INDONESIAN MUSLIM WOMEN CREATING JUSTICE

BY NELLY VAN DOORN-HARDER *

A. CREATING JUSTICE

The father of Mrs. Sinto gave this advice to his children on his death bed (he himself had been married to two wives): “Imitate all of my good works and behavior, but don’t follow my example in polygyny.”

The advice not to marry more than one woman came from an elderly kiai, a leader and teacher of Islam in Indonesia. Not unusual for a man of his standing, he had married two women and at the end of his long life concluded that in this type of marital arrangement individual suffering far surpassed the benefits for all those involved. His first wife fell into a depression, the second wife was beset with jealousy. There was bitter rivalry between the children of each union and all involved had to live in a perpetual state of semi-poverty as the income of one man was spread over two families.

To the Western mind it makes sense that the institution of polygyny in most cases is unfavorable to women; it harms their mental, psychological and material wellbeing. Nowadays certain Muslim leaders in Indonesia concur in this line of reasoning. Yet, to the conservative Islamic believer it is sheer heresy and perceived as Western intrusions upon Islam. Polygyny, whether good or bad, is allowed by the Qur’an, the direct word of God. To challenge what is ordained by God is forbidden.

The progressive Indonesian Muslim leaders this article discusses also hold the words of the Qur’an as sacrosanct. But they maintain that while the words of God are always clear and just,

* Nelly van Doorn-Harder, Ph.D. (Free University, Amsterdam), is Associate Professor of World Religions at Valparaiso University, Huegli 204, Valparaiso 46383, Indiana, United States (e-mail: Pharderv@valpo.edu). The author was Research Fellow at the Norwegian Institute of Human Rights in the summer of 2002.

1 The author wishes to express thanks to Tore Lindholm, to Kari Vogt and to Lena Larssen for their advice and support with this work and to numerous colleagues at the Institute. This article is based on the last chapter of the author’s book about Muslim women leaders in Indonesia that was largely prepared during her stay at the Institute. Also during the summer of 2002 she had the privilege to join a delegation of the Oslo Coalition on Freedom of Religion or Belief on an orientation visit to Indonesia. This trip allowed her to observe the latest developments with regards to growing Islamist trends within Indonesian Islam and the initiatives undertaken by various activists to counter these trends.

human interpretations transformed teachings meant to be just into tools of oppression, especially of women. According to them, the key to women’s liberation from oppressive rules created by men and culture is deep knowledge of the sources of Islam: the Qur’an, the Tradition (Hadith) that contains teachings and examples set by the Prophet Muhammad, in combination with the Jurisprudence (Fiqh). They carefully study these sources and try to eliminate influences that crept in from the outside and over time changed the essence of the Islamic message.

This contribution focuses on some of these initiatives of small groups of young Muslim scholars and activists who work within the large Indonesian Muslim organization called Nahdlatul Ulama (NU). (I return to NU shortly). “Young” here refers to the generation that grew up during the Suharto regime (1966–1998), which tried to suppress Islam from public life. These young men and women have fused Indonesian models of Qur’an interpretation and social activism for women with contemporary ideas about fundamental human rights, especially women’s reproductive rights. By using these new teachings, they have lifted the discourse on women and human rights within Indonesian Islam to a new level of awareness and boldness that is unique in the whole of the Muslim world. Taking women’s reproductive rights as the point of departure even leads them to question the ultimate bastion of male privilege: the right to marry up to four women.

Of course, this new generation that pushes the limits of interpretations thought permissible is raising eyebrows. Bursting with fresh ideas they have no intention to return to older models, yet they respect the teachings of the older generation. In fact they are the product of these teachings since scholars of Islam in Indonesia for many centuries have advocated interpretations of Islam that took a pluralist society for granted. They were tolerant to those of other faiths, and allowed space for women unique in the Muslim world. The young NU generation is building on this model of Islam that is indigenous to Indonesia.

Islam in Indonesia and its organizational models are a largely unknown entity beyond the world of specialists studying that vast archipelago. This reality necessitates a brief description of some main points of Indonesian Islam before moving on to the main topic of this article.

B. MEN AND WOMEN ORGANIZING: MUHAMMADIYAH AND NAHDLATUL ULAMA

Although one should not paint with too broad a brush the Islamic scene in Indonesia can roughly be divided along the lines of modernist or reformist and traditionalist interpretations of Islam. Reformists are represented by the Muhammadiyah organization that started in 1912 while traditionalists rally around the NU that was set up in 1926. The two organizations of Muhammadiyah and NU wield important moral influence since they guide Indonesian Muslims through their schools and by issuing fatwas. NU and Muhammadiyah dominate the Indonesian Muslim landscape with the former representing over 30 million Muslims who are identified as “traditionalist”, and the latter representing over 20 million “modernist” or “reformist” Muslims.

