men in Hadith texts does not exclude women, women are included with men in the content of the text' (1993, vol. 2, p. 147). This was expressed when he explained a Hadith text about seven people who will be protected by Allah later in the day of resurrection (*Ṣaḥīḥ al-Bukhārī*, 2000, vol. 1, no. 663). The text literally uses masculine words for these seven people, such as '*shāb*' ('young men') and '*rajul*' ('adult men'). In Ibn Hajar al-'Asqalānī's perspective, these seven people who will be protected by Allah are any people, male or female, who have become just leaders, spent their young age worshipping God, love the mosque, love others because of Allah, are not easily tempted by lust because of fear of Allah, always give charity secretly and often cry when remembering God in quiet moments alone (Ibn Hajar al-'Asqalānī, 1993, vol. 2, p. 147).

The above explanations provide strong inspiration for the idea that source texts in Islam must be understood reciprocally (*mubādala*), such that women cannot be excluded from texts that are structurally masculine. The basic argument for this is that Islam and its basic texts are for all people, men and women. Similarly, even though earlier 'ulama' do not discuss this, this principle should also apply to texts directed to women.

3. RECIPROCAL READING (QIRĀ 'A MUBĀDALĀ): APPLICATION

With the *Qirā'a Mubādala* method, all people are addressed and are equal subjects of the conversation in all texts. Therefore, this method assumes that the underlying message of any text – whether general, addressed to men only or women only – is applicable to all people. This assumption is based on three basic premises: 1) that Islam is for all humanity, so its texts should address everyone regardless of sex; 2) that the Qur'anic principle of human relations is cooperation and reciprocity, not hegemony and power; and 3) that Islamic texts are open for reinterpretation to allow the previous two premises to be reflected in every interpretative effort.

Using these three basic premises, the *Qirā'a Mubādala* method of interpretation finds that the main idea of each text is always compatible with the universal principles of Islam and applicable for all. The principle that Islam must be compatible and suitable with human needs of all times and all spaces must also mean that Islam fulfils the needs of both men and women, not just one or the other. Similarly, the 'objectives of the *Shari'a* (*maqāṣid al-shari'a*) must be interpreted in light of this ontological equality between all human beings.

This leads us to the division of Islamic texts into three groups: texts which contain fundamental values (*al-mabādi'*); texts which contain thematic principles (*al-qawā'id*); and texts which contain teachings and norms that can be implemented (*al-juz' iyyāt*). The method of *Qirā'a Mubādala* mostly works in the third type of texts (*al-juz' iyyāt*), with the main goal to find meanings suitable with the other types (*al-qawā'id* and *al-mabādi'*).

The interpretive process starts with the fundamental values of Islamic teachings (*al-mabādi'*), such as greeting anybody without exception, the virtue of piety, the reward/punishment for one's deeds, justice and blessing for all without any discrimination, respecting human dignity. Other examples of these general teachings are being kind to others, being grateful, helping each other and working together. These teachings are applicable to all people, regardless of gender.

Thematic principles of Islamic teachings (*al-qawā'id*) are related to main issues such as economics, politics and marriage. For example, the thematic principles related to spousal relationships are drawn from verses that identify key pillars of marriage, such as marriage as a solemn covenant

(verse 4:21); reciprocity between the couple (verses 2:187; 30:21); mutual agreement and consent (verse 2:233); treating each other well (verse 4:19); consulting each other (verse 2:233) (see the chapter by Nur Rofiah in this volume for more on these pillars). These teachings should inform the formulation of laws, agreements, contracts, conduct in marriage and household issues. These are thematic principles (*al-qawā'id*), and not fundamental values (*al-mabādi'*), because they are thematically related to the issue of marriage and the household. However, these also demonstrate implementation of the fundamental values, namely *tawhīd*, justice, cooperation and welfare.

The texts, teachings and laws on 'relations between men and women' can be categorized as specific and contextual implementation of the above principles. Roles for men (husbands) and women (wives) in domestic or public spaces are categorized as specific, contextual teachings (*al-juz' iyyāt*), and must be compatible with both *al-mabādi'* and *al-qawā'id*. Social and marital issues in which either men or women are mentioned are usually categorized as *al-juz' iyyāt* issues that can be reinterpreted in order to be compatible with the principles of *al-mabādi'* and *al-qawā'id*. This would include issues such as women's political leadership, the value of women's testimony and spousal rights and duties.

On this level, the *Qirā'a Mubādala* method of interpretation ensures the compatibility of *al-juz' iyyāt* texts with the main thematic principles (*al-qawā'id*) and fundamental values (*al-mabādi'*). The *Qirā'a Mubādala* method approaches Islamic teachings holistically. It is premised on the notion that Islamic teachings are solid, coherent and related to each other (verse 4:82). Technically, texts on the principles should become an umbrella for holistically unearthing specific meanings in other texts. Therefore, before interpreting a text using the *Qirā'a Mubādala* method, we first need to identify the nature of the texts: whether they are categorized as *al-mabādi'*, *al-qawā'id* or *al-juz' iyyāt*. Partial texts cannot directly be re-interpreted through the *Qirā'a Mubādala* method if the 'meaning' compatible with the thematic principle and fundamental values is not yet found.

