

A Critical Reading on H{adīth: Islamic Feminist Approach in Reading Misogynistic H{adīth

Marhumah

Sunan Kalijaga Islamic State University of Yogyakarta, Indonesia

Abstract: This article examines the methods offered by Islamic feminist in reading misogynistic h{adīth. The author comparatively examines how three Islamic feminists, Fatima Mernissi, Khaled M. Abou El Fadl, Husein Muhammad, apply their methodologies in testing the authenticity of misogynistic h{adīth. It is imperative to discuss their methods because misogynistic h{adīths are frequently employed by conservative Muslims to justify the superiority of men over women. The h{adīths have theological, social and political impact to marginalize and downgrade women's status. Their methods are not only based on examining the chain of h{adīth transmitter (*isnad*), but also on criticism h{adīth contents (*matn criticism*). The question of whether the Islamic feminist's methods have their basis within Islamic intellectual tradition should be taken into account because as this article shown, some misogynistic h{adīths are loaded in al-Bukha>ri's book in which Sunni orthodoxy considers it as the authoritative Islamic source after the Qur'an. By tracing to early h{adīth scholars, the author argue that the methods offered by Islamic feminists are not entirely new and have their foothold within Islamic intellectual tradition.

Keywords- *Fatima Mernissi, Khaled M. Abou El Fadl, Husein Muhammad, Methods, Misogynistic H{adīth.*

I. INTRODUCTION

Study of women and gender equality had been carried out by both Muslim and Western scholars. Muslim believes that Islam exists to create justice, peace, welfare and love for all human beings.¹ These objectives, however, were not always inclusive for women. In fact, many women are still considered as second-class human beings in Islam. They have suffered discrimination and marginalization in the family and social, economic and political realms. This reality can ironically be seen in many Islamic countries, despite the fact that they claim to implement *shari'a* in their constitution.² This in turn raises the question, how is the status of women perceived in Islam? Does Islam advocate injustice against women?

Arguably, there are several verses in the Qur'an and in some h{adi>ths that may be considered discriminatory against women. One of prominent verses in the Qur'an that explains gender relationship is Q. 4:34.³ Classical Muslim exegetes employ the verse to justify the superiority of men over women. However, according to Khaled M. Abou El Fadl the verse does not support directly the men's superiority. Rather, several h{adi>ths have more detailed explanations on this matter. Therefore, some classical Muslim exegetes quote several h{adi>ths to support their interpretation of the verse. Within Islamic tradition, one of the functions of the h{adi>th is to clarify (*baya>n*) the Qur'an. This means that one has to refer to h{adi>th when there is a problem that is not explained clearly in the Qur'an.⁴ Hence, some conservative Muslim scholars employ h{adi>ths to justify their *fatwa>* on the superiority of men over women.⁵

The h{adi>ths which contain gendered bias, discriminative and hatred against women are called misogynistic h{adi>ths in which I will explain its definition later. This article examines methodologies offered by Islamic feminists⁶ in reading misogynistic h{adi>ths. It comparatively examines Fatima Mernissi, Khaled M. Abou El Fadl and Husein Muhammad in testing the authenticity of misogynistic h{adi>ths. They have different social and intellectual background. Mernissi is a Moroccan sociologist; El Fadl is a scholar of Islam law teaching at California Los Angeles University; Muhammad is an Indonesian scholar who advocates gender equality and based in Pesantren.

It is significant to discuss their methodologies because as argued by El Fadl, misogynistic h{adi>ths lead to theological, social, political and economic discrimination against women together with their marginalization and degradation.⁷ This article would also discuss whether their methodology has their basis within early Islamic tradition. This is imperative because most of misogynistic h{adi>ths are loaded in the book of *S}ahi>h* Bukhari in which Sunni orthodoxy considers it as the most authoritative book after the Qur'an.

II. UNDERSTANDING MISOGYNISTIC H{ADĪTH

Etymologically, misogyny originated from the Greek language: *misogynia*. The word was a combination of two words: *miso* (hate) and *gyne* (women) which means a "resentment of women (*a hatred of*

women)". The term has evolved into the term *misogynism*, which means ideology of hating women. The term misogyny is used for labeling the doctrines or schools of thought which openly marginalize and dehumanize women.⁸ In *Cambridge Dictionary*, misogynist means a man who hates women; and a religion that believes in a doctrine that men are better than women (*a man who hates women or believes that men are much better than women*).⁹ In Western academic discourse, the term misogynist is used to describe conditions of the ancient community, especially during the medieval period when patriarchal culture was more dominant. At the end of the 20th century, some western scholars use the term not only to explain a form of hatred of women, but also more broadly, to account for an anti-women attitude (*anti-feminine*).¹⁰

Meanwhile, h{adi>ths are a meaningful language of communication, story and conversation. According to *muh}addis/u>n*, the h{adi>ths refer to a report of all facets of the Prophet's everyday life including his words, deeds, decrees and the character of the Prophet.¹¹ They are associated with the term *sunnah*, which means a road or a way.¹² However, *sunnah* can mean broader activities which include the habits, traditions and practices of early Muslim communities.¹³

Thus, it can be concluded that misogynistic h{adi>ths are associated with and derived from the Prophet, and contain the sentiments of hatred, discrimination and degradation towards women. Apparently, the term misogynistic h{adi>th was firstly popularized by Fatima Mernissi in her book, *Women and Islam: An Historical and Theological Enquiry*, in which she analyses criticism against several h{adīths considered misogynistic.¹⁴ Later, the term misogynistic h{adi>th has been used in scholarly works.¹⁵

According to Nasr Hamid Abu Zayd, the civilization of Islam is a text (*al-had{a>rah al-nas*), a civilization built by taking the text as the foundation for the Islamic world view and a guide to deal with the problems of socio-religious, political and economic spheres. Abu Zayd considers that the Qur'an is the producer of civilization (*al-muntij al-s{aqafy*).¹⁶ Despite he does not consider the h{adi>th as the producer of civilization, I argue that it also plays a role in establishing Muslims' civilization as well. This can be observed through Muslim scholars' – from classical up to contemporary era- receptions and commentaries on h{adīth in which they consider h{adīth as the second source of Islamic teachings after the Qur'an. In addition, several Islamic laws are also derived from and based on the h{adi>th. Thus, h{adi>ths cannot be separated from the lives of Muslims. Similar to the Qur'an, the h{adi>th also influence and reconstruct the world view, social reality, and cultural, political and religious aspects of life for Muslims.