Traditionalist interpretation of the Qur’an includes the interpretations of a chain of authoritative scholars going back to the seventh-century companions of the Prophet Muhammad. This means that traditionalists also include the Fiqh sources in their interpretations of Islam and
follow one of the four legal schools of Islam; Syaf’I, Hanafi, Maliki or Hanbali (NU follows mainly the teachings of the Syafi’I school). Traditionalists in fact represent the way Islam developed originally after entering the archipelago. They are tolerant of local culture and promote a local version of Islam that is adaptable to Indonesian conditions. NU used to be considered very traditional, even somewhat backward, as opposed to “modern” Muhammadiyah members. Modernists or reformists interpret the Qur’an by studying the original sources of the Qur’an and Hadith only, relying less on the *Fiqh* sources in the process of interpretation. They do not follow one of the four legal schools. In principle they apply a methodology similar to that of the Christian Reformation which encouraged believers to read the holy texts themselves and to use their own reasoning power in deciding what religious advice to follow. Reformist teachings are influenced by the movement led by Jamal al Din al Afghani and Muhammad Abduh that started in the Middle East at the beginning of the twentieth century aimed at eradicating local practices and beliefs and replacing them with the pure teachings of the Qur’an and Hadith which, according to them, were universal and hence compatible with contemporary conditions.

Activism among Muslim women in Indonesia is closely connected to these two organizations. In 1917 Muhammadiyah set up a branch for women called Aisyiyah. The idea was that in order for Islam to develop and modernize, women should be involved as well. The women affiliated to NU had to wait almost thirty years before their organization allowed them to set up their own, independent branch; the Muslimat NU started in 1946. Women active in these two organizations saw their task as twofold: to raise and educate the next generation of devout Muslims and to develop an interpretation of the Islamic sources that allowed space for women and stressed the equality granted them by the teachings of the Qur’an. Reasoning along the specific lines of their respective methods of interpreting the sacred sources, both Muhammadiyah and NU issued legal advices (*fatwas*) that granted women ample leeway to move around and be active as religious leaders for women. These activities laid the fundament for many of the contemporary initiatives that advocate women’s rights. Especially the NU branch for young women, the Fatayat NU, took women’s health and reproductive rights as its main focus.

Nowadays, especially within NU circles, scores of seminars are being organized all over Indonesia to build women’s awareness about their position in Islamic jurisprudence (*fiqh al-nisa’* or *fiqh perempuan*). Further, the NU educational system of the pesantren, Islamic boarding schools, has trained many women giving them extensive knowledge of the sources of Islamic law and jurisprudence. Some of these women graduates choose to pursue further Islamic studies and eventually reach levels of religious authority that are equal to men. When teaching in a pesantren they are the counterpart of the kiai and called niyai. A watershed event for NU women was the 1997 NU conference in Lombok on women’s political leadership. After extensive discussions, based on Surah Al-Ahzab 33:35, the majority of NU religious scholars (‘*ulama’*) pronounced that “women’s rights within Islam are equal to men and that women are not subordinated.” De facto this meant that women could hold positions in the public sphere and that, in the national arena, no limits were placed on what women could do, including becoming president.4

---

4 Andrée Feillard, “Potensi Perubahan Relasi Gender di Lingkungan Umat Islam: Sebuah Proyeksi dan Pemaparan Data (Potentials for changing gender relations within the Islamic community: a pro-
As far as Muhammadiyah is concerned, ever since its Aisyiyah branch for women was created in 1917, they have taught interpretations of the Quran that allowed women to travel around as preachers and become religious leaders. This position was never retracted but was elaborated over time at meetings of the Majlis Tarjih, the movement’s highest body that issues fatwas. In 1976, this resulted in a publication that discussed women’s role in Islam and acknowledged their capacity to become leaders in public life. Starting in 1995, women have been given seats on the Majlis Tarjih. Everywhere in the Muslim world, these activities are the responsibility of men, meaning that accepting women into this council was a revolutionary act that underscored Muhammadiyah’s commitment to improve the position of women.