There are three steps to this method when applied to gender relations. The first is to ensure that the texts which are to be interpreted address relations between men and women, either in the family or in the larger society. The second step is to ensure that the texts mention both men and women, for example one as the subject and the other as the object, or explicitly

mention one of the two genders and implicitly refer to the other. The texts which explicitly suggest a reciprocal relationship already do not need to be read using the *Qirā'a Mubādala* method. These texts can actually become the basis for interpreting the implicit *mubādala* texts. The third step is to pay attention to whether the texts contain a main message that is based on fundamental values or thematic principles (*al-mabādi'* or *al-qawā'id*) or related to specific conduct (*al-juz' iyyāt*). The message of the texts about principles (that is, gaining benefits and avoiding harm) can be directly applied to the parties who are not mentioned. For texts on specific conduct, however, the message must be developed into a more general one first – such as what can be done to promote benefits or avoid harm – and then can be applied to both parties.

3.1 Reciprocal reading of selected hadiths on marriage

According to the process of reciprocal reading, the starting point is identifying hadiths that establish the guiding principles for all human relations. These principles call on all people to treat one another with integrity, not to oppress one another and not to humiliate or hurt one another. The following hadiths are good examples of these principles:

Abū Hurayra reported Allah's Messenger (pbuh) said: 'Do not envy one another, do not hate one another, do not argue, do not enter into a transaction when the others have entered into that transaction; be fellow-brothers (to others) and servants of Allah. A Muslim is the brother of a Muslim. He neither oppresses him nor humiliates him nor looks down upon him. The *taqwā* is here, [and while saying so] he pointed towards his chest thrice. It is a serious evil for a Muslim that he should look down upon his brother Muslim. All things of a Muslim are inviolable for his brother in faith: his blood, his wealth and his honour.' (*Sahih Muslim*, 2000, vol. 2, no. 6706)

Yahya related to me from Malik from Amr ibn Yahya al-Mazini from his father that the Messenger of Allah, may Allah bless him and grant him peace, said, 'There is no injury nor return of injury.' (*Muwatta' Malik*, 2000, no. 1432)

The above hadiths assert relationships of justice in which everyone commits not to inflict harm or oppression on others, and to treat them with compassion and care. Other foundational hadiths also call people to love each other, help each other and to be virtuous:

Masruq narrated: 'We were sitting with 'Abdullah bin 'Amr who was narrating to us (Hadith). He said, "Allah's Messenger (pbuh) was neither immoral nor purposefully doing immoral things. And he used to say, "The best among you are the best in character."' (*Sahih al-Bukhari*, 2000, vol. 3, no. 6104)

Abū Hurayra narrated: 'Allah's Messenger (pbuh) kissed Al-Hasan bin 'Ali while Al-Aqra' bin Habis at-Tamim was sitting beside him. Al-Aqra' said, "I have ten children and I have never kissed any one of them". Allah's Messenger (pbuh) cast a look at him and said, "Whoever is not merciful to others will not be treated mercifully."' (*Sahih al-Bukhari*, 2000, vol. 3, no. 6063)

An-Nawwas bin Sam'an narrated, 'I asked the Messenger of Allah (pbuh) about virtue and sin and he replied, "The essence of virtue is (manifested in) good morals, whereas sinful conduct is that which turns in your heart (making you feel uncomfortable) and you dislike that it would be disclosed to other people."' (*Sahih Muslim*, 2000, vol. 2, no. 6680)

In the first hadith above, good character is affirmed as the core of human excellence and is also what Prophet Muhammad embodies as a role model. The second hadith underscores the importance of compassion within the family. The third affirms the importance of embracing good ethical values and constant self-reflection and moral accountability. These hadiths are numerous and must be understood to apply not only to relationships among men or women, but also between men and women both in society and within households. Therefore, these values and principles must also be the foundation for interpreting the hadiths that specifically address men as husbands or women as wives.

Accordingly, prophetic reports that are addressed linguistically to women only or men only are also to be read as applying to both since their underlying

ethical teachings are meant for men and women equally. For example, there are a number of hadiths that state that 'women' who do not fulfil their husband's sexual needs will be cursed by the angels or 'women' who ask for divorce without any strong reason will be prohibited from entering paradise.