Within this framework, misogynistic h{adīths have also influenced the world view of many Muslims at the expense of women and with theological, social and moral consequence on the lives of women. The strength of patriarchal culture in the Muslim community that has resulted in discrimination, marginalisation, violence and the degradation of the status of women as imbedded in the h{adīth contained in the many books on *fiqh* and *fatwa*. That these hadīths referred to as normative theological h{adi>ths means that authentication of these misogynistic h{adi>th is imperative in reducing the culture of hatred against women.

III. FATIMA MERNISSI

Fatima Mernissi is a well known Muslim sociologist and writer of Moroccan descent. She is a pioneer of the study of women in the Middle East and has written a number of articles and books related to women and Islam. She is better known as a Muslim feminist who tenaciously advocates for gender equality in the Muslim world.¹⁷ She was born in Fez, Morocco in 1940. Mernissi attained her Masters' degree in political science at Mohammad V University, Rabat, Morocco, and Doctorate at the Bradeis University in 1973. After, she returned to Morocco to write and teach at the Mohammad V University at Rabat.¹⁸

Distinct from classical Muslim scholars, Mernissi defines h{adi>th as the written report of the Prophet's words, deeds and behavior in which later Muslim generation refer to that in any circumstances. Such definition leads Mernissi to conclude that h{adi>ths uncovers the phenomena of seventh century Arabia peninsula which are diversely recorded, due to the fact that an event has various narratives.¹⁹ However, according to Mernissi, h{adi>ths were much manipulated and fabricated to justify political and economic power. She argues that manipulating and fabricating the Islamic manuscripts are the structural characteristic of early Muslims' dominance.²⁰ Within such communal structure, the h{adi>ths was manipulated and fabricated for the purpose of reaching political and economic advantages.²¹

Hence, it is importance to review the authenticity of the h{adi>ths, including those which are considered misogynistic. According to Mernissi, misogynistic h{adi>ths are in contradiction to the life history of the Prophet who venerated and respected women. She states: Why would the Prophet have said a h{adi>th like that, which does me harm? Especially since this kind of saying doesn't correspond at all with what they tell us elsewhere about the life of Muhammad. "How could Muhammad, "The Beloved", so hurt a young girl who, in the bloom of youth, had transformed him into a pillar of her romantic dreams? Muhammad was not just a chief of state. He was also the lover of 'Aisha."²²

For Mernissi, although many misogynistic h{adi}ths contained in Bukhari's book (*S}a>hi>h Bukha>ri*), she does not take those for granted by considering authentic, because those would imply on downgrading the women's status.²³ Therefore, to examine the authenticity of misogynistic h{adi}ths, Mernissi uses historical and traditional scholarly approaches.²⁴ First, she analyses three historical context: 1) when each h{adi}th was narrated by the Prophet; 2) when reinterpretations by the Prophet's companions were made; and 3) the historical context of the first transmitter. The second approach utilizes traditional methods that have long since been used by early h{adi}th scholars to verify the h{adi}ths. Inspired by Imam Malik, Mernissi argues that the intellectual and moral integrity of the narrator have been taken into account to determine the authenticity of the h{adi}ths.²⁵

For example, on the issue of women's leadership, Abu Bakrah narrated a h{adi}th which stated "there will be no good fortune for those who surrender their leadership to women". In analyzing this text in its historical context, Mernissi is not satisfied about the causal context of its narration (*asba>b al-wuru>d*). She analyses the historical context of the h{adi}th more broadly and states that this h{adi}th specifically referred to the chaos of the Persian Empire in the period 629-432, which was caused the death of a King, Khusraw Pavis, at the hands of Roman troops. To replace him, two women were in competition, each claiming themselves heir to the throne. This conflict for the throne was not because they were both women, and could have arisen between women or men in such circumstance.²⁶

Furthermore, Mernissi questions the context of why Bakrah needed to narrate such a h{adi}th? According to Mernissi, the narration of the h{adi}th was against the background of conflict between Aisha and 'Ali, known as the "camel war". It was stated that after the death of 'Uthman b. 'Affa>n by the demonstrators, 'Ali was appointed as the fourth caliph. Afterwards, Aisha demanded that 'Ali punish the killer, but he refused. Due to this, Aisha gathered friends and supporters from various cities to rebel against 'Ali. As the leader of Basra, Abu Bakrah was in a dilemma in relation to whether to support Aisha's demand or 'Ali's position. Bakrah then narrated the h{adi}th to back up his position in supporting 'Ali as the legitimate leader. In addition, Basra itself was the basis of 'Ali's supporters.²⁷

To scrutinize Abu Bakrah's standing, Mernissi then analyses his political background. Before converting to Islam, he was a slave living in the city of T{a'if and advanced his standing following his conversion. He was not renowned before coming to Islam. When T{a'if was conquered, all slaves including Bakrah were set free. He then became a respected figure in Basra.²⁸ Against this background, Bakrah refused to support either party in the camel war. For him, the war was a civil war destined to destroy the order of the Muslim community. According to Mernissi, it is obvious that Bakrah's position as a Muslim against any kind of war was a neutral position from which he therefore rejected Aisha's plight to fight. After Aisha's army was defeated, he backed himself up with a h{adi}th that discredited female leaders. It is ironic, according to Mernissi, that it was only Bakrah who was misogynistic towards Aisha.²⁹

After using historical analysis, Mernissi then investigates the h{adi}th narrator: Abu Bakrah in the light of his moral aspect. The result is that Bakrah's h{adi}th must be rejected because he does not fulfill the criteria for a morally good narrator. This is because he had been punished by the second caliph, 'Umar b. Khat}t}a>b, because he falsely testified against al-Mughirah bin Shu'bah, whom he accused fornication.³⁰