NU and Muhammadiyah thus were instrumental in training women as religious leaders who could teach the Islamic sources with a sense of authority. Especially women who graduated from the NU pesantren had studied these sources in depth for many years which from the religious point of view gave them an advantage over women from the reformist tradition. The younger generation of NU women used this specific educational background to move into the field of advocacy for women’s rights. They realized that to strengthen the rights of women in Islam, more was needed than secular knowledge and ideas about human rights that were developed in the West. They needed to question the authoritative Islamic sources that contained misogynist ideas about women. These ideas were mostly to be found in the Jurisprudence, the human interpretations of the Qur’an that were heavily influenced by local cultures, in this case the Javanese culture. Other misconceptions about women were prominent in Traditions ascribed to the Prophet (Hadith) which, upon closer scrutiny, had weak chains of transmission or were outright false. The task ahead for the NU advocates of women’s rights was to research the Traditions and to re-interpret the Jurisprudence in order to weed out those elements that had slipped in from outside sources and in fact transmitted ideas that were inconsistent with the texts of the Qur’an. The goal was to create a “new Fiqh;” Fiqh baru.

Another important step in this process was to address the institutes that perpetuated the myths about women’s nature by using biased texts. Fiqh books that contain misogynist ideas are the core material studied in the pesantren. Since these schools wield enormous religious influence it was necessary to target them first in order to change the mindset of future generations of NU scholars of Islam.

Young NU activists also understood that they needed to move outside the traditional NU platforms to expand the freedom to discuss. Hence they set up a string of new non-governmental organizations (NGOs) where they could focus on topics such as women’s rights, democratic rights, and interfaith issues. Many of these projects started during the 1990s and matured at the beginning of the twenty-first century. They moved from strengthening NU from within to strengthening Indonesian Islamic society as a whole. Their agenda suddenly became urgent when, after the fall of the Suharto regime in 1998, groups emerged that preached rejection and a presentation of the data)” in: Syafiq Hasyim (ed.) Menakar “Harga” Perempuan (Measuring a women’s “value”) (Bandung: Penerbit Mizan, 1999). Also see: Nelly van Doorn-Harder: “The Indonesian Islamic Debate on a Woman President” Sojourn, (Singapore: Fall 2002).

5 This is the booklet that contains the decisions taken at the 17th congress of the Majlis Tarjih in: Keputusan Muktamar Tarjih ke XVIII, Adabul Maräh fil Islam (Yogyakarta: PP ‘Aisyiyah,’ 1982).
mist forms of Islam. This meant that their third focus became to counter the type of Islam that was not congenial to the activists’ agendas.

C. TRADITIONALISMS REVISITED: EARLY DEVELOPMENTS

The activities of the young NU activists represent progressive trends of thinking that have entered the NU discourse since the 1970s. In order to understand how they were formed, we first have to look at NU’s recent history and, in particular, consider the role of the institute called “P3M.” P3M; the Center for the Development of Pesantren and Society was set up in 1982 to help pesantren configure their curriculum and help students face the demands of contemporary society.6

The rigorous religious formation in the pesantren had long been the backbone of NU leadership. These leaders became both religious teachers and leaders of society. In order to strengthen this process of formation, during the 1970s discussions started within NU circles about possible ways to modernize the pesantren and help produce more leaders who could negotiate the rapid changes of modern society.7 One of the motors behind these discussions was Abdurrahman Wahid, the former National Chair of NU and erstwhile President of Indonesia. He saw as the main challenge the transformation of the pesantren’s potential of people who were well-versed in Islamic knowledge into innovative intellectuals who could help shape community frameworks based on Islamic principles and values.8

P3M had among its points of focus the role of women in Islam and during the 1990s started to organize workshops for niyai, pesantren teachers, to discuss topics such as reproductive health and rights, the status of women in Islamic Jurisprudence and its re-interpretation. P3M identified as the main obstacle for women to be considered as fully human the fact that Jurisprudence has failed to apply to women the basic rights provided by the Qur’an for all humans. Part of these ideas were inspired by the writings of the Sudanese intellectual Abdullahi Ahmed An-Na’im who has argued that the status of women became governed by verses from the Qur’an revealed in Medinah that rendered the more egalitarian and universal verses from the Mecca period more or less secondary.9 Following this line of thinking, P3M programs stressed the five universal basic human rights that agree with the rights the interpreters of the Qur’an have derived from its teachings: the right to live (physical wellbeing and safety), the right to think, to

---

right to attain wealth (comfortable living), the right to practice one’s religion, and the right to have offspring.\(^\text{10}\) In the marital relationship, P3M upheld that the Qur’an guarantees women three rights: the right to be provided with food, clothing and a place to live.