Abū Hurayra narrated: "The Prophet (pbuh) said: "When a man calls his wife to come to his bed (for marital relations), and she refuses to come, and he spends the night in anger, the angels curse her till the morning." (*Saḥīḥ al-Bukhārī*, 2000, vol. 3, no. 5248)

Thawban narrated: "The Prophet (pbuh) said: "If any woman asks her husband for divorce without some strong reason, Paradise will be forbidden to her." (*Sunan Abi Dāwūd*, 2000, vol. 2, no. 2226)

These texts discuss the spousal relationship but only mention women as the subject in the texts – women are requested to show kindness to their husband or risk going to hell. In principle, it is impossible for Islam to instruct or threaten individuals just because they are women. Therefore, we need to find a meaning which is applicable for both men and women. We can refer back to the Qur'anic verses and hadiths that outline Islamic principles (*al-mabādi'*) that apply to men and women equally. Both are expected to be believers, to do kindness, to be grateful, to serve others and to maintain the unity of the household. Similarly, the five pillars of the marital relationship (*al-qawā'id*) derived from the Qur'an apply to both husbands and wives: both men and women are partners and a pair, and both must strongly protect the marriage ties, treat each other well, consult with each other, and try to make each other happy and comfortable. Therefore, the teachings of the above texts, based on the *mubādala* approach, apply to either spouse, whether man or woman. Husbands are also obligated to be grateful for the kindness of their wives, to fulfil the sexual needs of their wives, and not to divorce their wives without any justifiable reason, if they do not want to risk going to hell.

Similarly, the hadiths which are usually understood to target men – such as directives to treat their wives well and always be kind – are also ethically applicable and directed at women to act in the same ways towards their husbands.

Abū Hurayra reported: "Messenger of Allah (pbuh) said, "The believers who show the most perfect faith are those who have the best behaviour,

and the best of you are those who are the best to their wives." (*Sunan al-Tirmidhī*, 2000, vol. 2, no. 1195)

Abū Hurayra reported: "Allah's Apostle (pbuh) said, "He who believes in Allah and the Hereafter, if he witnesses any matter he should talk in good terms about it or keep quiet. Act kindly towards women, for woman is created from a rib, and the most crooked part of the rib is its top. If you attempt to straighten it, you will break it, and if you leave it, its crookedness will remain there. So act kindly towards women." (*Saḥīḥ Muslim*, 2000, vol. 1, no. 3720)

Good treatment, noble character, being kind and being responsible are the fundamental norms (*al-mabādi'*) that guide the marriage relationship (*al-qawā'id*). Men or husbands are more commonly mentioned in certain hadiths such as the above because socially they had more authority in various societies in this world, including in Arabia. The Prophet Muhammad also stated in his final speech that a husband's authority should be used for the benefit of women and not arbitrarily, violently and cruelly.

Sulaiman bin Amr bin Ahwas said: "My father told me that he was present at the Farewell Pilgrimage with the Messenger of Allah. He praised and glorified Allah, and reminded and exhorted (the people). Then he said: "I enjoin good treatment of women, for they are prisoners with you, and you have no right to treat them otherwise, unless they commit clear indecency." (*Sunan Ibn Māja*, 2000, no. 1924)

Thus, two persons who are united in marriage are equally expected to have noble morals, be responsible, and to always treat each other well, without any exception.

If we refer back to the hadith about the creation of women from a crooked rib, we find that this text is misunderstood. It is also often combined with another hadith.

Abū Hurayra reported: "Allah's Messenger (pbuh) said, "Act kindly towards woman, for woman is created from a rib, and the most crooked part of the rib is its top. If you attempt to straighten it, you will break it, and if you leave it, its crookedness will remain there. So act kindly towards women." (*Saḥīḥ al-Bukhārī*, 2000, vol. 2, no. 649)

Abū Hurayra reported: 'Allah's Messenger (pbuh) said, "The woman is like a rib; if you try to straighten her, she will break. So if you want to get benefit from her, do so while she still has some crookedness."' (Sahih al-Bukhari, 2000, vol. 3, no. 5239)

When the husband finds his wife temperamental, emotional and hard, then she may be seen as a bent rib. If these negative characteristics are not 'straightened', then she will continue 'to bend', or be temperamental and hard. If he forces the bent rib to straighten, it can break. Broken here, according to the Prophet himself, means divorce. The Prophet asked the husband, in such a wife's condition, to continue to treat her well and be gentle, to be with her, to help her stop being temperamental and to prevent divorce.

By applying *Qirā'a Mubādala*, the same advice can be addressed to women who find their husbands temperamental, emotional and harsh. If the husband is in this condition, he is like a bent rib. He may continue to bend, or he may break if he is forced to be straightened. Therefore, his wife must also treat him well, be gentle and to be with him. This would help her husband stop being temperamental, and thus the break-up of the marriage will be avoided. This is because a core teaching from the prophetic tradition to husbands and wives is to advise each other and encourage each other to goodness. This is affirmed by a hadith that teaches mutual kindness by explicitly addressing men about their wives and also explicitly addressing women about their husbands.

Abū Hurayra narrated: "The Messenger of Allah (pbuh) said: "May Allah have mercy on a man who gets up at night and prays, then he wakes his wife and she prays, and if she refuses he sprinkles water in her face. And may Allah have mercy on a woman who gets up at night and prays, then she wakes her husband and prays, and if he refuses she sprinkles water in his face." (Sunan Abi Dāwūd, 2000, vol. 1, no. 1308)

An example of a hadith that specifically addresses women is the one that promises women paradise should they die when their husbands are pleased with them.