Mernissi offers historical analysis as well as traditional research methodology. Although the science of the h{adi}ths discusses *asba>b al-wurud* (the causes of narration) of the h{adi}ths, the authenticity of the h{adi}ths was not determined. Mernissi proves that the narration is an expression of certain interests. Her second approach is testing aspects of the morality of the first narrator of the h{adi}ths, using the method traditionally used for verifying the authenticity of the h{adi}ths termed '*adalah* (fairness).³¹ Although unlike the classical methodology which is about the legal status of a companion ('*adalat al-s}ahabah*), as the first narrator, Mernissi analyses their morality. The Prophet's companions were of course humans who subject to error, their intellect and morality questionable. Mernissi proves that some companions made use of the h{adi}ths for their own political and economic gain.

IV. KHALED M. ABOU EL FADL

Khaled M. Abou El Fadl was a professor in UCLA (University of California Los Angeles), skilled in the fields of Islamic law and human rights. His undergraduate degree in politics was obtained from Yale University (1986), his Master's from the University of Pennsylvania (1989), and his ph. D in the field of Islamic Studies at the University of Princeton (1999).³² In *Speaking in God's Name: Islamic Law, Authority, and Women* (2001), he criticizes the phenomena of religious authoritarianism in Islam, including in relation to women.

In analyzing the misogynistic h{adi}ths, he did not follow this term³³, and instead proposed the notion of "faith based assumption". In his view, the misogynistic h{adi}ths were not in accordance with the concept of reverence to God and the values of Islam. He states:

To what extent did the prophet really play a role in the authorial enterprise that produced this tradition? Can I, consistent with my faith and understanding of God and God's message, believe that God's prophet is primarily responsible for this tradition?³⁴

According to El Fadl, if views based on a standard, a place and the development of human morality could cause damage (*mafsada*), one has to wonder if the h{adi}ths were really uttered by the Prophet, and whether the h{adi}th are suitable a source of the determination of law.³⁵ In other words, testing the authenticity of h{adi}th must be done before the h{adi}ths can be used as a source in the establishment of law. Like Mernissi, El Fadl is skeptical towards h{adi}ths that have been considered reliable (*Sjahi*) in the book of *Sjahi* Bukhari. However, he suggests that the h{adi}ths loaded with contradiction: they are either in conflict with other h{adi}ths, Qur'anic verses or with the history of the Prophet.³⁶

Hence, he offers a methodology with which to reexamine the authenticity of the misogynistic h{adi}ths. First, gathering h{adi}ths of similar theme for the purpose of understanding the differences and variations of *matn* (the content of h{adi}th), so that it can be determined whether the h{adi}ths have been edited; second, analysis of the *matn* h{adi}ths. There are two issues that need to be analysed in the *matn* h{adi}ths, namely, text structure and the symbolic associations implicit within the text. However, El Fadl does not always apply this in reading the h{adi}ths. Sometimes, he skips directly to step there; third, comparison of the h{adi}ths with the Qur'an and other h{adi}ths; fourth, analysis of the historical context of the Arabs during the life of the Prophet Muhammad; fifth, analysis of the historical context of the first narrator of the h{adi}th. At this stage, El Fadl also considers the credibility of the first narrator; sixth, consideration of the theological, moral and social consequences of the h{adi}ths.

For example, the h{adi}th about "a wife falling at her husband's feet and licking his boils". The first step carried out by El Fadl was collecting all the acts of the h{adi}ths pertaining to the theme, such as those of Aisha, Azhar b. Marwan, Mu'az b. Jabal, Anas b. Malik dan Abu Hurairah.³⁷ Of the information gathered, according to El Fadl quoting the commentator of the h{adi}th, it turns out that h{adi}th had succumbed to remarkable additions, for example the addition of "hills, saddle, the back of a camel and boils".³⁸ Then, El Fadl analyses the structure and associated symbol contained in the h{adi}th text. He found the structure in most to be quite inelegant. For friends ask you, "could you prostrate to him?" with the Prophet answering: "no! But if a fellow human is permitted to prostrate among the people, and a man wife must prostrate to her husband". For El Fadl, the h{adi}th structure that is inelegant, for the Prophet expresses his opinion outside the context of talks, and that is very unusual.³⁹

According to El Fadl, symbolic association in the h{adi}th has been created by the h{adi}th narrators. In some the h{adi}th, those engaging in talks include the Prophet and other men. In this case, the h{adi}th narrators link the symbol of the Prophet and that of men. Meanwhile, in other interpretations, "angels" are associated with "men". In this case, El Fadl concludes that the h{adi}th should to be viewed suspiciously, for it is not likely that the Prophet would convey something that was not systematic.⁴⁰

El Fadl compares the h{adi}th with the Qur'an. According to El Fadl the h{adi}th are contrary to the principles described in the Qur'an. The Qur'an explains the power and absolute sovereignty of the lord, so that submission to another god unjustified. In addition, in al-Rum: 21, it is explained that the purpose of marriage is peace and affection. In al-Baqarah: 187, explains that the relationship of husband wife is like a garments for each other. Meanwhile, many h{adi}th depict the Prophet as an affectionate and gentle husband. Even in the Bukhari's and Tayalisi's, explained that the prophet argued with his wives, and at times became angry. According to El Fadl, there are more of this type of h{adi}th than those containing misogynistic view towards women.⁴¹

El Fadl explains that the h{adi}th emerge within the patriarchal society in which Islam was born.⁴² He adds that patriarchal institutions played an important role in the pronouncement of misogynistic h{adi}th. This is reflected in the historical comment of Ibn 'Umar who said that "when the prophet was alive, we were cautious of interacting with our wives, for fear that verses would be written about our behavior. But after the Prophet died, we interacted more freely with our wives".⁴³