Since these rights are directly connected with a woman’s role as mother, P3M identified women’s reproductive rights as an area in women’s Jurisprudence that needed special attention. Because women bear children, P3M argued that the basic right to life for women means the right to safety and health. Islam teaches that in the marriage, the husband is obliged to provide food, clothing and housing. A woman can keep her own income to herself and if she cares for children, according to P3M, she can demand compensation since it is the husband’s duty to provide for them. Finally, the most contested point made by P3M is that women have the right to take their own decisions.\(^\text{11}\) This conclusion is based on the right to think and P3M’s firm belief that Islam grants equality to both men and women. Many conservative Muslim leaders, however, hold that the husband should take all decisions in the family, including those concerning his wife. Both P3M and conservative thinkers base their opinions on the Qur’an text “Men are the protectors and maintainers of women” (4:34).

D. TRADITIONALISM IN THE TWENTY-FIRST CENTURY

The young generation trained at the P3M workshops became dissatisfied with the tenacity of traditional models of leadership and interpretation within NU and spearheaded its own initiatives. Remarkably, the most intense and influential of these activities originated in Yogyakarta where the leaders were interconnected through bonds of friendship, marriage, family and professional cooperation. There, the Fatayat, the NU branch for young women, set up YKF (Yayasan Kesejahteraan Fatayat, Fatayat Welfare Foundation, 1990) while young NU men, freshly graduated from Islamic universities, launched LKiS (Lembaga Kajian Islam & Social, The Institute for Islamic and Social Research). All work for the development of a model of Islam they call «transformative, egalitarian and tolerant,» each following their respective focus. Following the NU model of tawasuth (moderation), tasamuh (tolerance) and tawazun (balance), the point of departure for their models and projects is that they are consistent with basic human rights and promote social justice. Specifically, they aim at strengthening Islam and civil society through activities that range from the critical study of politics, social structures, religion and local cultures, to radio shows that promote awareness about gender issues among villagers.

In the search for alternative visions of Islam, these groups started to translate the works of Islamic thinkers such as Abdullahi Ahmed an-Na’im, Nasr Hamid Abu Zayd, Farid Esack, Hasan Hanafi and Muhammad Arkoun. The long list includes multiple works about gender, for example by Fatima Mernissi. Not willing to limit themselves to Islamic thinkers, they read


E. ADVOCATING WOMEN’S RIGHTS: YKF

YKF focuses on the fundamental inequality between men and women instilled by religion and culture and aims at re-educating the heart of the NU community: the pesantren where many still study the texts laden with biases against women. It set up a system addressing themes of women’s reproductive rights through ever-expanding networks works of young kiai and niyai. These include issues of early and forced marriage, gender sensitivity, sexuality, family planning, abortion, HIV/AIDS and violence against women. Following in the footsteps of P3M, the foundational activity remains the re-interpretation of Fiqh texts. Both young men and women teachers from the pesantren are involved from the beginning. This approach is new: the P3M meetings mainly addressed the women leaders from the pesantren and apart from the male presenters few men were involved in the discussions.

YKF also broadened the context of women’s rights and did not shy away from themes that were considered sensitive even taboo, but fundamental to the human experience, espe-

12 Remark made by Kiai Ihsan u-Din during a meeting at YKF held August 7, 2002.
cially of women. They stress that prejudices are deeply rooted within society and do not arise from texts only. The issues studied are not looked at in isolation, but consequences of certain behavior are highlighted. Thus studying sexual relationships between men and women is not limited to the conventional model of what happens between spouses, but also stretches to the topics of abortion and forced child marriage. The discussion about HIV/Aids and venereal diseases (PMS, *Penyakit Pemulut Seksual*) cannot ignore the issue of prostitution and both subjects have as logic point of consideration the de-humanization of those suffering from Aids and those forced to sell their body for a living. YKF also holds that discrimination stemming from religious teachings and societal bias often influences laws produced by the state, harming those who are most in need of protection such as women applying for a divorce, and prostitutes.

Noteworthy in the YKF approach is that the network to broadcast these ideas went far beyond the *pesantren*. Young *kiai* and *nyai* re-read religious texts during intensive study sessions. The results of these sessions are then published in *Mitra*, YKF’s journal that is mainly sent to *pesantren*. The essential points of discussions were summarized in booklets for *kiai* and *nyai* to carry around when giving talks or sermons. Eventually these new findings could gain the status of re-interpreted *Fiqh* and in order to underscore their authoritative position within that body of Jurisprudence, YKF plans to translate its publications about the “new *Fiqh*” into Arabic. Furthermore they are trying to transform the new interpretations of gender into experiments of civil reflection through works of fiction and radio shows.