Umm Salama narrated: 'God's Messenger said, "Any woman who dies when her husband is pleased with her will enter paradise."' (Sunan al-Tirmidhi, 2000, vol. 1, no. 1194)

This hadith, so far, has only been interpreted to encourage women to always seek to please their husbands and follow their wishes so that they can enter paradise. This understanding is of course not reciprocal and can even be misguided if it is practised in absolute terms. If we use the *Qirā'a Mubādala* method, however, the substance of this hadith is about doing a deed that helps us enter paradise, in this case ensuring our partner's pleasure in us. This pleasure, of course, occurs because we have done good things for our partner. In other words, the text is about a married couple who live in a reciprocal relationship in which they complement, strengthen and cooperate with each other, so that each feels happy with the other. This relationship can enable the spouse, whether husband or wife, to live happily in this world and facilitates their salvation in the hereafter.

This has been a brief exploration of how the *Qirā'a Mubādala* method can be applied to selected hadiths. It should be noted that the method also has limitations. This method can only be applied to texts that are relational between men and women. Texts about faith, worship or news cannot be the object of this method. In some cases, this method can also be used in a misguided way, such as to support the practice of female circumcision using a reciprocal understanding of the practice of male circumcision. This understanding of *mubādala* is incorrect, because *Qirā'a Mubādala* must find a principled meaning and not a technical one. Circumcision is technical; the principle is health and pleasure. For women, of course, health and pleasure can be achieved without being circumcised, and research shows that it can be harmful to women's health. Despite such limitations, the potential of *Qirā'a Mubādala* is that it highlights the fundamentals and principles and allows us to engage with the Hadith tradition in a holistic manner.

3.2 Comparative analysis of Abū Shuqqa and *Qirā'a Mubādala*

As already explained, *Qirā'a Mubādala* is inspired by and therefore also engages in dialogue with Abū Shuqqa's interpretative methodology. Abū Shuqqa never used the term *mubādala*. He used the term *musawa* several times, not in relation to his methodology of interpretation, but regarding the value of equality between men and women. When talking about the roles of husband and wife, Abū Shuqqa also used the term *mutamāthila*, which can be interpreted as 'similar to each other', and the term *mutabādila*, which can be interpreted as 'interchangeable with each other'. These two terms also do

not directly talk about his methodology of interpretation. However, in the practice of interpreting both Qur'anic verses and hadith texts, Abū Shuqqa applied a method which could be referred to as '*Qirā'a Mubādala*'. For example, the term '*tāba lakum*' in verse 4:3, which is literally translated into 'good for you men,' is interpreted to be 'good for all of you family members, male and female, mother, father and children.' Therefore polygamy, in his opinion, can only be permitted if it is also good for all family members (Abū Shuqqa, 1990, juz 5, p. 291). This also applies to the hadith that says the beauty of the world is a pious wife and the one about the Prophet Muhammad's advice for men to marry women who can help them prepare well for the afterlife.

Abdallah b. 'Amr reported: 'God's Messenger said, "The whole world is to be enjoyed, but the best thing in the world is a good woman."' (*Sahih Muslim*, 2000, vol. 1, no. 3716)

Thawban said: 'When the verse concerning silver and gold was revealed, they said: "What kind of wealth should we acquire?" Umar said: "I will tell you about that". So he rode on his camel and caught up with the Prophet, and I followed him. He said: "O Messenger of Allah what kind of wealth should we acquire?" He said: "Let one of you acquire a thankful heart, a tongue that remembers Allah and a believing wife who will help him with regard to the Hereafter."' (*Sunan Ibn Māja*, 2000, no. 1929)

The first hadith is interpreted by Abū Shuqqa to apply to both men and women. Therefore, the best thing in the world for a wife is a good husband, just as a good wife is the best thing in the world for a husband. Similarly, the second hadith also applies to women in addition to men, and accordingly means that women are equally encouraged to marry pious husbands to help them in the spiritual journey towards the afterlife (Abū Shuqqa, 1990, juz 5, pp. 13–14).