The patriarchal social structure of the early Islamic period can be seen from the socio-historical context of the h{adi}th. El Fadl analyses the socio-historical context of Abu Hurairah as well as his credibility. Hurairah was chosen because he was a dear companion who most widely narrated misogynistic h{adi}th. According to El Fadl, criticisms of Abu Hurairah are not new, for in the earliest period of many companions questioned the credibility of his h{adi}th announcements. The most important criticism is that he converted to Islam three years before the Prophet died, and narrated more h{adi}th than the Prophet's other companions. Aisha rejected the h{adi}th in which Abu Hurairah claimed that women were inferior. 'Umar was once told to stop announcing h{adi}th. Several historians claim that he narrated on h{adi}th to profit economically.⁴⁴

El Fadl later analyses the impact of the h{adi}th suggesting that the h{adi}th have theological, social and moral impact. In other words, h{adi}th were as normative to lower the status of women and place women's honor under the power of men. According to El Fadl, proportional logic is required in reading the

h{adi}ths. The greater impacts generated by a h{adi}th, the more rigour needed in validating its authenticity. Testing of the consequences wrought by the h{adi}ths, has generally been ignored by the early h{adi}th scholars and the h{adi}ths have been acted upon with significant unintended moral and social consequences.⁴⁵

Of the six methods offered by El Fadl, he rejected the h{adi}ths on the requirement of a wife to prostrate before her husband. His method was more systematic and comprehensive than that offered by Mernissi. However, there are parallels between the two methods, in particular in relation to the need for socio-historical analysis of the context, both in terms of the h{adi}ths and the first narrator of the h{adi}ths. In addition, both refuse the concept of justice companion was intended to strengthen the orthodox Sunni criticism of the house of Shiite.⁴⁶

V. HUSEIN MUHAMMAD

Husein Muhammad is a *kyai*⁴⁷, at Pondok Pesantren Dar at-Tauhid Arjawinangun, in Cirebon. He was born in Cirebon on the 9th of May 1953, he had a Pesantren education. His undergraduate Degree was obtained from PTIQ in Jakarta (1980). He later extended his education at al-Azhar Kairo University.⁴⁸

Muhammad's interest in gender and feminism began in 1993 when he was invited by Masdar Farid Mas'udi to attend a seminar on the theme of "women from the perspective of religions". It was here that he realized the importance of gender justice, in particular through his realisation that religious experts participate in legitimizing gender inequalities. He became an avid reader of the texts related to women's issues and became active in a range of non-government organisation that addressed equality issues. He became known as a feminist *kyai* from the Pesantren.⁴⁹

The main focus of Muhammad's ideas on gender equality is the deconstruction of text books with a gender bias especially the yellow books used to teach in boarding schools. Boarding schools are influential religious institutions, powerful in the formulation of the views of its school community through the classical text books, such as *'uqu>d al-lujjayn* by Sheikh Nawawi al-Bantani. Hence, for Muhammad it is important that such text books are deconstructed and reinterpreted. It is interesting that he uses the classical Islamic scientific perspective, especially *fiqh* in bringing out the message of gender equality.⁵⁰

Similar to El Fadl and Mernissi, for Muhammad the fundamental value of Islam is its support of justice and equality evident in the doctrine of *tawhi>d* (monotheism) which advocates justice and equality between men and women before the Lord. Many passages in the Qur'an refer to this, for example, the letter of al-Hujurat: 13. According to Muhammad, *tawhi>d* should be made the basis of and ultimate framework in formulating justice and gender equality.⁵¹

However, for Muhammad, there are texts both in the Qur'an and the h{adi}ths that contain gender bias and which can be said to be misogynistic. It is as if there are contradictions between these religious texts, all the more reason Muhammad argues, that the Qur'an and h{adi}ths be reinterpreted and analysed in their socio-cultural and historical contexts to determine if there is implicit gender bias.⁵²

It is Muhammad's opinion that a new methodology is required in re-reading the texts to ascertain whether they contain misogynistic elements. The method he offers includes: first, make *maqa>s'id al-shari>'ah* which means the objective behind Islamic law, the base for interpretation.⁵³ Second, analyse the socio-historical context of the text (*al-siya>q al-ta>rikhi al-ijtima'i*). Third, analyse the language used and context (*al-siya>q al-lisa>ni*). Fourth, identify the casual aspects of the text as a way to think about the needs of the new social context (*qiya>s al-g>a>ib 'ala al-sya>hid*).⁵⁴ Fifth, analyse the transmission of h{adi}ths sources (*takhri>j al-asa>ni>d*) and their criticisms *matn* (*naqd al-matn*).⁵⁵

Despite Muhammad's proposed method, he did not apply a comprehensive reading of the misogynistic h{adi}ths, he failed to analyse a single h{adi}th using the five step methodological framework he offered. In the works of El Fadl and Mernissi, special attention is given to h{adi}th using the methodologies they suggest. This can be understood, from the view point that the methodology offered by Muhammad is not limited only to the h{adi}ths, but also includes the Qur'an.

Muhammad's re-reading of the misogynistic h{adi}ths is in that he prioritizes *isnad* criticism (*naqd al-isnad*) and *matn* criticism (*naqd al-matn*). The *isnad* criticism conducted by Muhammad was still in the form of classic *isnad* criticism. Muhammad's reading on h{adi}ths can be seen in criticism of the h{adi}ths in the *'uqu>d al-lujjayn*. According to Muhammad, after investigation of the *isnad*, there are 30 h{adi}ths with *isnad* that are defective or which cannot be trusted. While the rest are reliable (*s>ahi>h*), the substance of the *matn* is unacceptable, for it is contrary to the Qur'an and other h{adi}ths which advocate justice, equality and respect for women.⁵⁶

Like Mernissi and El Fadl, Muhammad analyses the historical context of the h{adi}ths. According to Muhammad, ideas of equality, justice and universal human ethics were championed by the Prophet in the context of the Arabic patriarchal culture.⁵⁷ Hence, it is his view that religious texts that are discriminatory and misogynistic, including both the Qur'an and h{adi}ths have to be positioned in their historical context as being directed toward the social goals of justice and equality.⁵⁸ Thus, it is imperative to analyse the context in which the h{adi}ths were narrated.