**F. Discussing Justice**

The re-interpretation of texts at the YKF workshops follows the method conventionally practiced by NU scholars of *ijtihad* via *ijma*’, that is, exercising one’s own judgment within the frame of communal consensus. The opinions used as basis for the new re-interpretations are those from respected scholars of Islam down the ages. As is usual in NU deliberations, both the negative and positive arguments are taken into consideration. Discussion starts with two or three presentations prepared in advance after which the main issues are studied in detail.

The presentations try to touch on the heart of gender discrimination in Java. For example, in his presentation about “Gender equality in Islam” (*Kesetaraan Jender dalam Islam*) the

---


young kiai Edy Musoffa Izzudin researched the frame of reference of ultra conservative pesantren where discrimination of women is the norm. He looked at the fact that women could not lead the ritual prayers, at women’s position in public life, but especially considered the custom of genital mutilation of women that if practiced at all in Indonesia happens within those circles. To him it symbolizes the ultimate degradation of women, denial of their humanity, and interference of Middle Eastern culture: “For men it is positive to have their foreskin cut, … it increases the man’s pleasure and prolongs the sexual intercourse. Circumcision for a woman, on the contrary, is extremely negative … It decreases her pleasure and for some women it can even result in severe psychological trauma.”

He concluded his presentation with the call to follow the NU teachings that discern two value levels in the text of the Qur’an:

When discussing the religion, there are two levels of values, the fundamental values (qatl’h) and the instrumental values (dhanni). The fundamental values are universal, for example that men and women are equal and of the same rank. On that level there is no problem. The problems emerge on the level of instrumental values because of social and cultural differences…This is the level where we have to re-interpret the teachings of Islam, including those concerning women.

The dhanni values are here referred to as “instrumental” while NU explains them as “contingent upon time and place.” The group sees confusion of the two levels as most detrimental to women’s issues and appeals to the pesantren to reconsider their interpretations that perpetuate bias against women, both by men and by society: “The intentions of the Shari’a are for justice and benefit, but in its technical implementation male bias appears.” Another recommendation is to erasure the perceived threat of women as fitnah, temptation, since it is one of the fundamental reasons that women are kept out of positions of leadership. Finally, the team suggests that to counteract biases found in the pesantren world, there have to be more women specialists of Qur’an interpretation and Tradition (Hadith).

The next step in this process is the discussion of sexuality that encompasses the relationship between spouses, but also moves into the study of homosexuality. Birth control and abortion are directly connected to the subject of marriage. During one of the sessions about marriage, Nyai Hindun Annisa analyzed the conventional Islamic marriage contract and concluded that based mostly on teachings of the Hanafi school, the majority of Indonesian Muslim men consider it an agreement of ownership (‘aqd al-Tamlik) rather than a contract of worship (‘aqd al-Ibadah). When the husband views his wife as a possession, he sees sexual intercourse as his sole privilege. He expects his wife to be ready for him at all times, while it is frowned upon if she shows her desires. More egalitarian teachings are available about how

---

15 Ketika Pesantren Membincang Jender, p. 8.
17 Ketika Pesantren Membincang Jender, p. 27. All the following recommendations can be found on this page.
to treat one’s wife, but according to Nyai Hindun, Javanese society has adopted those that assert the man’s right while it ignores the traditions that allow equal status to women.

After pointing out the influence of culture on opinions about marital relationships, the team moved on to re-consider human sexual inclination. The presenters quoted studies that show sexual identities to be the product of complex intersections of one’s genetic makeup and social surroundings. Taking this point of view allowed the inclusion of homosexuality in the discussion. Sexuality already is among the most contentious topics within NU (and for that matter Indonesian Islamic) circles and mentioning same-sex relationships is adding fuel to the fire. Yet taking this step allowed for the deconstruction of the deep-rooted ideas about a woman’s kodrat, her inborn nature, the contents of which are defined by local cultures. Instead, the team focused on the Qur’an verse that considers men and women as each other’s garments (Al-Baqara 2:187). Thus, in reverse, moving away from the concept of kodrat opened up a space for the inclusion of the forbidden topic of homosexuality. YKF’s emphasis on what conventionally remained unmentioned is urgent in view of the increasing number of Aids victims.