Abū Shuqqa also discusses the question of authority (*qiwāma*) and obedience (*tā'a*) in marriage. He refers to verse 4:34 and several hadiths in relation to this subject matter, such as the following:

Abdullah bin 'Umar narrated: 'The Prophet (pbuh) said, "Every one of you is a guardian and every one of you is responsible (for their wards). A ruler is a guardian and is responsible (for his subjects); a man is a

guardian of his family and responsible (for them); a wife is a guardian of her husband's house and she is responsible (for it), a slave is a guardian of his master's property and is responsible (for that). Beware! All of you are guardians and are responsible (for your wards)."' (*Sahih al-Bukhari*, 2000, vol. 3, no. 5243)

Abu Umamah narrated: 'The Prophet used to say: "Nothing is of more benefit to the believer after *taqwā* of Allah than a righteous wife whom, if he commands her she obeys him, if he looks at her he is pleased, if he takes an oath concerning her she fulfils it, and when he is away from her she is sincere towards him with regard to herself and his wealth."' (*Sunan Ibn Māja*, 2000, no. 1930)

Although Abū Shuqqa argues that these textual sources call for a relationship of cooperation and mutual help between the spouses, his interpretation maintains a gendered and hierarchical construction of spousal roles. He argues that husbands are obligated to assume responsible leadership that is beneficial to women and all family members. Similarly, wives are obligated to obey their husbands, but it is obedience that serves the common benefit of the family. When a man's leadership is irresponsible or even evil, the woman has the right to remind him and does not have to obey him. Abū Shuqqa in this case does not really apply a *mubādala* reading; the husband has a claim to *qiwāma*, and *tā'a* is the obligation of the wife. However, by applying the *Qirā'a Mubādala* method, I argue, in contrast, that husbands and wives can either or both equally assume responsible leadership and/or cooperative deference to this leadership depending on which aspect of their lives is the focus, their respective abilities at that time of their lives, and the circumstances and needs of their family. The overall aim is to strive together towards the benefit of the couple and all family members according to their respective abilities.

Lastly, it is important to build on Abū Shuqqa's model of collecting valid Hadith texts in one book and rearranging them in themes that better reflect the values of equality (*musawa*) and the principle of reciprocal relationships (*mutabādila*). We can do the same and better with special collections of Hadith about family law and ethics that emphasize reciprocity and cooperation between spouses and family members. Recent experiences of women in diverse family forms can be a reflective reference in compiling thematic collections of hadiths. This contrasts with the classical books, such as *Sahih al-Bukhari*, in which the hadiths about marriage are arranged in a way that

explicitly addresses only men as the subject of marriage and places women as their objects. We can also title this new collection of hadith in more neutral way. Unlike Abū Shuqqa's title 'Liberating Women,' we can call it 'Collection of Hadith on Ethics in Family Law.'⁷ As with Abū Shuqqa's work, this collection also needs to include the fundamental Qur'anic verses to strengthen its perspective and substance. The hadiths that outline guiding principles for human relationships (including gender) must also be put at the beginning as a foundation. Hadith texts that literally lack a reciprocal meaning must be given a short interpretation in this collection to direct readers towards a more reciprocal meaning or provide the social context in which the text was produced to highlight its spirit and apply it to our present context.

4. QIRĀ'Ā MUBĀDALA IN THE INDONESIAN CONTEXT

In this final section, I shed light on the Indonesian context where I am located as a scholar activist and how this context has motivated my work on the *Qirā'ā Mubādala* methodology. *Qirā'ā Mubādala* was developed from and together with the women's empowerment movement in Indonesia,⁸ especially among the Nahdlatul Ulama Islamic *pesantren* (boarding schools). This movement was synergized with various other Islamic organizations, Islamic college academics, women's religious gatherings, study circles, women empowerment activists and certain government institutions. This movement began in the early 1990s and has thus far culminated in the Kongres Ulama Perempuan Indonesia (Indonesian Congress of Women Ulama, 'KUPI'), which convened from 24–27 April 2017 at a traditional Islamic boarding school that is led by a woman scholar.⁹ More specifically, this method was developed from and

⁷ Inspired by Abū Shuqqa, I created a collection of hadiths which place fundamental texts as the foundation for partial texts on women's issues (see Abdul Kodir, 2019a).

⁸ I have been part of this women's empowerment movement since late 1999, through *Forum Kajian Kitab Kuning* (FK3) institutions, Rahima, Fahmina and Alimat, and became one of the core committee members in Kongres Ulama Perempuan Indonesia (KUPI, Congress of Indonesian Women Ulama) in 2017. The *Qirā'ā Mubādala* method, along with the '*Keadilan Hakiki*' (*haqiqi* justice/real justice) approach, as described in Nur Rofiah's contribution to this volume, was officially launched in this Congress and was discussed intensively by key figures in August 2018 before finally being published as Abdul Kodir (2019b). To date, more than 5,000 copies have been printed and sold. All explanations of the *Qirā'ā Mubādala* method in this chapter are explained in more detail and with more examples in the book.

⁹ For more on KUPI, see Nur Rofiah's contribution to this volume.

for Muslim communities who believe in certain traditions, certain references or certain books, and simultaneously have faith in just gender relations that must be practised in everyday life. I conceptualized the methodology, but this knowledge would not have been possible without the involvement of all of these actors and influences.