For example in the Prophet's h{adi}ths: "a community governed by women will never prosper". According to Muhammad, similar to the analysis undertaken by Mernissi, this h{adi}th was narrated to make a statement about the inability of the Persian queen, Kisra, to rule. In addition, according to Muhammad, the h{adi}ths are informative in nature and not designed to outline legislation or law.⁵⁹ This is what Muhammad refers to analysis of language and context (*al-siyaq al-lisani*). From the *us}u>l al-fiqh* perspective, it can be accepted, for the editor does not stipulate guidelines.⁶⁰ Then Muhammad quotes the opinion of Ibn Aqil as quoted by Ibn Qayyim that the political priority was wellbeing and avoidance of damage. In addition, Muhammad quotes a rule of *fiqh*: "a ruler must act towards his people according to good intent." Thus, h{adi}ths would not be used a postulate to prohibit women's participation in politics.⁶¹

Unfortunately, Muhammad did not analyse that the h{adi}th first narrator, Abu Bakrah, as Mernissi did to find that in terms of *isnad*, the h{adi}th had to be rejected. Muhammad prefers to comment on it from a *fiqh* perspective, that is the paradigm of *fiqh* was used to articulate his feminist ideas. Nuruzzaman refers to Muhammad as "the text from Pesantren", because his ideas were rooted on the classical intellectual traditions of Pesantren, especially the *fiqh*.⁶²

VI. ISLAMIC FEMINISTS APPROACH ON H{ADI}TH: A METHODOLOGICAL ISSUE

Of the three figures outlined above it can be concluded that in the minds of the feminists, the misogynistic h{adi}ths violate the universal principles described in the Qur'an, principally justice, equality, and respect for women. In addition, these h{adi}ths violates the historical record of the Prophet which demonstrated that he loved and respect women, as recorded in *sirah* (the history of the Prophet) books and some h{adi}ths. Their objections were also based upon the fact that misogynistic h{adi}ths are a source of normative theology in the construction of the role and status of women in society. In reality, Muslim women are still deemed as the second class citizens. They are marginalized and often face discrimination, in the family, society, and in the political and economic spheres, as legitimized through the misogynistic h{adi}ths. These authors object to such positioning and question whether the Prophet's h{adi}ths were used to legitimize inequality and discrimination against women.

In the intellectual and religious traditions of Muslims, the h{adi}ths are central and hegemonic. For most Muslims, they are second only to the Qur'an. In practice, some classical Muslim scholars argue that that h{adi}ths can abrogate the provisions which exist in the Qur'an.⁶³ Given the massive and hegemonic function of the h{adi}ths, we can understand why misogynistic h{adi}ths were then used as a source of legitimacy by some Muslims to legitimize gender inequality and injustice with the implication that people are led to believe that gender difference is destiny and should be accepted.

Why did the h{adi}ths become hegemonic in the Islamic tradition? The answer can be traced historically to the Imam al-Shafi'i. According to Joseph Schacht, al-Shafi'i was first to affirm the concept of tradition (*sunnah*) as a legal tradition, inclusive of all documentation on the Prophet's life, words, behavior, personality and leadership style, as recorded in the h{adi}th documents. For al-Shafi'i, a person may not push aside the h{adi}ths of the Prophet, for he has authority higher than that of both his companions and his successors.⁶⁴

The thesis of al-Shafi'i was aimed at the opposition, particularly the individuals in Medina and Iraq who prioritized the traditions and practices that emerged in the companion period rather than the Prophet's h{adi}ths for producing law.⁶⁵ Al-Shafi'i's conception about the Prophet's traditions led to *sunnah* being seen as identical with the h{adi}ths, and the second source of Islamic law after the Qur'an. Finally, Muslims' trust in the h{adi}ths was huge as was the movement the codifying them.⁶⁶ Since that time, the h{adi}ths have become hegemonic and in the Islamic tradition.

However, the h{adi}ths should be positioned as an academic discourse open to criticism and re-reading, for their ontological status which are still problematic. Ontologically, the h{adi}ths are characterized as *dzanniy al-wuru>d*.⁶⁷ In other words, it remains questionable as whether they originated from the Prophet or not, a problem of concern to classical to contemporary h{adi}th scholars. A h{adi}th can be used as an argument *hujjah* or practiced (*ma'mul bih*) if it is capable of meeting the authenticity requirements.

As academic discourse, even h{adi}ths that have been considered reliable or legitimate in the past should be reexamined to determine their authenticity as done three scholars discussed above. They do not accept the h{adi}ths contained in Bukhari's book taken for granted. However, classical h{adi}th scholars are fallible and capable of poor judgment. Thus, to the academe, it is important to be able to scrutinize and question the methods used in researching the h{adi}ths.

Syuhudi Isma'il explains several factors why research on the authenticity of the h{adi}ths is imperative to be undertaken. First, not all h{adi}ths were written in period of the lives of Prophet. Second, historical data proves that some h{adi}ths were fabricated, even since companion period. Third, the process of compiling and

codification of h{adi}ths was carried out long after the Prophet's death. Fourth, many h{adi}ths manuscripts were codified with various methods. Fifth, the h{adi}ths were much narrated in its intent rather than its literal sense (*al-riwayah bi al-ma'na*).⁶⁸

In addition, a criticism of traditional h{adi}ths is not sufficient to determine their authenticity. Some Muslim scholars have objected to and criticized the traditional method of h{adi}ths criticism. As shown by Kamaruddin Amin, Ibn Khaldun argues that the research on the authenticity of h{adi}ths undertaken by early h{adi}th scholars is restricted to chain of transmitters (*isnad*). When a transmitter was trusted, h{adi}ths were automatically considered authentic. Ahmad Amin also argues that classical h{adi}th scholars only focused on researching the chain of transmitter rather than that of the substance of h{adi}th texts (*matn*). Mahmud Abu-Rayyah even further insists that they did not take the h{adi}ths into account and failed to analyse its historical account.⁶⁹

The concept of *adalat al-s}aha>bah* is still highly debated. Modern Muslim h{adi}th scholars, such as Rasyid Ridha and Ahmad Amin reject the concept. They suggest criticism by exposing the historical facts that in the companion era, an attitude of prudence, suspicion and criticism in the narration on the h{adi}ths had already emerged. Thus, even the companions can err in their narration and interpretation of the h{adi}ths.⁷⁰

The explanation above describes the complexity and problematic nature the study of the h{adi}ths. Thus, rethinking, reexamining and critically re-reading h{adi}ths remain unfinished academic work that requires the formulation of new methodologies and approaches. The critical methodologies in reading misogynistic h{adi}ths offered by the aforementioned Islamic feminists represent some of the intellectual work done thus far.