Another pressing issue of women’s reproductive rights is the free choice of one’s partner. This concerns both women and men, but for a woman being forced to marry against her will can ruin her future life since the man has more freedom to file for a divorce or to marry other women besides her. Especially in conservative pesantren circles, the right of individual choice is easily disregarded and many kiai give their daughters in marriage to the sons of other kiai at the onset of menstruation. Often the young girls are barely aware of the negotiations going on around them and when they are told about the upcoming wedding event, their baffled silence is interpreted as acceptance. Child marriage especially occurs in NU circles and activists consider it a serious breach of a woman’s basic rights. The health of the girl is endangered by early childbirth, often she can not finish her education and many face early divorce or multiple co-wives.

To YKF, divorce, prostitution, HIV/Aids and polygyny are inter-related from a woman’s point of view. They add to women’s suffering and the first three make women subject to prejudice and discrimination by society. Their surroundings stigmatize divorced women, prostitutes and those who are HIV positive although the situation they are facing often is not of their own choice. Within the foursome, divorce and polygyny are not only socially problematic but Islamic law and the Fiqh are entirely on the man’s side. Any effort to strengthen the rights of the woman in case of divorce or polygyny risks being interpreted as an outright assault on the Fiqh and the Shari’a. One of the few avenues for YKF here is to increase awareness and open the discussion about how both the institutions of state and religion complement each other in supporting men over women. Awareness about divorce, prostitution, HIV/Aids and polygyny, however, cannot be limited to revealing the workings of the Law and bureaucracies, but the faces of those who have somehow fallen victim to such fates have to be humanized. Giving a human face to the stigmatized is part of YKF’s mission in creating a community that does not provide justice for the successful only. Mitra, the YKF journal regularly speaks for those who are downtrodden.

In this process YKF is moving from the theory of texts to uncovering what has become hidden under Islamic Jurisprudence and State Law, for example, that the essence of the marital bond is not a contract of possession granting man superiority over the woman. It reconsiders fixed patterns of thought such as those concerning one’s sexual determination and tries to favor justice over law by showing the influence of culture and state on Qur’anic injunctions that in principle were originally just.

G. WRITING JUSTICE

*Mitra* is the platform that presents the discussions of *nyai* and *kiai* to a larger audience and that highlights those ills in society that are hard to tackle via the *Fiqh*. For example, *Mitra* starts the issue about divorce with the stories of two women whose husband simply vanished one day, the next communication from him being an official letter of divorce.19 Some women never even hear that they are officially divorced. Experts agree that although the Indonesian Family law allows a woman to ask for divorce, it is strongly influenced by the teachings of *Fiqh* and de facto the woman is unfairly treated.20 If the woman makes it to court at all, she often takes the blame, even if she did not initiate the divorce. Many women do not dare to ask for a divorce since they know society will stigmatize them.21 The state-related agency BP4 (Badan Pensihat Perkawinan, Perselisihan dan Perceraian, Body for Counseling [with regards to] Marriage, Disagreement and Divorce) that provides mandatory counseling for couples before marriage and in case of divorce takes the side of the husband when the wife initiates the process. The Family Law dovetails with religious teachings and local culture as it basically continues to see a woman in her capacity as a dependent housewife only. From the religious point of view YKF cannot change the principles of the Islamic Law, but it can link up with those who advocate that the Civil Law is changed in favor of women.

While divorce is regulated in favor of men, oddly there are no official laws concerning prostitution. The law only provides for trading of women.22 Yet prostitutes are regularly rounded up by the police and put in jail for several days. Activists argue that prostitution actually is an economic problem. Women who are destitute, for example divorcees, and have little education have few other options.23 Now with the threat of Aids their predicament has doubled since many clients refuse to use condoms.

Prostitution, homosexuality, HIV/Aids embody the fear for *zina*, fornication, that inspires the defense for early marriage and polygyny. According to the judgment of society, the first three showcase all the evils and excesses of sexual debauchery and fallen morality that marriage safeguards a man from. YKF shows that prostitution is the flipside of the same morality. Men can vanish and file for a divorce, leaving their wives and children destitute. Society’s
judgment is swift and harsh as it ignores its own role and responsibility in the plight of women. The activists hold up a mirror that reveals an ugly picture: “The government should provide for more alternatives such as work opportunities and education. Only those who have no choice become prostitutes,” said Wardah Hafidz, an activist for the poorest of the poor.24