The *Forum Kajian Kitab Kuning* (FK3), a study circle of Islamic boarding schools led by Nyai Hj. Sinta Nuriyah Wahid and KH Husein Muhammad, for example, criticized weak and fake hadith in the book *Syarh Uqud al-Lujjain*, a boarding school reference book on marital relationships. In addition, the FK3 offered a reinterpretation of the book by using the *mubādala* perspective for those Islamic boarding schools still using the book. This method, which I subsequently named *Qirā'ā Mubādala*, enables people who believe in and still refer to this book to give new meanings that are more balanced and just. It also allows them to emphasize the importance of reciprocity and cooperation in the spousal relationship.¹⁰ The *mubādala* method was also used in an online study of the book *Ihyā' 'Ulūm al-Dīn* by Imam Ghazālī (d. 505 AH/1111 CE) conducted by the Indonesian scholar Ulil Abshar Abdallah, during which the group read an authoritative text that literally addresses only men in a way that includes women as subjects.

Another relevant factor is my involvement in various trainings and seminars with judges of religious affairs and employees of the Office of Religious Affairs in Indonesia. In incorporating the *mubādala* method into these events, I invite them to apply the method to the primary Islamic law reference they know: the 1991 Indonesian *Kompilasi Hukum Islam* (Compilation of Islamic Law, 'KHI'). It is not helpful to simply criticize the KHI, which is the only authoritative reference they employ, when no alternative is available and reforms of Islamic law still face political obstacles. Instead, the judges and religious affairs employees produce more gender-just legal interpretations during the seminars and trainings by referring to the articles and verses from the KHI that have the most obvious ethical messages, and then reinterpreting the other articles and verses in a way that is compatible with these ethical meanings.¹¹

¹⁰ Learning from FK3, I wrote and published a book for typical Islamic boarding schools that could be used as an alternative reference (Abdul Kodir, 2012).

¹¹ The Ministry of Religious Affairs of the Republic of Indonesia has published a guidebook for organizing pre-marital courses that places more emphasis on relationships that are based on the principles of reciprocity, cooperation and justice. Since the end of 2015, the Ministry has also taught the contents of this book to more than 1,500 Ministry heads, extension workers and lower-level employees who come in direct contact with community services.

In reflecting on my activism experiences, the *Qirā'a Mubādala* method will make it easier for scholars and activists to refer to the most basic principles guiding human relations in Islam without having to jettison Islamic texts. These principles include doing good for each other, helping each other, supporting and complementing each other. The partial meanings of specific hadiths are referred back to the main hadiths and the foundational verses of the Qur'an for ethical and moral guidance. Therefore, we are no longer trapped in the methodology of explaining the Qur'an with hadith (*bayān al-Qur'an bi al-hadith*), which often results in a more partial hadith text being considered as the only final and binding explanation of the Qur'an. On the contrary, the fundamental meaning of these partial hadiths must be found in a way that is compatible with the main message of the Qur'an. This main meaning, and not the partial meaning in the literal text, should be final and binding.

CONCLUSION

The methodology of *Qirā'a Mubādala* can contribute to building knowledge that shows how Hadith can inspire just relationships, especially in the context of reforming Muslim family laws towards gender justice. In the spirit of *Qirā'a Mubādala* on Hadith, all research endeavours should be directed to find ethical meanings about reciprocity and cooperation within spousal relationships. This initiative will keep us from lengthy research and endless debate about the weaknesses or validity of a hadith text. We can immediately accept all traditions, especially those which classical scholars determined to be authentic hadiths. Our efforts can then be mobilized to rearrange the series and collection of hadiths in a way that better reflects the Prophet's mission, as described in verse 21:107 as *'wa mā arsalnāka illa rahmatan lil 'alāmin'* ('We have not sent you, [O Muhammad], except as a mercy to the worlds'). Then we can develop constructive meanings with reference to these ideas.

Notably, the *Qirā'a Mubādala* method allows for a holistic approach towards our textual tradition that foregrounds key fundamental values and thematic principles. While the process of developing *Qirā'a Mubādala* is still in an early stage, it could be further conceptualized and expanded to reinterpret a variety of religious, legal and cultural texts or even to understand and analyse social realities. For now, the *Qirā'a Mubādala* method can be used to engage with the Hadith tradition as a source of ethical principles for gender equality and justice. *Wallahu a'lam* (Allah knows best).