Although there are differences in their methodologies, the three were not content with the results of research and the methodologies used by early h{adi}th scholars. In addition, they agreed to analyse the socio-historical context of a certain h{adi}th, since each h{adi}th is a historical text that reflects certain historical situational circumstance, so that the historical examination is very important in understanding the context of the author of the h{adi}th. In this case, Mernissi's methodology is more sophisticated rather than that of El Fadl and Muhammad, for she analyses not only the context in which a h{adi}th was uttered by the Prophet, but also that of in which it was first narrated by the narrators. The advantage of Mernissi's historical analysis is that she could prove that the h{adi}ths were narrated in different contexts and were used to justify certain interests.

Distinctions between the methods used by the three are many. El Fadl and Muhammad offer analysis of the h{adi}ths in comparison with the Qur'an and other h{adi}ths while Mernissi does not acknowledge such analysis. In this point, El Fadl's and Muhammad's methods are more sophisticated rather than that of Mernissi. The comparative analysis is important to determine the authenticity of h{adi}ths, especially through the Qur'an in which Muslims believe it as the authentic divine words. Thus, from El Fadl's and Muhammad's methods, it can be concluded that if the h{adi}ths contradict the universal Qur'anic principles, they must be considered unreliable.

Compared to Mernissi and Muhammad, El Fadl proposes analysis of h{adi}ths in the light of other h{adi}ths in similar theme. In this point, his method is more sophisticated than that of Mernissi and Muhammad. In my opinion, El Fadl's analysis is important to determine if there have been reductions, distortions and additions by the h{adi}th transmitters, due to the fact that in the process of h{adi}th transmission, they were much narrated in its intent rather than its literal sense (*al-riwayah bi al-ma'na*).

The methodologies offered the three Islamic feminist are part of the new trend in the study authenticity of the h{adi}ths, one which rests not only on examining the chain of h{adi}th transmitters (*isnad* criticism) are also analysis of the h{adi}th content (content criticism). The methodologies they offer, however, are not entirely new, as h{adi}th scholars of the past have critically analysed the *matn* of h{adi}ths, even since the companion era. In his book, *Manhaj Naqd al-Matn 'Inda 'Ulama>' al-Hadi>s al-Nabawy*, Sala>h al-Di>n al-Adlabi refutes Ahmad Amin's claim that early h{adi}th scholars only focused on *isnad* analysis and have ignored *matn* criticism. For al-Adlabi, Ahmad Amin's proposition is not true, for early h{adi}th scholars and even several companions were doing this.⁷¹

Al-Adlabi cites many examples on this. For example, the narration by Aisha in which she criticizes the h{adi}th narrated by Abu> Hurairah on "the torment suffered by someone who died to the cries of their family". Aisha criticizes Abu> Hurairah saying that "the person's hearing was not good". Then she corrects him, explains the context of the h{adi}th (*saba>b al-wuru>d*) and compares it to the Qur'an. According to Aisha, the h{adi}th was uttered when the Prophet passed by the home of Jews crying as a family member was dying. In addition, according to her, the h{adi}th is not compatible with al- Baqarah: 286.⁷²

For more comprehensive, Jonathan Brown argues that Western scholars' and modern Muslim scholars' conclusion that early h{adi}th scholars focus their methods in determining the authenticity of h{adi}ths on the chain of transmitter is lack of evidence from early Islamic period. By adducing fifteen examples of early Sunni h{adi}th scholars' methods in the 3rd/9th and 4th/10th century, Brown argues that early h{adi}th scholars had applied content criticism in testing the authenticity of a h{adi}th.⁷³ One of the examples is:

In his entry on the weak transmitter Ḥashraj b. Nubāta (fl. mid 2nd/8th century) in the *Kitāb al-ḍu‘afā’ al-ṣaghīr*, al-Bukhārī notes that Ḥashraj narrated the ḥadīth “the Prophet (s) said to Abū Bakr, ‘Umar and ‘Uthmān, ‘these are the caliphs after me.’” Al-Bukhārī adds that this ḥadīth is “not corroborated (*lā yutāba‘u ‘alayhi*) because ‘Umar b. al-Khaṭṭāb and ‘Alī b. Abī Ṭālib said, ‘the Prophet did not appoint any successor (*lam yastakhlif al-nabī*).”⁷⁴

According to Brown, such examples explain us that early Sunni h{adi}th scholars, like al-Bukhārī also took content criticism (*matn* criticism) into account to determine the authenticity of a h{adi}th. For al-Bukhārī the content of above h{adi}th contradict with a historical evidence that the Prophet never appointed any successor. Therefore, he rejected Ḥashraj’s h{adi}th.⁷⁵

Unfortunately, the content criticism is hardly to find within early Sunni h{adi}th scholars’ books. According to Brown, this is because the tension occurred between *ahl al-h{adi}th* and *ahl al-ra’y* (rationalist) on “a cult of methodology” in determining the authenticity of h{adi}ths. For *ahl al-ra’y*, the methods of *ahl al-h{adi}th* were misleading because they sacralized the chain of transmitter as “the only means” and exclude content criticism to test the authenticity of a h{adi}th. On the contrary, for *ahl al-h{adi}th*, *ahl al-ra’y* were “arrogant heretic” as for glorifying human reason and neglecting the chain of transmitters. Therefore, Brown concludes that for *ahl al-h{adi}th* like al-Bukhārī, analysing the content of a h{adi}th without relying its conclusion of analysis on the chain of transmitter would affirm the *ahl al-ra’y*’s methodology.⁷⁶