The Mitra journal has a limited but carefully targeted audience. Its factual language attracts those interested in the specific issues it discusses. YKF decided that the ideas about women’s reproductive health rights needed to be publicized through fiction and poetry as well in order to “influence changes of our time.” 25 They found the ideal collaborator in Abidah el Khalieqy; a pesantren-educated woman poet. After carefully studying the ideas advocated by YKF she wrote the novel: Perempuan Berkalung Sorban: Women wearing the turban. The turban in Indonesia symbolizes male Islamic knowledge, leadership and charisma. The book describes the story of Nisa, the eight-year-old daughter of a conservative kiai. It guides the reader through all possible prejudice against women that can be found in the world of pesantren. Throughout the book Nisa questions her position as a woman. Wherever Nisa turns she is confronted with fixed ideas about her kodrat: her inborn nature that entails certain well described duties. When Nisa gets her first period, her parents arrange her marriage to the son of her father’s friend who maltreats her and marries a second wife within a year. Eventually her family intervenes and demands a divorce. To the reader the naked facts of prejudice against women and ignoring their rights are laid out. Those who have read this book are now aware and no longer have an excuse to maltreat their daughters or wives.

The novel was a powerful tool to build awareness about the universal rights of women and the rights granted to them by the Qur’an. Books, however, are still relatively expensive for many Indonesians and in rural areas ideas are mostly transmitted orally. To reach that important segment of Indonesia’s population, YKF made a radio show that portrayed the same material as the book. Surprisingly, listeners from remote villages were eager to learn about the new ideas broadcasted. They were especially interested in the heavy influence of men on the jurisprudence about women, and in the methodology of dividing the Qur’anic teachings into fundamental values (gath’i) and instrumental values (dhanni), since this leaves the core of the Islamic faith and rules unquestioned.

This division, however, left the discussion of polygyny in limbo. It was precisely because it was considered to belong to the fundamental values described in the Qur’an, that until 2002 the older generation of NU women refrained from challenging polygyny. This changed because after the fall of the suppressive Suharto regime, ultra-conservative and Islamist Muslims started to compete for the headlines to spread an Arab-inspired brand of Islam. Muslim women activists, in Indonesia and elsewhere, have observed that the symbols and values concerning women are often at the center of this type of battle.26 For some Islamists it seems that the introduction of the Shari’a law is equivalent to women wearing the veil and the practice of polygyny. Discussing polygyny was on YKF’s agenda, but taking heed of the old pattern they were

---

moving cautiously. This changed when a staunch defender of polygyny, Mr. Puspo Wardoyo, chose Yogyakarta as the base to promote his ideas. The intense lobbying by Mr. Puspo and his four wives became the proverbial last straw. It was perceived as so offensive that Masrucha in person in her capacity as director of YKLF and as local chair of a national women’s network called the Pro Women Alliance, unleashed a countermovement. She chose April 21 as the day to launch the offensive, i.e., the Day of Kartini, the Javanese princess who had inspired the emancipation of millions of Indonesian women, yet had been a victim of polygyny herself.

H. THE LAST TABOO: POLYGyny

In one of the 2002 Mitra editions, the contentious topic of polygyny is brought up in the most careful way possible. “Not all the women’s movements take a serious interest in the issue of polygyny,” the YKF staff writes, “but it needs to be re-investigated.” Carefully stepping where few have dared to go, YKF sets up the intellectual frame to guide the discussion. The opening article of Mitra compares the views on polygyny of various religions, especially referring to Judaism. Thus the claim is proposed that local culture more than religion has contributed to the institution of polygyny. Mitra then presents a long list of arguments that builds a case against polygyny. Beginning with the time of the Prophet Muhammad, when polygyny as taught in the Qur’an (Surah al-Nisa’ 4: 3 & 129) was an improvement since it reduced the number of women to four rather than dozens and gave the women placed in such an arrangement the protection of law.

In modern times, however, Muslim scholars like Muhammad Abduh (died 1905) preached that Islam reluctantly allowed polygyny and that over time it has become an obsolete custom since widows and orphans who were desolate in the early days of Islam now are taken care of differently. YKF stresses that in fact the practice of polygyny concerns a moral dilemma that is related to justice as ordained by the Qur’an. Although the Qur’an allows a man to marry more than one wife, YKF underlines that in Surah al-Nisa’s 4: 129 the Qur’an states: “You are never able to do justice between wives even if it is your ardent desire…”