REFERENCES

- Abdul Kodir, Faqihuddin. 2012. *Manba' al-Sa'adab: fi Usus Husn al-Mu'asarah wa-Ahammiyat al-Ta'awun wa-l-Musharakah fi al-Hayah al-Zawjiah* (Sources of Happiness on the Principles of Mutual Goodness in Marriage Relations). n.p.
- Abdul Kodir, Faqihuddin. 2017. 'Seeds of Gender Equality within Islam: Abū Shuqqa's Approach to Hadith on Women's Liberation'. In *Interfaith Dialogues in Indonesia and Beyond: Ten Years of ICRS Studies (2007-2017)*, edited by Leonard Chrysostoms Epafra. pp. 151-62. Geneva: Globalethics.net.
- Abdul Kodir, Faqihuddin. 2019a. *60 Hadith Sahih Khusus untuk Hak-hak Perempuan dalam Islam Dilengkapi Penafsirannya*. Yogyakarta: Divapress.
- Abdul Kodir, Faqihuddin. 2019b. *Qirā'ah Mubādalah: Tafsir Progresif untuk Keadilan Gender dalam Islam*. Yogyakarta: IRCISOD.
- Abū Dāwūd, Sulaymān b. al-Ash'ath al-Sijistānī. 2000. *Sunan Abi Dāwūd*. Cairo: Jam'iyyah al-Maknaz al-Islamiyyah.
- Abū Shuqqa, 'Abd al-Halīm Muḥammad. 1990. *Tahrir al-Mar'a fi 'Asr al-Risālah: Dirāsa an al-Mar'a Jāmi'a li-Nusūs al-Qur'an al-karīm wa-Sahihayn al-Bukhārī wa-Muslim* (The Liberation of Women at the Time of the Prophecy). 4 vols. Kuwait City: Dār al-Qalam.
- Ali, Syed Mohammed. 2004. *The Position of Women in Islam: A Progressive View*. Albany: SUNY Press.
- Al-Bukhārī, Muḥammad b. Ismā'il. 2000. *Sahih al-Bukhārī*. Cairo: Jam'iyyah al-Maknaz al-Islamiyyah.
- Engineer, Asghar Ali. 2001. 'Islam, Women, and Gender Justice'. In *What Men Owe to Women*, edited by John C. Raines and Daniel C. Maguire. New York: State University of New York Press.
- Farija, Muḥammad. 1996. *Huquq al-Mar'a Al-Muslima fi al-Qur'an wa al-Sunna*. Beirut: Damascus: al-Maktab al-Islāmi.
- Al-Ghazālī, Muḥammad. 1989. *Al-Sunna al-Nabawiya Bayn Abl al-Fiqh wa Abl al-Hadith*. Beirut: Dār al-Shurūq.
- Al-Hādī, Sādiq ibn Muḥammad. 2009. *Al-Mar'a fi al-Sunna al-Nabawiya al-Mutabara*. Alluka. www.alukah.net/publications_competitions/0/6525/
- Al-Hāshimī, Muḥammad 'Alī. 2013. *Shakhsīyya al-Mar'a Al-Muslima kamā Yarāghubā al-Islām fi al-Kitāb wa al-Sunna*. Cairo: Dār al-Salām.
- Hassan, Riffat. 1991. 'Muslim Women and Post-Patriarchal Islam'. In *After Patriarchy: Feminist Transformation of the World Religions*, edited by Paula M. Cooney, William R. Eakin and Jay B. McDaniel. New York: Orbis Books.
- Ibn Anas, Mālik. 2000. *Muwatta' Mālik*. Cairo: Jam'iyyah al-Maknaz al-Islamiyyah.
- Ibn al-'Arabi, Abū Bakr. 1988. *Aḥkām al-Qur'an*, edited by Ali Muhammad al-Bajawī. Beirut: Dar al-Jil.
- Ibn Bāz, 'Abd al-'Azīz ibn 'Abd Allāh. 1988. *Khatir Musharaka al-Mar'a li al-Rajul fi Maydān 'Amaliyah*. Cairo: Maktabat al-Sunna li al-Tawzī'.
- Ibn Bāz, 'Abd al-'Azīz ibn 'Abd Allāh. 1994. *Fatāwā al-Nisā*. Medina; Cairo: Dār Ibn Rajab; Dār al-Ṭibā'ah.
- Ibn Bāz, 'Abd al-'Azīz ibn 'Abd Allāh. 1995. *Fatāwā al-'Ulamā li al-Nisā*. Cairo: Matba'at al-Sunna.