Attempts to evaluating the authenticity of the h{adi}ths analysis of the *matn* h{adi}th then have been re-undertaken in the mid 19th century during the dawn of the modernist movement. The first scholar to criticize the h{adi}th was Indian modernist thinker, Sir Ahmad Khan (1817-1898). As shown by Mun’im Sirry, according to Khan, the Qur’an is the highest standard with which to test the authenticity of h{adi}th. He concluded that only the *mutawatir* h{adi}ths are reliable. In Egypt, Muhammad Abduh was also skeptical about the h{adi}ths. Similar to Khan, Abduh argues that only the *mutawatir* h{adi}ths are binding. Little of Abduh’s thought was given to the h{adi}ths, and in Abduh’s mind many of the h{adi}ths were developed by his students. Rashid Ridha, one of the Abduh’s renowned students, argues that all h{adi}ths opposed to the Qur’an must be rejected, although early h{adi}th scholars state that the narrators are trust-worthy.⁷⁷ As we have seen, I argue that the methodologies offered by Mernissi, El Fadl and Muhammad have a foothold in Islamic intellectual tradition.

VII. CONCLUSION

There is a consensus among the opinions of the three Islamic feminists, misogynistic h{adi}ths are not respectful of the teachings on justice, equality and respect for females in Islam. Hence, they offer methods in reading and testing the authenticity of misogynistic h{adi}ths. Despite there are several differences among their methods, they are in line that criticism merely on the chain of transmitter (*isnad*) is not enough in testing the authenticity of h{adi}ths, rather content criticism has to be taken into account. Their methodologies are an effort in re-thinking and re-reading h{adi}th as inclusive discourse and unfinished discourse which is open to be criticized and renewed. However, their methodologies are not entirely new due to evidence that early and modern h{adi}th scholars have applied content criticism (*naqd al-matn*). Therefore, I argue that the methods offered by the Islamic feminist have their basis within Islamic intellectual tradition.

REFERENCES

- [1] Jasser Auda, *Maqasid al-shariah as philosophy of Islamic law: a systems approach* (London: The International Institute of Islamic Thought, 2007), xxi-xxii.
- [2] John Hursh, Advancing women’s rights through Islamic law: the example of morocco, *Berkeley Journal of Gender, Law & Justice*, 2(6), 2012, 254-255.
- [3] Rachel M. Scott, A contextual approach to woman’s right in the Qur’an: readings of 4:34, *The Muslim World Journal*, 99, 2009, 61.
- [4] ‘Abd al-Wahha>b Khala>f, *‘Ilm us>u>l al-fiqh* (al-H{aramain, 2004), 38-40.
- [5] Khaled M. Abou El Fadl, *Speaking in God’s name: Islamic law, authority, and women* (Oxford: One World, 2001), 211.
- [6] Badran defines Islamic feminism as “a feminist discourse and practice that derive its understanding and mandate from the Qur’an, seeking rights and justice within the framework of gender equality for women and men in the totality of their existence”.
- [7] See: Margot Badran, Islamic feminism revisited, *al-Ahram Weekly Online*, 9-15 February 2006, issue No. 781, <http://weekly.ahram.org.eg/Archive/2006/781/cu4.htm>. I employ the term as a categorical term rather than an identity for the purpose of avoiding the debate among scholars on the term.
- [8] El Fadl, *Speaking in God’s name*, 212.