The propagators of polygyny for their part are fierce and persistent. They argue that it prevents zina, fornication, and that it helps solve the demographic problem of women’s surplus. The YKF team wonders if that means that it will be abolished in the event of a male surplus. The defenders flood the market with booklets bearing titles such as Guidance to Polygyny and its Superiority. The prime messages of these booklets are that the first wife does not need to

27 Mukhotib MD, “Perempuan Menolak Poligami, Ada Apa?” [Women reject polygyny, what is the matter?] Mitra, (January – July 2002) 5. Masrucha is the Chair of the Yogyakarta branch of the pro-Women’s Alliance.
30 Mukhotib MD (ed.) Menghapus Poligami, Mewujudkan Keadilan, p. VIII.
give her permission, that a good wife cannot but accept her husband’s desire to take another spouse, that it helps all who are involved, first wife, husband and second wife, to grow in their faith, and that, of course, the husband cannot be but just to all of his wives. The booklets, in fact, absolve men of their duty to respect their spouses’ rights.

The activists know that the Islamists’ agenda is often double-faced and used the story of Mr. Puspo Wardoyo to prove their point that often the proponents of polygyny consider discussing it as an opportunity to dominate the Indonesian Islamic discourse. The quest for power can be economic or political as well, as Mr. Puspo’s story illustrated. His published testimony about the superiority of marrying more than one wife opens with an advertisement for his restaurants that specialize in chicken and serve dishes such as «es poligami,» polygyny ice cream – a combination of different flavors. His wives are all workers in his nine restaurants.32

Those fighting polygyny were unable to detect justice in this type of self aggrandizement and felt moved to bring their struggle out in the open. “Nobody ever contested him, he paid the media to put him on the front page and he made us angry with his TV appearances during which he called on the young to take more than one wife so as not to fall into zina.”33 The activists decided to hold a media rally to promote Islamic justice. On April 21, 2002 a petition against polygyny signed by thousands of dignitaries and public figures was brought to the local parliament. This was followed by daily communications to the press resulting in two weeks of anti-polygyny coverage in media. At the same time the activists wrote Friday sermons explaining their ideas about polygyny, sending these all around Java so that the message would resound every Friday.

Amidst the cacophony of pro and contra arguments tossed about in this arena, the activists’ message remains clear and simple: how can you pretend to treat all of your wives with justice while only God can practice true justice? Justice in such a marriage, they argue, is only measured in the material aspects, not in terms of love and affection. This spiritual issue cannot be seen apart from the material side since humans consist of both. Because feelings are so hard to measure, the scholars of Islam have traditionally limited their discussions about polygyny to the material side only and left out the most crucial aspect of feelings, emotions and psychological suffering.

In the spectrum of those advocating for women’s reproductive rights, YKF does not really bring a brand new message. The groundwork was already done by others. Until 2002, none, however, had dared to come out into the open and face the opponent head on. When that happened, the effect was immediate. Now the discussion about polygyny was in the open, the taboo factor weakened. Awareness is a powerful tool and many realized that the strong lobby for polygyny did not emerge out of religious sentiments only but that other non-religious factors played even greater roles. All of this would have been unimaginable only four years before when the Suharto regime silenced radical Islamists and progressive activists alike. But it is not only the social and political climate that has changed. On the inside the activists have been


33 Interview Masrucha, August 10, 2002.
transformed as well. They have become more confident of the importance of their message and no longer shy away from spreading it. After all, the welfare of women is at stake.

I. Final remarks

A new religious discourse is developing within Indonesian traditionalist Islam that is concerned with the plight of “little” people, those who conventionally lack real power, or are rendered powerless by religion, culture or society. Many of Indonesia’s women belong to this category and find themselves crushed between biased interpretations of the Islamic Law, governmental rules and societal prejudices. Within this context, the adage “knowledge is power” is pregnant with true meaning as it was Islamic learning that provided the advocates for women’s rights with the backing needed to develop a discourse that promotes justice for women that is solidly rooted within the Islamic tradition.

Abstract: Indonesian Muslim Women Creating Justice: This contribution focuses on the initiatives of smalls group of young Muslim scholars and activists who have fused Indonesian models of Qur’an interpretation and social activism for women with contemporary ideas about fundamental human rights, especially women’s reproductive rights. In order to illustrate these activities, the article discusses the women’s group known as YKF (Yayasan Kesejahteraan Fatayat) which stands out because of its methods to develop and spread these new ideas about Islam and human rights to a wider audience. What YKF is attempting is to transform the new modes of thinking about Islamic injunctions into projects that promote societal development and help improve the position of women.

Keywords: Indonesia; Islam; reproductive rights; women’s human rights