- Ibn Hajar al-ʿAsqalānī, Ahmad b. ʿAlī. 1993. *Fath al-Bārī fi-Sharh Ṣaḥīḥ al-Bukhārī*. Beirut: Dar al-Fikr.
- Ibn Ḥanbal, Ahmad. 2000. *Musnad Ahmad ibn Hanbal*. Cairo: Jamʿiyyah al-Maknaz al-Islamiyyah.
- Ibn Hazm, ʿAlī ibn Ahmad. 2005. *Al-Ihkām fi Uṣūl al-Ahkām*, edited by Mahmud Hamid Uthman. Cairo: Dar al-Hadith.
- Ibn Qarnās. 2011. *Al-Hadīth wa-l-Qurʾān*. Baghdad: Manshūrāt al-Jamal.
- Ibn Māja, Muḥammad al-Qazwīnī. 2000. *Sunan Ibn Māja*. Cairo: Jamʿiyyah al-Maknaz al-Islamiyyah.
- Kahf, Mohja. 2000. 'Braiding the Stories: Women's Eloquence in the Early Islamic Era.' In *Windows of Faith: Muslim Women Scholar-Activists in North America*, edited by Gisela Webb, pp. 147–71. New York: Syracuse University Press.
- Al-Khurasānī, Ghāda. 1979. *Al-Islām wa Tahrīr al-Marʾa: Awwal Mawsuʿa ʿan al-Marʾa al-ʿArabiyya ʿabr al-ʿUsūr*. Beirut: Dār al-Siyāsa.
- Mernissi, Fatima. 1991. *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam*. Reading, MA: Addison-Wesley.
- Al-Munāwī, ʿAbd al-Raʿūf ibn Taj al-ʿArifīn. 1937. *Fayḍ al-Qadīr: Sharh al-Jāmiʿi al-Saḥīḥ*. Cairo: al-Maktabah at-Tijariyyah al-Kubra.
- Muslim, Ibn al-Ḥajjāj al-Qushayrī al-Naysābūrī. 2000. *Ṣaḥīḥ Muslim*. Cairo: Jamʿiyyah al-Maknaz al-Islamiyyah.
- Al-Najdī, Abd al-Raḥmān ibn Muḥammad. 1999. *Al-Durar al-Santyya fi al-Ajwiba al-Najdiyya: Majmūʿat Rasāʾil wa Masāʾil ʿUlamā Najd al-ʿAlām min ʿAsr al-Shaykh Muḥammad ibn Abd al-Wahʿab ilā ʿAṣrinā Hādha*. 16 vols. n.p.
- Al-Nasāʾī, Ahmad b. Shuʿayb. 2000. *Sunan al-Nasāʾī*. Cairo: Jamʿiyyah al-Maknaz al-Islamiyyah.
- Nāṣif, Fāṭima ʿUmar. 1989. *Huqūq al-Marʾa wa Wajibatuhā fi Dawʿ al-Kitāb wa-l-Sunna*. Doctoral thesis at Umm al-Qura University-Mecca.
- Nur Rofiah. 2019. 'Prolog: Qirāʾah Mubadalah Sebagai Syarat Tafsir Agama Adil Gender.' In *Qirāʾah Mubadalah: Tafsir Progresif untuk Keadilan Gender dalam Islam*, by Faqihuddin Abdul Kodir. Yogyakarta: IRCISOD.
- Al-Qaraḍāwī, Yūsuf. 1991. *Kayfa Nataʿamal Maʾa al-Sunna al-Nabawiyya: Maʿālim wa Dawābiṭ*. Riyadh: Maktaba al-Muʿayyad.
- Raʿūf Izzat, Hiba. 1995. *Al-Marʾa wa-l-ʿAmal al-Siyāsī: Ruʾya Islāmiyya (Woman and Political Work: An Islamic Perspective)*. Herndon, VA: International Institute of Islamic Thought.
- El Shamsy, Ahmed. 2013. *The Canonization of Islamic Law: A Social and Intellectual History*. Cambridge: Cambridge University Press.
- Al-Shawkānī, Muḥammad bin Ali. 1991. *Fath al-Qadīr*. Beirut: Dar al-Khayr.
- Siddique, Kaukab. 1990. *Liberation of Women Through Islam*. Kingsville, MD: American Society for Education and Religion.
- Al-Tirmidhī, Muḥammad b. ʿIsā. 2000. *Sunan al-Tirmidhī*. Cairo: Jamʿiyyah al-Maknaz al-Islamiyyah.
- Al-ʿUthaymīn, Muḥammad ibn Ṣāliḥ. 1989. *Fatāwā wa Rasāʾil al-Uthaymīn*. Cairo: Maktabat al-Turāth al-Islāmī.
- Al-ʿUthaymīn, Muḥammad ibn Ṣāliḥ. 1996. *Al-Zawāj*. al-Sunbulawayn: Maktabah ʿIbād al-Raḥmān.
- Al-ʿUthaymīn, Muḥammad ibn Ṣāliḥ. 1998. *Al-Fatāwā al-Nisāʾiyya*. Cairo: Maktabah al-ʿIlm.

- Wadud, Amina. 1999. *Qurʾān and Woman: Rereading the Sacred Text from a Woman's Perspective*. New York: Oxford University Press.
- Wadud, Amina. 2006. *Inside the Gender Jihad: Women's Reform in Islam*. Oxford: Oneworld.
- Wadud, Amina. 2009. 'Islam Beyond Patriarchy.' In *Wanted: Equality and Justice in the Muslim Family*, edited by Zainah Anwar, pp. 95–112. Petaling Jaya, Malaysia: Sisters in Islam.
- Wadud, Amina. 2015. 'The Ethics of Tawhid over the Ethics of Qiwwah.' In *Men in Charge? Rethinking Authority in Muslim Legal Tradition*, edited by Ziba Mir-Hosseini, Mulki Al-Sharmani and Jana Rumminger, pp. 256–74. London: Oneworld.
- Al-Zarkashi, Badruddin. 2000. *Al-Bahr al-Muḥīt fi Uṣūl al-Fiqh*, edited by Muḥammad Muḥammad Tamir. Beirut: Dar al-Kurub al-ʿIlmiyyah.

Tidak Untuk
Disebarluaskan!!!