- [9] Nurdin and Rufika Sari, Misogynist di dalam hadis: telaah hadis Sunan Tirmidzi dan Ibnu Majah: perempuan sumber fitnah paling berbahaya, *Marwah*, xiii(2), 2014, 202.
- [10] <http://dictionary.cambridge.org/dictionary/english/misogynist>.
- [11] Paula M. Rieder, The uses and misuses of misogyny: a critical historiography of the language of medieval women's oppression, *Historical Reflections*, 3(1), 2012, 1-2.
- [12] M. M. Azami, *Studies in hadith methodology and literature* (Indianapolis: Islamic Teaching Centre, 1977), 1-3. See also, Muhammad 'Ajjaj al-Khatib, *Us}u>l al-h{adi>s/* (Beirut: Dar al-Fikr, 2006), 5.
- [13] Azami, *Studies in hadith methodology and literature*, 4.
- [14] See: Ignaz Goldziher, *Muslim studies* (London: George Allen & Unwin Ltd, 1971), vol. 2, 24-25; Fazlur Rahman, *Islamic methodology in history* (Islamabad: Islamic Research Institute, 1995), 27-49.
- [15] See: Fatima Mernissi, *Women and Islam: an historical and theological enquiry* (London: Basil Blackwell, 1990), 49-62.
- [16] For example: Kamran Shahid, Feminism and Islam: Contextualizing equality of gender in Islam, *Pakistan Journal of History & Culture*, xxviii(1), 2007, 121-153; Marhumah, The roots of gender bias: Misogynist hadiths in Pesantrens, *International Journal of Islam and Muslim Societies*. 5(2), 2015; Hamim Ilyas and friends, *Perempuan tertindas?: kajian hadis-hadis misoginis* (Yogyakarta: elSAQ Press dan PSW UIN Sunan Kalijaga, 2003).
- [17] Nas{r Ha>mid Abu> Zaid, *Mafhu>m al-nas{* (Kairo: al-Hai'ah al-Mis{riyyah li al-Kita>b, 1990), 11.
- [18] Anne Johanna Tuppurainen, *Challenges faced by Muslim women: An evaluation of the writings of Leila Ahmed, Elizabeth Fernea, Fatima Mernissi and Amina Wadud*, doctoral diss., University of South Africa, Johannesburg, Ph. D, 2010, 118.
- [19] Tuppurainen, *Challenges faced by Muslim women*, 119-121.
- [20] Mernissi, *Women and Islam*, 34-35.
- [21] Mernissi, *Women and Islam*, 8-9.
- [22] Mernissi, *Women and Islam*, 32-48.
- [23] Mernissi, *Women and Islam*, 64-65.
- [24] Mernissi, *Women and Islam*, 44.
- [25] Mernissi, *Women and Islam*, 49.
- [26] Mernissi, *Women and Islam*, 59.
- [27] Mernissi, *Women and Islam*, 49-50.
- [28] Mernissi, *Women and Islam*, 53-58.
- [29] Mernissi, *Women and Islam*, 51-53.
- [30] Mernissi, *Women and Islam*, 55-58.
- [31] Mernissi, *Women and Islam*, 59-61.
- [32] Azami, *Studies in hadith methodology and literature*, 58.
- [33] <http://law.ucla.edu/faculty/faculty-profiles/khaled-m-abou-el-fadl/>
- [34] Unlike Mernissi who explicitly employs the term "misogynist", El Fadl refers to h{adi>th that were "demeaning to women". Regardless, this author is of the view that the expression used by El Fadl in the same in sentiment as the term misogynistic, since those hadiths depict a misogynistic view of women.
- [35] El Fadl, *Speaking in God's name*, 213.
- [36] El Fadl, *Speaking in God's name*, 213.
- [37] El Fadl, *Speaking in God's name*, 215.
- [38] El Fadl, *Speaking in God's name*, 211-213.
- [39] El Fadl, *Speaking in God's name*, 215.
- [40] El Fadl, *Speaking in God's name*, 213-214.
- [41] El Fadl, *Speaking in God's name*, 214.
- [42] El Fadl, *Speaking in God's name*, 214-215.
- [43] El Fadl, *Speaking in God's name*, 215.
- [44] El Fadl, *Speaking in God's name*, 223.
- [45] El Fadl, *Speaking in God's name*, 215-217.
- [46] El Fadl, *Speaking in God's name*, 218.
- [47] El Fadl, *Speaking in God's name*, 217.
- [48] *Kyai* refers to Muslim preacher in Indonesia.
- [49] M. Nuruzzaman, *Kiai Husein membela perempuan* (Yogyakarta: LKiS, 2005), 5-6.
- [50] Nuruzzaman, *Kiai Husein Membela Perempuan*, 115-117.

- [51] Husein Muhammad, *Islam agama ramah perempuan: Pembelaan kiai pesantren* (Yogyakarta: LKiS, 2005), xxvi-xli.
- [52] Muhammad, *Islam agama ramah perempuan*, 3-21.
- [53] Muhammad, *Islam agama ramah perempuan*, 16.
- [54] For Husein Muhammad, the formulation of Islamic law must be based on creating the public goods. Therefore *maqasid al-shari'ah* should be the paradigm in understanding the Islamic text: the Qur'an and *h{adīth*s. See: Muhammad, *Islam agama ramah perempuan*, 93.
- [55] It is important, according to Muhammad, for the present context is different from the context of Arabia peninsula in which the Prophet lived. He argues that since 20th century, the patriarchal authority has been criticized. This can be seen through the policy of several Islamic states that have permitted women's participation in politics. See: Muhammad, *Islam agama ramah perempuan*, 93
- [56] Muhammad, *Islam agama ramah perempuan*, 187-188.
- [57] Muhammad, *Islam agama ramah perempuan*, 93-96.
- [58] Muhammad, *Islam agama ramah perempuan*, 60-61
- [59] Muhammad, *Islam agama ramah perempuan*, 247.
- [60] Husein Muhammad, *Fiqh perempuan: refleksi kiai atas wacana agama dan gender* (Yogyakarta: LKiS, 2001), 137-153.
- [61] 'Abdul Karim Zaidan, *Al-wajiz fi usul al-fiqh*, (Kairo: Maktabah al-Basair, 1976), 293.
- [62] Muhammad, *Fiqh perempuan*, 153.
- [63] Nuruzzaman, *Kiai Husein membela perempuan*, 1
- [64] Mun'im Sirry, *Tradisi intelektual Islam: rekonfigurasi sumber otoritas agama* (Malang: Madani, 2015), 8.
- [65] Joseph Schacht, *The origins of Muhammadan jurisprudence* (Oxford: The Clarendon Press, 1967), 11.
- [66] Schacht, *The origins of Muhammadan jurisprudence*, 13.
- [67] Etim E. Okon, The sources and schools of Islamic jurisprudence, *American Journal of Social and Management Sciences*, 3, 2012, 106.
- [68] Salaḥ al-Din bin Ahmad al-Adlābi, *Manhaj naqd al-matn 'inda 'ulama' al-hadis al-nabawiy* (Beirut: Dar al-Adab al-Jadid, 1983), 9.
- [69] M. Syuhudi Ismail, *Metodologi penelitian hadis nabi* (Jakarta: Bulan Bintang, 2007), 7-20.
- [70] See: Kamaruddin Amin, *Menguji kembali keakuratan metode kritik hadis* (Jakarta: Hikmah, 2009), 5-6.
- [71] Mun'im Sirry, *Tradisi Intelektual Islam*, 90-92.
- [72] al-Adlābi, *Manhaj naqd al-matn...*, 13.
- [73] al-Adlābi, *Manhaj naqd al-matn...*, 113-115.
- [74] Jonathan A.C. Brown, How we know early *h{adīth* critics did *matn* criticism and why it's so hard to find, *Islamic Law and Society*, 15, 2008, 144.
- [75] Brown, How we know early *h{adīth* critics did *matn* criticism..., 154.
- [76] Brown, How we know early *h{adīth* critics did *matn* criticism..., 163.
- [77] Brown, How we know early *h{adīth* critics did *matn* criticism..., 165-171.
- [78] See: G. H. A. Juyn Boll, *Kontroversi hadis di Mesir*, tr. Ilyas Hasan (Bandung: Mizan, 1999), 1-27.